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Endless litigation in family court as a method of post-separation coercive control

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ABSTRACT

This article examines how abusive fathers may exploit family court systems post-separation to maintain coercive control over former partners and children. Drawing on evidence from common law jurisdictions including the UK, Ireland, Australia and the United States it shows how repeated litigation, economic abuse and false parental alienation claims are used to continue dominance under the guise of parental involvement. Despite increased recognition of domestic abuse, family courts often prioritise shared parenting and contact, misinterpreting protective actions by mothers as ‘implacable hostility’. These assumptions can obscure patterns of post-separation abuse and place survivors and children at further risk. The article proposes the integration of the Duluth Post-Separation Power and Control Wheel as a tool to help recognise coercive legal strategies, frequently minimised as routine conflict. It argues for a shift towards contextual, pattern-based risk assessments in private family law, backed by statutory training and legal reform. By equipping practitioners to recognise how legal and institutional processes may be weaponised, family courts can better distinguish coercive control from mutual conflict and respond accordingly. This approach aligns with the principles of the Domestic Abuse Act 2021, promoting safer outcomes and ensuring that child welfare and survivor protection are prioritised in post-separation proceedings.

KEYWORDS

Family court; domestic abuse; coercive control; post separation child arrangements; parental conflict

Introduction

The term ‘implacable hostility’ is widely used to reference more high conflict cases where one parent may exhibit hostility to, or reluctance for, the other parent being involved in child arrangements (Harrison 2008, Barnett *et al.* 2024). Courts can label a parent as implacably hostile if they do not cooperate with its directions regarding child arrangements, without always fully considering the reasons for their resistance (Holt 2017). However, what courts may fail to recognise is that repeated litigation by an abusive ex-partner can be a form of post-separation coercive control (Aronson Fontes 2022, Barnett 2024). In such cases, a parent with genuine concerns about child arrangements may be unfairly dismissed as

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‘implacably hostile’. This can occur when courts fail to consider why a mother opposes her ex-partner’s involvement in child arrangements. Such high conflict cases can be seen within the United States, Australia, the Republic of Ireland, Northern Ireland, Scotland and England & Wales (Doughty *et al.* 2018). The family court systems of these countries share a common reliance on the adversarial process, which, coupled with the influence of fathers’ rights groups (Seward and Rush 2015) and broad access to legal advice, is suggested to have contributed to increased litigation by fathers against mothers (Birchall and Choudhry 2018, Hunter *et al.* 2020, Domestic Abuse Commissioner 2023).

The jurisdictions of the United States, Australia, New Zealand, the Republic of Ireland, Northern Ireland, Scotland and family courts in England & Wales were selected for their common law systems and strong paternal rights advocacy. They share similarities in their legal frameworks, cultural attitudes and social policies, making it useful to examine them to identify commonalities and distinctions in how courts navigate post-separation parenting where child arrangements are contested and domestic abuse is a relevant factor. Child protection agencies in these jurisdictions expect women to protect their children by leaving domestic abuse perpetrators (HSE 2012, Campo 2015, AVA Against Violence and Abuse 2022). However, there is evidence to suggest that family courts in private law proceedings within these jurisdictions may consider mothers implacably hostile when they express safety concerns in respect of child arrangements with the same men, without fully appreciating the concerns which have caused domestically abused mothers to adopt such a stance (Harrison 2008, Kruk 2010). Regardless of the cost to their children or themselves, Harrison (2008) refers to how inconsistent demands can be placed on these women, where they are expected to both facilitate child arrangements with abusive fathers and protect their children from harm. If they resist such child arrangements, they risk being labelled as ‘implacably hostile’, yet if harm occurs, they may be blamed for failing to protect their children, creating an impossible legal and social dilemma. These mothers may not only have safeguarding concerns in respect of the child arrangements with their abusive ex-partner but also worries in terms of ‘parental alienation’ Warshak (2010).

There are two ‘parental alienation’ strategies that domestic abuse perpetrators may use. The first is where the abusive father uses child arrangements to alienate the child(ren) from their mother. The second which has been better explored is where he makes false allegations against his ex-partner, describing *her* behaviour as ‘parental alienation’. Research by Barnett (2020) and Hunter *et al.* (2020) highlight the tactics used by abusive fathers to manipulate the legal system and the negative impact on mothers and children, including:

- (1) False Allegations of Parental Alienation – with abusive fathers accusing mothers of deliberately turning children against them, shifting the focus away from their history of abuse and forcing mothers to defend their parenting rather than address safety concerns.
- (2) Legal Harassment – by filing multiple court applications (e.g. for child arrangement modifications) to financially and emotionally drain mothers, keeping them entangled in legal battles.

- (3) Misuse of Shared Parenting Policies – exploiting child arrangements to secure access to children, even in cases where there is evidence of domestic abuse (Barnett *et al.* 2024).
- (4) Gaslighting and Victim-Blaming – presenting themselves as the ‘reasonable’ parent while portraying mothers as irrational, vindictive or mentally unstable to discredit their abuse claims.
- (5) Weaponising Child Welfare and Court Services – Manipulating child protection services or court-appointed professionals to create doubt about the mother’s credibility, sometimes by making counterclaims of abuse.

This article argues that abusive fathers manipulate the family court system to maintain coercive control post-separation, using repeated litigation to erode court orders, disrupt mother-child relationships and prolong conflict. Courts can fail to recognise these tactics, instead prioritising paternal involvement in children’s arrangements, which can re-expose mothers and children to harm/trauma (Jeffries 2016). By misusing legal proceedings, abusers exert continued psychological and financial pressure. This article advocates for greater awareness of the dynamics of post-separation domestic abuse and how these tactics extend to manipulating the legal system among family court practitioners; it recommends tools like the Duluth Post-Separation and Control Wheel to better identify and address coercive legal abuse.

Methods and analysis

This paper draws on a range of research studies from multiple jurisdictions that employ a combination of qualitative, quantitative and comparative approaches. The research includes small-scale qualitative studies which offer in-depth analysis of individual experiences and larger quantitative studies providing broader statistical insights. Studies were selected based on strict inclusion criteria to ensure relevance, jurisdictional applicability and academic rigour, particularly focussing on coercive control within family courts, parental alienation claims and post-separation domestic abuse dynamics. The inclusion of research from key jurisdictions, such as England and Wales, the United States, Australia, New Zealand, the Republic of Ireland, Northern Ireland and Scotland, allows for a comparative perspective on how legal systems handle parental disputes involving domestic abuse. The jurisdictions were selected due to their shared common law traditions and the influence of paternal rights advocacy. The selection process was guided by thematic relevance, focussing on how coercive control, parental alienation claims and post-separation abuse are addressed within family courts. This approach enabled the incorporation of a wide range of perspectives, including those that challenge or complicate prevailing narratives. The inclusion of certain studies over others, particularly those from key jurisdictions such as England and Wales, was deliberate to provide a comprehensive analysis rooted in the specific legal and social contexts most relevant to the topic. Older studies like Smart & Neale (1999), ‘Family Fragments?’ were excluded as they predate key legal changes in coercive control, parental alienation and domestic abuse legislation. Studies such as Bernet *et al.* (2020) were excluded as they did not engage with the broader socio-legal context of coercive control or the dynamics of

domestic abuse within family courts, which constitute the central focus of this analysis [Figure 1](#).

This article draws on a range of research studies that incorporated the following methodological components:

Methodology Component	Description	Examples
Qualitative Analysis	In-depth exploration of individual experiences to capture the nuances of domestic abuse and its impact on family dynamics.	Holt (2017) - Post-separation mothering paradox; Harrison (2008) - Women managing child arrangements.
Mixed Methods Analysis	Statistical analysis combined with qualitative interviews to provide a comprehensive view of domestic abuse issues.	Birchall and Choudhry (2018) - Women's Aid study combining interviews and quantitative data.
Comparative Jurisdictional Analysis	Review of studies from multiple jurisdictions to contextualise findings within different legal and social frameworks.	Doughty <i>et al.</i> (2018) - Review of parental alienation research and case law across jurisdictions.

By examining studies which contained these different methodological approaches, this paper presents a nuanced perspective on how coercive control manifests in family courts, particularly in cases of post-separation litigation. A recurring theme in these studies is how family courts may inadvertently facilitate coercive control post-separation. Birchall and Choudhry (2018) highlight how fathers accused of domestic abuse can shift the narrative, using parental alienation claims to present themselves as victims when mothers raise legitimate safeguarding concerns. Similarly, Rathus *et al.* (2019) demonstrate how legal proceedings can be weaponised against mothers, forcing them into prolonged litigation that erodes original court orders and disrupts the mother-child relationship.

This paper builds on these findings to examine how family courts can better safeguard victims of domestic abuse and their children from coercive legal tactics. It argues that raising awareness among family court practitioners, including the adoption of tools like the Duluth Post-Separation and Control Wheel, is crucial in recognising and mitigating these manipulative litigation strategies. To further explore this issue, it is essential to

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Comparative Jurisdictional Analysis	Review of studies from multiple jurisdictions to contextualise findings within different legal and social frameworks.	Doughty, Maxwell, & Slater (2018) - Review of parental alienation research and case law across jurisdictions.

Figure 1. Methodology.

consider two key contexts: first, the Fathers' Rights Movement, which advocates fathers' involvement in child arrangements, and secondly, the way in which family courts understand and address domestic abuse within these cases. These contexts shape how allegations of parental alienation and domestic abuse are navigated, influencing outcomes for both victims and perpetrators.

Context 1: the fathers' rights movement

The fathers' rights movement has been remarkably successful. The idea of 'shared parenting' increasingly shapes how family courts approach child arrangements due to lobbying by fathers' groups (Meier 2009). In the United States, this lobbying is seen in the work of the Special Joint Committees – similar to Commons Select Committees in UK, and the Oireachtas' Select Committees in the Republic of Ireland. In 1998, the fathers' groups in the United States lobbied on the basis of eight themes which they wished to be addressed:

- Bias of the legal system against fathers and for mothers
- The ills of father absence and of single mothering
- Mother blaming
- Anti-feminism
- Promotion of traditional families
- Unfair/excessive child support orders against fathers
- Treat fathers equally
- The formal equality model

The remedies put forward by the fathers' rights movement were:

- Shared parenting – emphasises the continued involvement of both parents in a child's life post-separation, regardless of the specific residence arrangements.
- Joint residence – a formal legal arrangement in which a child is deemed to live with both parents, either equally or across varied time divisions, and is typically reflected in a court order.
- Paternal residence – where the child's primary residence is with the father following separation or divorce. (McCormack 2021)

Research shows how the fathers' rights movement has shaped judicial decisions regarding both child arrangements post-separation and in court procedures, often to the detriment of mothers reporting abuse (Behre 2015). Across jurisdictions including the United States, Australia, New Zealand, Ireland, Northern Ireland, Scotland and England & Wales, policy shifts towards promoting shared parenting and increased paternal involvement have resulted in systemic practices that pressure mothers to facilitate contact, even in cases where safety concerns remain unresolved. This pressure often arises from legal presumptions of both parents being involved in child arrangements, judicial emphasis on co-parenting, and procedural expectations that frame resistance as hostility or alienation, rather than a protective response to abuse or coercive control (Behre 2015, Harrison 2008). Children ideally

need both parents to remain in their lives post-parental separation (Brosi and Price 2024) and whilst the fathers' rights movement has been instrumental in focussing attention on the role of fathers as essential to their children's development, this shift has also led to a troubling narrative. Specifically, by accusing mothers of harbouring an anti-father mindset, the movement has subjected them to increased scrutiny, resulting in women's reports of intimate partner violence being disbelieved (Meier *et al.* 2019).

In cases where mothers raise concerns in respect of fathers' continual litigation to gain additional involvement in child arrangements, evidence indicates that judicial decision-making may be swayed by the narratives of domestic abuse perpetrators. Clarkson and Clarkson (2010) found that although courts may initially listen to mothers' worries, these concerns may not be thoroughly investigated, thereby weakening their impact in court determinations. Furthermore, empirical evidence from Meier *et al.* (2019), which analysed ten years of cases in the United States involving abuse and alienation claims, indicates that mothers who allege abuse by the other parent are 2.9 times more likely to lose residence of their children than fathers. This data, drawn from United States family court proceedings, underlines the complex interplay between judicial decision-making and the prioritisation of paternal rights in child arrangement disputes.

One school of thought argues that fathers' rights groups created the parental alienation phenomenon to move the focus from intimate partner violence (Behre 2015). As a result, mothers' concerns about a child's welfare and safety during child arrangements can be considered to be fabricated and spiteful (Holt 2017). Her confidence in her concerns being heard are eroded as the father keeps returning to court, seeking more involvement in child arrangements, presenting as having the child's best interests at heart whilst these continual returns to court remind her that he can still set the agenda. This is domestic abuse by proxy where the abuse is by way of court action with such continual litigation coercively controlling the mother post-separation. Instead of supporting her children in their new living arrangements, she is required to attend court, where she perceives herself to be under scrutiny. Research conducted in 2018 found that

underlying gender discrimination . . . meant that the women in [the study sample] felt they were treated unequally, disbelieved when they spoke about domestic abuse or blamed for having experienced it, and in some extreme cases, treated with outright hostility or misogyny by family court professionals. For these women, the human right to be free from degrading treatment, or to have a fair trial without discrimination, felt very far from real. (Birchall and Choudhry 2018)

Context 2: how the family court understands domestic abuse

Domestic abuse includes patterns of controlling behaviour used by one partner to exercise power and control over the other partner. The Domestic Abuse Act 2021 (Gov.uk 2021) in England and Wales expands the definition of domestic abuse to include coercive control, recognising the broader spectrum of abusive behaviours that can harm both mother and child. This framework aligns with the findings of Barnett (2020) and Hunter *et al.* (2020), recognising how abusers manipulate parental alienation claims, exploit legal loopholes and use family courts as a tool for post-separation control. Lapiere *et al.* (2024) and Barnett (2020) found that fathers accused of domestic abuse

frequently counterclaim parental alienation to challenge restrictions on their involvement in child arrangements, with courts often giving weight to these claims, disregarding the abuse allegations.

This feminist literature highlights the systematic attempts of perpetrators to damage the mother/child relationship as a form of abuse (Katz 2015, Birchall and Choudhry 2021). However, family courts and child protection services can fail to reflect this more nuanced narrative (Burton and Bettinson 2022). Instead, there is evidence to suggest that they rely on expert reports that can sometimes reinforce dominant gender norms, casting fathers in the ‘stable provider’ role and mothers in the ‘emotional caregiver’ role which in turn undermines mothers’ credibility in proceedings (Eriksson and Hester 2001, Collier 2001, Burton and Bettinson 2022). This gender-normative framing can function to penalise mothers whose behaviour, presentation or testimony deviates from the conventional expectations associated with the ‘emotional caregiver’ role. Mothers who remain composed, are employed outside the home or assertively challenge their abuser may be perceived as less credible or even as exhibiting manipulative intent. Moreover, the Harm Panel report found that ‘submissions also revealed the no win situation abused women may face’, with both professionals and mothers indicating ‘there was an element of sexism and class prejudice in the stereotypical assessments of victims and abusers’ (Burton and Bettinson 2022, p. 8). Because the same gendered expectations that can discredit mothers may also lead courts to minimise or misinterpret patterns of coercive control, it is argued that the gender-norm approach is a root cause of that ‘disconnect’ between legal principle and lived reality. Critically, this disconnection – the gap between the family justice system’s stated commitment to children’s welfare and what can happen in practice – becomes clear when the system inadvertently minimises how a damaged mother/child relationship can actually alienate the child from the mother – a dynamic the Pathfinder pilots in England and Wales have explicitly sought to address within the family court system (Ministry of Justice 2024a). It is argued that the family justice system may reframe these coercive dynamics as mutual conflict, deprioritising safeguarding concerns in favour of maintaining contact and failing to recognise the long-term impact of abuse disguised as routine parenting disputes. Bringing this gender-norm critique to the forefront is vital: it shows that procedural fixes alone cannot close the gap unless we first dismantle the stereotypes that leave mothers’ credible evidence unheard.

Shea Hart’s (2011) qualitative analysis of twenty family court judgements examined how family reports, expert assessments typically prepared by court-appointed psychologists or social workers, shape judicial constructions of the best interests of the child in cases involving allegations of domestic abuse. It found that judicial reliance on these reports undermined mothers’ credibility by reinforcing gender stereotypes – ‘Stable Father’ vs. ‘Emotional Mother’. This gender-normative framing is significant in understanding how and why mothers’ testimony can be devalued in family court proceedings. Expert reports, which are often central to the fact-finding process, may inadvertently serve as conduits for reinforcing stereotypical assumptions. As a result, behaviours such as emotional composure, assertiveness or boundary-setting by mothers may be mischaracterised as manipulative or obstructive, rather than as protective responses to abuse. By elevating the ‘Stable Father’ archetype within these reports, such assumptions can become embedded early in the evaluative process and may subsequently shape the interpretation of evidence across procedural stages,

including mediation screening and contact assessments. This cumulative effect could lead to the marginalisation of maternal accounts of coercive control, contributing to institutional failure to recognise ongoing risk. Jeffries *et al.* (2016) research on 'expert' reports in Australia, the United Kingdom and the United States echoes this conclusion, highlighting how gendered judicial practices frame protective mothers as obstructive and reinforce stereotypes that undermine their credibility, prioritising fathers' rights. This highlights that the critique of gender-normative assumptions is not incidental but fundamental to understanding how institutions respond to domestic abuse. These assumptions shape the lens through which evidence is interpreted, particularly within expert reports. Unless such stereotypes are challenged at this early stage, later procedural reforms, however well-meaning, are likely to fall short or fail to produce meaningful change.

Since the Children Act 1989 (England and Wales) introduced a presumption of parental involvement under Section 1(2A), courts assume a child's welfare is best served by both parents' involvement, unless evidence of harm exists. Although Section 1(2A) has been interpreted as supporting shared parenting arrangements to promote continuity and maintain a loving relationship with both parents after separation (Hunter *et al.* 2020), this should not be treated as the court's default position. Australia has recently repealed the statutory presumption of equal shared parental responsibility with the Family Law Amendment Act 2023 (Australia) acknowledging that its prior use had led to formulaic orders prioritising child arrangements over safety (Attorney General Portfolio 2024).

Where domestic abuse concerns are raised, these should not be dismissed as irrelevant when determining child arrangements. For example, Kaye *et al.* (2021) found that in Australia, female self-represented litigants who had experienced family violence were pressured into consenting to unsafe court orders. Neilson's (2018) analysis of 357 Canadian residency cases revealed a systemic dismissal of the mother's concerns. Hester (2021) identified a pattern in UK courts where coercive control was frequently dismissed as 'relationship conflict', even with third-party evidence such as GP records. Similarly, the National Women's Council of Ireland (2021) reported that Irish judges routinely minimised domestic abuse as 'personal disputes' or 'relationship breakdowns', despite the presence of protective orders and medical documentation. In case law and research studies across various jurisdictions, there is also qualitative evidence to suggest that judges can fail to take into account the severity of domestic abuse. For example, in one case reported in research from the United States, a New Jersey family court judge urged a mother to set aside her differences with her ex so as to work things out for the sake of their children. This was despite the fact that the police had visited the marital home almost 30 times, arrested the husband six times, with further evidence that the mother had visited a chiropractor 157 times in less than four years with injuries which the chiropractor suggested were consistent with domestic abuse (Klein 2021). In another example, cited in the Harm Panel Report (2020), a judge granted unsupervised involvement in child arrangements to a father with a history of coercive control, dismissing medical evidence of the mother's injuries and anxiety as 'historic'. Despite police records of non-molestation order breaches, the court prioritised the father's completion of a parenting course, asserting the children's

need for ‘both parents’. This reflects the Harm Panel report’s finding that 60% of cases with abuse allegations still resulted in unsupervised involvement in child arrangements, often due to courts minimising non-physical abuse or reframing abuse as ‘conflict’.

Child arrangement orders with an emphasis on shared parenting are understood as meeting the needs and rights of the child, but Holt (2011) has expressed concerns as to what party’s needs and rights are being met in the instances when such orders can provide abusive men with lawful opportunities to continue to abuse their ex-partner, whilst denying the child their right to proper parenting. Holt’s conclusion is drawn from a three-year Irish study demonstrating that post-separation child arrangements can perpetuate harm. Holt’s findings align with broader critiques, such as those by Harrison (2008), who argues private law proceedings are influenced by discourses on new fatherhood and parental loss, ideologies that often minimise concerns about domestic abuse when directing child arrangements.

In such circumstances, women and children pay a high cost for the ideological objective of maintaining men in children’s lives as they contend with the long-term implications of domestic violence (Harrison 2008).

Court proceedings provide abusive fathers with ongoing access to their ex-partners and children, facilitating coercive control under the guise of parental concern (Przekop 2011). Even when court orders restrict an abusive father’s involvement in child arrangements, there is evidence to suggest that abusers can manipulate legal systems to exert control, portraying themselves as devoted fathers while subjecting mothers to relentless scrutiny and harassment (Clemente and Padilla-Racero, 2016). Family courts can serve as a means to discipline protective mothers (Harrison 2008). Prolonged litigation, including false parental alienation claims, can drain mothers’ financial and emotional resources, sometimes forcing them into settlements they oppose (Jaffe *et al.* 2017). Slow-moving court processes exacerbate these issues, keeping women in legal battles that perpetuate control (Sharp 2008).

Abusive fathers can further manipulate professionals and the wider community through ‘admirable fathering’, a strategy where they present as caring parents in public while privately engaging in stalking, harassment or further abuse (Katz *et al.* 2020). Where these narratives are accepted, mothers can feel isolated and discredited, reinforcing a system that enables post-separation abuse (Coy *et al.* 2012).

The contested and controversial concept of parental alienation

Parental alienation is a complex and contested concept, particularly in the context of domestic abuse (Fidler and Bala 2010). It is increasingly recognised not simply as a matter of fractured family dynamics, but as a mechanism by which coercive control is continued post-separation (Harman *et al.* 2018). Within this framework, parental alienation may manifest in two distinct forms: Type 1 - in which a perpetrator actively manipulates a child’s perception of their mother through psychological coercion; Type 2 - where the legal system itself is weaponised to isolate and discredit the protective parent. In both cases, the objective is the same – to erode the mother’s influence and consolidate the abuser’s control.

Type 1: perpetrator-initiated parental alienation with active alienation against the Mother

This form of alienation occurs when a perpetrator manipulates the child directly, creating hostility, detachment or fear as a means of sustaining dominance and isolating the child from the mother and the maternal family (McCormack 2021, Hine 2024).

Coaching

Abusive parents may use various strategies to alienate children from their mothers (Barnett 2020, McCormack 2021), including ‘coaching’ - instilling in the child a negative perception of the other parent (Harman *et al.* 2018, Katz 2019). This may involve subtle manipulation or direct instructions, leading to distorted memories or unjustified rejection of the mother (Birchall and Choudhry 2021). Such narratives become ingrained, often resistant to challenge (Warshak 2015). Courts that fail to identify this dynamic risk endorsing arrangements that perpetuate trauma and validate coercive behaviours through judicial authority (Harm Panel Report 2020 Meier *et al.* 2019). A recurring challenge across jurisdictions arises when courts, constrained by evidentiary thresholds that prioritise overt harm, may fail to recognise the subtle forms of coercion and manipulation being exerted on the children, leading to decisions that inadvertently support the alienating behaviour.

Manipulation and conditioning

Through sustained psychological manipulation, the perpetrator constructs a narrative portraying the mother as unfit or harmful (Harman *et al.* 2018, Katz 2019). These claims often involve exaggerated flaws, fabrications of neglect or harm and the deliberate misrepresentation of past events (Birchall and Choudhry 2021). By constantly reinforcing these ideas, this process builds distrust of the mother, estrangement, resentment of her and the erasure of maternal influence, often extending to rejection of the maternal family who support the mother.

Creation of fear and division

Another major aspect of direct alienation is the creation of fear and division. The abusive parent conditions the child to see their mother as harmful, incompetent or unloving (Barnett 2020, Holt *et al.* 2023). They may claim that the mother is dangerous, mentally unstable or emotionally unavailable, despite an absence of any factual basis (DeKeseredy 2021). In extreme cases, the child may be led to believe that their survival or well-being is at risk when in their mother’s care (DeKeseredy 2021). Over time, this fear-based manipulation erodes the natural bond between the mother and child, leaving the child emotionally dependent on the abusive parent for guidance and security.

Exploiting authority: use of power and rewards

In addition to creating fear, the perpetrator often exploits their authority and uses rewards to gain favour with the child (Harman *et al.* 2018). They present themselves as the more understanding and desirable parent, offering privileges, material gifts or relaxed rules that contrast sharply with the boundaries set by the mother (Birchall and Choudhry 2021). This tactic not only entices the child into preferring the alienating parent but also conditions them to see the mother's discipline or expectations as unreasonable or punitive. The child, seeking approval and consistency, may then align with the abusive parent's perspective, further reinforcing the alienation (Domestic Abuse Commissioner 2023).

Undermining of the Mother

Persistent dismissal of the mother's parental role contributes to the child questioning or rejecting the mother's authority, making it difficult for her to establish a stable and nurturing relationship with her child (Katz 2019, Barnett 2020, Holt *et al.* 2023, Dalgarno *et al.* 2024). Ultimately, direct alienation by an abusive parent serves a dual purpose. Not only does it punish and isolate the mother, it also solidifies the perpetrator's control over both mother and child. By severing the mother-child bond, the abusive parent ensures that their power remains unchallenged, further entrenching the cycle of coercive control. This form of alienation is not an unfortunate misunderstanding or a byproduct of parental conflict, it is a deliberate, harmful strategy designed to erase the mother's influence and keep the perpetrator's dominance intact (Johnston and Sullivan 2020). As she is forced to parent under surveillance and sabotage, her capacity to sustain a healthy relationship with her child is eroded.

Moreover, the legal discourse surrounding fatherhood and parental rights can sometimes overshadow the safety and well-being of the children and the non-abusive parent (Hester 2021; Meier and Dickson, 2017). This is particularly problematic in cases where the abusive father is able to present himself as a concerned and caring parent, thereby convincing the court of his suitability for involvement in child arrangements, despite the underlying issues of control and coercion, which Katz *et al.* (2020) refer to as 'admirable fathering'. The result is a continuation of the abuse through the child, with the mother's efforts to protect the child often being misconstrued as attempts to alienate the father, further complicating the situation (Katz *et al.* 2020).

Type 2: false allegations in family courts

In this variant, the abusive parent manipulates legal proceedings to construct a narrative of victimhood, falsely claiming that the mother is alienating the child (Barnett 2020, Birchall and Choudhry 2021, CAFCASS 2025). These claims can obscure genuine safeguarding concerns, effectively redirecting scrutiny onto the protective parent. Family Courts may inadvertently support this dynamic, interpreting mothers' attempts to limit contact as obstructive rather than protective (Meier *et al.* 2019, Harm Panel Report 2020). Research has shown that fathers accused of domestic abuse can sometimes shift the narrative, portraying themselves as victims of parental alienation (Barnett 2020;

Dalgarno *et al.* 2024). Allegations of parental alienation are often persuasive because they align with judicial norms that favour shared parenting, even where coercion is evident (Johnson and Sullivan, 2020).

These false allegations can be deeply damaging. The mother, who is attempting to safeguard her children from further harm, can be portrayed as unreasonable or vindictive (McCormack 2021). Courts may interpret her protective actions as attempts to alienate the father, rather than as legitimate efforts to ensure her children's safety. This not only undermines her credibility but also places her in a defensive position where she must counter these accusations while still focusing on protecting her children (DeKeseredy 2021). Furthermore, the involvement of statutory agencies and the legal system in these cases often exacerbates the situation. The father's allegations can set off a series of investigations by children's services or the police, during which the mother is scrutinised and, at times, unfairly judged (Harman *et al.* 2018). The Duluth Post-Separation Power and Control Wheel illustrates how abusive fathers use these legal mechanisms to maintain power and control over their ex-partners and children, even after separation (McCormack 2021). This will be explored in the next section.

False allegations contribute to secondary victimisation, particularly where the burden of proof often falls on the protective parent, overwhelmingly mothers, who are required to provide extensive evidence to validate abuse allegations, despite systemic scepticism of their claims (Birchall and Choudhry 2021, Holt *et al.* 2023). In England and Wales, 24% of domestic abuse cases result in court orders for unsupervised involvement of abusive fathers in child arrangements, despite documented risks (Harm Panel Report 2020). Jaffe *et al.* (2017) suggest that courts uphold children's rejection of their mothers without thoroughly examining the father's influence, reinforcing the child's resistance to their mother while disregarding the father's role in shaping these perceptions, ultimately resulting in an implicit preference for paternal access. In the UK & Finland, Katz *et al.* (2020) found court-appointed experts disproportionately pathologise mothers as 'paranoid' while legitimising abusive fathers' narratives, with lawyers in jurisdictions like Australia exploiting 'shared parenting' mandates to enforce child arrangements with abusive fathers (Rathus *et al.* 2019). Such systemic biases, documented across England & Wales, Canada, Finland and Australia reveal a transnational failure to address gendered power imbalances. Mothers are routinely expected to facilitate relationships between the child and abusive ex-partners, even in cases where serious domestic abuse allegations have been made (Katz 2019).

Recent studies highlight that family court professionals, including judges and social workers, often lack adequate training in recognising coercive control and post-separation abuse (Dalgarno *et al.* 2024). As a result, they may misinterpret a mother's reluctance to allow their abusive ex-partner to be involved in child arrangements as deliberate alienation rather than a protective response to a genuine threat (McCormack 2021). This failure to identify coercive legal strategies has serious consequences with studies indicating that 24–34% of family court cases involving domestic abuse allegations result in court orders that place children at continued risk of harm (Jaffe *et al.* 2017, Harm Panel Report 2020, DeKeseredy 2021).

Internationally, abusive fathers have successfully used the concept of parental alienation to overturn previously agreed child arrangements and gain extensive parental

responsibility or primary residence of the child, even when there is a documented history of domestic abuse (Johnson and Sullivan 2020). Similar patterns have been observed in England and Wales, where there have been instances of mothers' allegations of abuse being dismissed once parental alienation is introduced into proceedings (Barnett 2020).

Ultimately, these dynamics appear to reflect a prioritisation of paternal contact over the safety and well-being of children and survivors of abuse (Domestic Abuse Commissioner 2023). Addressing this issue requires comprehensive reform, including improved training for legal professionals, improved safeguarding measures and increased recognition of coercive control within family court decisions (McCormack 2021).

The domestic abuse Intervention Programs (DAIP) and the Duluth wheels

Given the evidence, the *Duluth Post-Separation Power and Control Wheel* could be adapted across jurisdictions to equip practitioners with a clear, evidence-based framework for recognising the full range of non-physical coercive tactics used after separation, standardise risk assessment and safety planning, potentially ensuring more consistent, survivor-centred responses across jurisdictions.

The Domestic Abuse Intervention Programs, known as the Duluth Model, is named after the city in the United States where it was developed. It is a programme created to reduce domestic abuse against women. In response to concerns about how domestic abuse victims were being treated by the Family Court System, the Duluth Programs developed a wheel diagram to illustrate how this power and control continued to be exerted following separation (Godsey and Robinson 2014). Developed by Ellen Pence and Michael Paymar (1993) the original 'Duluth Model Power and Control Wheel' was grounded in women's experiences. In contrast, the 'Duluth Post Separation and Control Wheel' sets out how children are used by identifying a variety of coercive and controlling behaviours used against mothers and children, particularly during separation and post-separation.

The Wheel illustrates the various tactics perpetrators use to maintain control over former partners after separation, including legal abuse, economic abuse, threats involving children, isolation, discrediting, harassment and stalking. Its strength lies in offering a comprehensive framework for recognising the multifaceted nature of post-separation abuse. By categorising and detailing these behaviours, the Wheel supports professionals in identifying and addressing continued patterns of control, a critical step towards developing effective interventions and support systems for survivors.

Implementing the *Duluth Post-Separation Power and Control Wheel* (also known as the *Using Children Post-Separation Wheel*) as a collective solution could produce the following benefits:

- (1) **Standardised Framework** – Promotes a consistent approach to identifying and addressing post-separation abuse across jurisdictions.
- (2) **Enhanced Training** – Serves as an educational tool to better equip professionals in recognising and responding to post-separation coercive control.
- (3) **Policy Development** – Informs procedures and policy frameworks that more effectively protect survivors and hold perpetrators accountable.

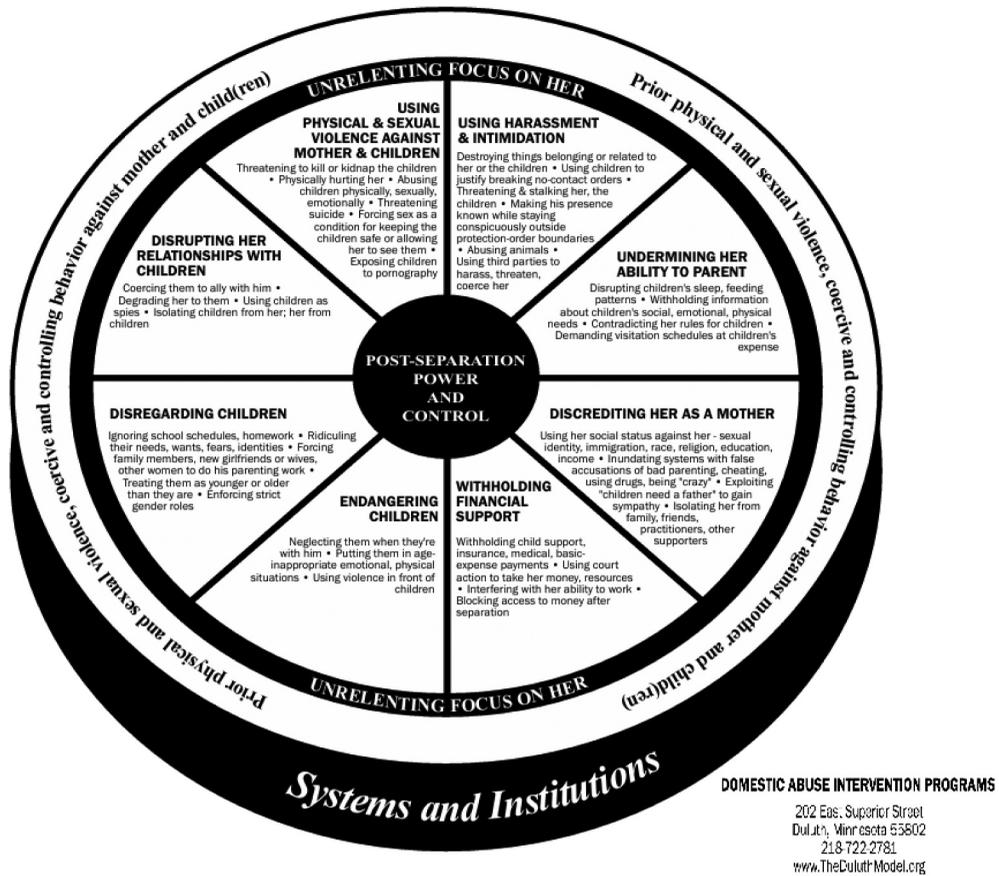


Figure 2. Duluth post separation and control Wheel, also known as ‘using children post separation Wheel’ © domestic abuse Intervention Programs (DAIP), Duluth, MN. Used with permission.

- (4) **Cross-Jurisdictional Collaboration** – Supports shared understanding and coordination among professionals and agencies across national and regional boundaries.

This wheel is made up of three components, see Figure 2. First, the black base layer represents how systems and institutions, including visitation centres, courts, social service agencies and shelters, can unintentionally collaborate with an abusive father in his controlling strategies by providing a base of decisions, policies and interactions which pay no attention to the effects of his past and potential abuse on the mother and their children. Secondly, the wheel’s white middle layer represents previous abuse against mother and child/children. This provides the link between past and present controlling behaviour and shows how the father’s history of domestic abuse and its consequences, encourages his post-separation schemes using children. Finally, the middle layer consisting of the same arrangement of hub, spokes and rim as the original ‘Duluth Power and Control Wheel’ finalises this straightforward powerful method. The ‘Duluth Post Separation and Control Wheel’ shows how the domestic abuse perpetrator’s focus on

his ex-partner, in addition to the systems and institutions which he has engaged (the outer rim), let him use the children as devices in a tactical structure (the spokes) which facilitates his control and power over his ex-partner (the hub) even when they are no longer together, and even when he is under a court order not to contact the mother.

The Duluth model and the wheel have been acknowledged as international standards for organisations involved in understanding and ending men's violence against women (Godsey and Robinson 2014). CAFCASS Cymru's 2018 report on the Impact on Children of Experiencing Domestic Abuse employs the Duluth Post Separation and Control Wheel to illustrate how perpetrators extend coercive control into family-court proceedings (Doughty *et al.* 2018). While this demonstrates the wheel's practical utility, its use to date has been entirely ad hoc, with no standardised recommendation or framework. It is therefore proposed that formal, jurisdiction-wide guidelines be developed to ensure its consistent integration into risk assessment, safety planning and judicial training across the UK, because such litigation must be looked at contextually as a form of post-separation coercive control and the continuation of domestic abuse via the family courts.

Recognising and responding to post-separation coercive control: a role for the Duluth Wheel

In the context of growing recognition of coercive control as a distinct and persistent form of domestic abuse, there is an urgent need for practitioner tools that move beyond incident-led assessments and support a pattern-based approach to identifying ongoing risk. The Duluth Post-Separation Power and Control Wheel offers a structured, visual framework to assist legal, safeguarding and statutory professionals in recognising forms of post-separation abuse that are frequently mischaracterised as 'high conflict' or routine parental disputes. This section explores how the Wheel can help to close critical gaps in current safeguarding and court practices, providing diagnostic clarity and promoting consistent, trauma-informed decision-making across private family law proceedings. Its integration supports wider efforts to ensure system-wide accountability, equipping professionals to recognise and respond effectively to post-separation coercive control in line with the Domestic Abuse Act 2021 (Gov.uk 2021).

The Duluth Domestic Abuse Intervention Program's 'Duluth Post Separation and Control Wheel' illustrates how abusive men may continue to exert control over former partners, post-separation, through the manipulation of child arrangements and legal systems. The paper argues for its wider adoption in England & Wales to help address critical gaps in how family courts and associated welfare services respond to post-separation domestic abuse. Existing legal and welfare frameworks often lack the conceptual and diagnostic tools to identify coercive control tactics that persist after separation, such as weaponisation of child arrangements or exploitation of court processes. These behaviours are too often mischaracterised as 'high conflict' rather than recognised as strategic efforts by perpetrators to continue patterns of abuse (Coy *et al.* 2012). Research has shown that such systemic misrecognition can result in unsafe child arrangements and pressure on survivors to mediate despite clear power imbalances (McCormack 2021, Barnett, 2016, Birchall and Choudhry 2021). By adopting the Duluth Post-Separation Power and Control Wheel, a standardised, evidence-based framework that outlines common post-separation abuse tactics such as financial

manipulation, legal bullying and emotional domination of children, family law professionals, including judges, mediators and court-appointed experts, can be better equipped to distinguish coercive control from typical parental conflict. The Wheel can guide practitioners in identifying patterns of ongoing abuse that may otherwise be minimised or misinterpreted. This enhanced understanding can support more informed decision-making and reduce the risk of re-traumatisation for survivors, thereby promoting safer outcomes in post-separation family law proceedings. This is particularly urgent given harms documented in England and Wales, such as courts ordering unsafe child arrangements due to misinterpretations of coercive control, and survivors being pressured into mediation despite power imbalances (McCormack 2021). Introducing the Wheel into family law and safeguarding would significantly strengthen risk assessments, offering a structured, evidence-informed tool for identifying post-separation coercive tactics, such as legal harassment, emotional manipulation of children, and financial abuse, which can be missed in traditional risk models which focus only on physical harm. By making these patterns more visible and recognisable, the Wheel enables more accurate evaluations of ongoing danger, better-informed child arrangements, and earlier intervention points to protect both children and survivors. Its accessible, visual format helps practitioners identify non-physical abuse tactics, such as undermining a mother's ability to parent and discrediting her as a mother. The Wheel also helps to counter gendered narratives that pathologise mothers as 'uncooperative' when they resist abusive demands by explicitly naming how systems like courts or social services can be manipulated by abusers. By promoting inter-agency coordination, the Wheel enables professionals to flag high-risk cases such as endless litigation by an abuser, and prioritise children's welfare.

In recent years, high-conflict divorces are being unpacked with attempts to distinguish the problem leading to the high conflict (Johnston 2017). High-conflict divorces are now assessed as complex, multi-issue family problems, rather than a list of enduring failures of the family court system, needing the ability of professionals to skilfully assess complex family cases in ways that go beyond checklist or binary thinking (Warshak 2010). While the Duluth Post Separation and Control Wheel is already recognised by third-sector organisations in England and Wales, such as Women's Aid, extending its use into statutory services, particularly through implementation by CAFCASS and accompanied by mandatory training in the use of the Wheel, would ensure that professionals consistently recognise and respond to post-separation coercive control in line with the Domestic Abuse Act (2021), thereby improving safeguarding and decision-making in family court proceedings.

Collaboration with survivor-led organisations could further refine training and monitor outcomes. Its purpose is not to replace nuanced casework but to provide a baseline for identifying abuse in systems predisposed to minimising harm. Ultimately, adopting the Duluth Wheel amongst practitioners enhances their ability to recognise and respond to post-separation coercive control, addressing gaps in awareness that can otherwise compromise safeguarding and decision-making. It aligns family justice professionals with the realities of domestic abuse, advancing the intent of recent reforms, namely to ensure that coercive control and non-physical abuse are taken seriously in private law proceedings while reducing re-traumatisation of survivors who are often required to 'prove' harm in adversarial settings. This approach supports the prioritisation of child and survivor safety, in line with the Domestic Abuse Act 2021 (Gov.uk 2021) and the Harm Panel

Report (2020). By equipping practitioners with the tools to interrupt perpetrators' manipulation of legal and welfare systems, the Wheel shifts focus to accountability, safeguarding both survivors and children from cycles of abuse that outlast separation.

Presenting study findings based on the Duluth post separation and control Wheel strategies

Grounded in the framework of the Duluth Post-Separation Power and Control Wheel, this analysis explores how institutional structures, including legal, child protection and financial systems, can be co-opted by abusers to sustain coercive control after separation. Drawing on empirical and theoretical literature, the discussion highlights how false allegations, withholding financial support and repeated litigation function as tools of post-separation abuse. These patterns compromise the protective role of mothers and the wellbeing of children, revealing critical shortcomings in safeguarding and legal responses. The Wheel provides a valuable interpretive lens for recognising these dynamics and advancing more contextually informed approaches to post-separation risk. At the centre of the wheel sits the abuser's ongoing aim of maintaining dominance using legal, economic, psychological and institutional levers. Surrounding this hub are eight spokes:

- (1) Physical & Sexual Violence
- (2) Harassment & Intimidation
- (3) Undermining Her Ability to Parent
- (4) Discrediting Her as a Mother
- (5) Withholding Financial Support
- (6) Endangering Children
- (7) Disregarding Children's Needs
- (8) Disrupting Her Relationships with Children

Beyond these sits the Outer Rim – systems and institutions – including Non-Adversarial Dispute Resolution processes which may enable coercive control procedurally, even if not recognised explicitly within the wheel. This analysis first considers the outer rim, then examines selected spokes relevant to legal abuse. Harassment and intimidation, while not addressed separately, are embedded across all strategies discussed, from relentless court action to coercive mediation practices. Similarly, systematically undermining the mother's ability to parent constitutes a foundational element across these strategies, with it examined particularly through the specific lens of 'Withholding Financial Support'. Discrediting Her as a Mother and Disrupting Her Relationship with Children are treated together. Disregarding Children's Needs is also addressed. Physical and Sexual Violence and Endangering Children are acknowledged as vital issues, but are outside this paper's focus on legal abuse.

Systems and institutions

The Duluth Wheel provides a central explanatory role for how systems and institutions can be used to control the mother. One method is by making false reports to Child

Protective Services, the equivalent of Children's Services in the United States (Ganley 2016). By making allegations against their former partner to statutory agencies, such as social services and the police, domestic abuse perpetrators place their ex-partner under investigation. This serves the goals of the abuser: not only could the domestically abused parent's parenting capabilities be denigrated in the eyes of the child, but the child may also be placed in the father's care whilst the false allegations are investigated. This may involve undertaking social work reports or psychological assessments, a further aim of the false allegations. A 2024 Canadian study by Varavei and Harman, which analysed 200 trial-level decisions, found that allegations of parental alienation were frequently used to discredit domestic abuse claims, but when abuse was substantiated, courts rarely granted child-arrangement orders to the alleged abuser, contributing to their dismissal in family court proceedings. In Scotland Morrison (2015) provided strong qualitative evidence that abusive fathers attempt to seek and obtain involvement in child arrangements at the expense of maternal and child safety. Her study highlights systemic issues in how courts handle abuse allegations, in particular, the prioritisation of fathers' involvement in child arrangements over protective concerns.

Procedural enablers: non-adversarial dispute resolution process

As an alternative to a family court hearing, mediation is widely recommended and encouraged across jurisdictions such as England & Wales through the Family Procedure Rules 2010, Part 3 (Justice.gov.uk 2025) and Australia via the Family Law Act 1975, Part II (Commonwealth Consolidated Acts 2015) as a conflict resolution method to assist parents in resolving disagreements over private family law issues. Mediation is a non-adversarial dispute resolution process where separating parents participate in structured, facilitated discussions with trained mediators – professionals from a range of legal, social work or psychological backgrounds – who assist them in negotiating parenting arrangements, financial matters and other post-separation decisions. One underlying rationale for mediation is that if both parties are content with the agreement which they have reached, they are more predisposed to work together following divorce (Amato 2010). While Non-Adversarial Dispute Resolution (NADR) processes aim to prioritise the best interests of children, ensure fair financial arrangements and create a safe, structured environment for negotiation, research shows that outcomes can vary significantly depending on the power dynamics between parties and the sensitivity of the mediators to issues such as coercive control and abuse (Rivera *et al.* 2012). In some instances, the focus on reaching settlement may occur at the expense of fairness or safety for one party, particularly where there is a history of domestic abuse (Beck *et al.* 2011).

Mediation (as one form of NADR) involves a neutral third-party mediator to facilitate negotiations and reduce intimidation or coercion. In some jurisdictions, particularly within pilot or specialised programmes in Australia, Canada and parts of the United States, NADR support may be provided through mental health professionals, who can help address emotional abuse. However, research conducted in the United States by Rivera *et al.* (2012) on interventions involving court-appointed agents who facilitated negotiations between parents found that during these negotiations, the actions of the father and his desire for primary responsibility in child arrangements appeared to carry

more weight with mediators. The findings suggest that mediators may implicitly guide discussions in a way that favours joint residency, rather than strictly facilitating a neutral agreement between both parties, even in circumstances of the father having abused the mother. This research found that while shared residency may be beneficial for children in settings where there was no prior abuse, there is a greater risk of post-separation abuse for mothers and their children when domestic abuse perpetrators have greater legal access to their children. In Rivera *et al.* (2012) mixed-methods study, court mediators minimised emotional abuse and controlling behaviours, prioritising physical abuse as the primary indicator of harm. Consequently, mothers' reports of psychological abuse were dismissed or reframed as mutual conflict, leading to parenting arrangements that overlooked the risks posed by coercive control. These findings are echoed in research from other jurisdictions, including Elizabeth *et al.* (2010) in New Zealand, who highlight institutional disbelief and moral dilemmas faced by protective mothers, and Meier (2003) in the United States, who critiques the judiciary's resistance to acknowledging domestic violence and recognising its implications for child arrangements.

While studies, such as Cleak *et al.* (2018), suggest mediation can be cautiously adapted for survivors of domestic abuse through robust safeguards, such adaptations are not always feasible or appropriate. Best practice guidance across the UK clearly states that mediation is contraindicated where ongoing cooperation poses serious risks, such as in cases involving domestic violence or child protection concerns (Children Order Advisory Committee, 2010, Belfast Domestic Violence Partnership 2013). In contrast, mediation is often compulsory in divorce proceedings in the United States, where it is promoted as a way to reduce litigation and promote cooperative parenting (Kelly 2004, Emery *et al.* 2005, Beck *et al.* 2011). However in response to concerns about the risks posed to survivors in such contexts, recent reforms have shifted away from compulsory mediation. Australia now allows greater flexibility in cases involving family violence (Parliament of Australia 2023) and in England and Wales, the January 2024 consultation rejected compulsory mediation, expanding instead the Pathfinder pilot to improve outcomes for survivors of domestic abuse in private family law cases (Ministry of Justice 2024a, 2024b).

Critics of court reforms which implemented non-adversarial dispute-resolution services, such as mediation, complained that such policies and practices are actually harmful to women and children who are the victims of abusive partners and fathers because they contend that by labelling such cases 'high-conflict' it can obscure underlying violence or abuse, leading to institutional minimisation (Johnston 2017). Jaffe *et al.* (2017) demonstrate how family courts in the United States and Canada frequently dismiss mothers' allegations of domestic abuse as manifestations of 'high conflict' or 'parental alienation', reframing protective actions as irrational hostility. Their study reveals that abusive fathers may be granted sympathy, with their coercive behaviours minimised as 'misunderstandings' or 'overzealous parenting', even when evidence of harm exists. This systemic inclination to pathologise mothers, portrayed as irrational or emotionally unstable, particularly when they resist unsafe or unsuitable child arrangements – and to excuse domestic abuse perpetrators by reframing their violence as provoked (Elizabeth *et al.* 2010) – highlights the persistent lack of gender equality within the jurisdictions discussed. Courts appear to prioritise paternal access over maternal and child safety, often interpreting abuse as a 'private dispute' rather than recognising it as a manifestation

of a structural power imbalance (Jaffe *et al.* 2017, Katz *et al.* 2020). Importantly, this minimisation of abuse creates the conditions under which mediation is pursued or imposed, despite its inappropriateness in contexts of coercive control. By reframing abuse as mutual conflict, the system sustains the illusion of parity between parties, enabling a process that assumes voluntary participation and equal bargaining power, while ignoring the risks and inequalities embedded in abusive dynamics. This allows mediation to proceed in cases where it may, in fact, place survivors at further risk of psychological and legal harm. While mothers who challenge unsafe or inappropriate child arrangements are dismissed as irrational or emotionally unstable this is exacerbated by structural barriers and gendered power imbalances that undermine their ability to exercise self-determination, a core requirement for meaningful participation in mediation. Where there has been abuse or coercive control, such dynamics render mediation not only inappropriate but potentially harmful (Rathus *et al.* 2019, Kaye *et al.* 2021, AVA Against Violence and Abuse 2022, Aronson Fontes 2022, Barnett *et al.* 2024).

Withholding financial support

Another of the Wheel's components is 'Withholding Financial Support'. This is a key form of economic abuse, as it deliberately restricts a survivor's access to the financial resources necessary for independence and basic survival. Economic abuse, as defined by Adams *et al.* (2008), involves behaviours that limit a person's ability to acquire, use and maintain financial resources, thus threatening her economic security and potential for autonomy. When an abusive partner refuses to pay child support, withholds money for essential needs (such as food, housing or medical care) or denies access to joint accounts, they exert control by creating financial dependence and insecurity. This not only compromises the survivor's ability to meet daily needs but also affects her long-term capacity to make safe and independent decisions, particularly in the context of separation and parenting arrangements. Disputes over child arrangements may arise when child maintenance is requested, with some mothers forgoing child support to maintain involvement in child arrangements (Sharp 2008). Domestic abuse perpetrators may also exploit family courts through repeated legal applications to alter parenting arrangements, using the legal process as a means of surveillance, harassment or control (Przekop 2011). These tactics reframe the survivor as a respondent under scrutiny, requiring her to spend time and money defending herself – often at the cost of work, childcare and emotional stability. The financial and psychological toll of defending against these claims can be significant, and her efforts to protect herself may even be mischaracterised as 'implacable hostility'.

An aspect of economic abuse is non-resident fathers using repeated litigation to exert control, burdening the carer with legal costs (Bala *et al.* 2024). This strategy may also deliberately deplete their ex-partners' resources, thereby restricting their options (Adams *et al.* 2008). Legal experts and researchers report that the realm of control of an abusive partner often includes the family's finances, better equipping them to pay for lawyers and bear the costs of legal disputes. Research has shown that this financial imbalance can leave abuse survivors struggling to afford legal representation, while perpetrators can use their resources to extend coercive control post-separation (Stark 2007, Harm Panel Report 2020, Klein 2021). In a qualitative research sample of Canadian divorced mothers

without primary responsibility in child arrangements, the mothers reported how they felt that they were in a financially inferior position which was used against them in child arrangement cases. For example, fathers having greater financial resources allowed them to access better counsel, whilst mothers were forced to rely on legal aid which they often found inadequate (Kruk 2010). One stay-at-home mother in this study said that they had nothing whilst the father had the home, the stability and the money to provide the environment that courts recognise children as needing. Allegations made by a non-resident father against the mother enable the perpetrator to continue exerting power and control despite being separated and in some circumstances, even when the father is forbidden to contact the mother by court order. A central dimension of this control is economic abuse, which significantly undermines the victim-survivor's ability to parent effectively. In Sharp's (2008) survey of women in the UK accessing Refuge's domestic abuse services, 89% reported experiencing economic abuse, deliberate deprivation of income, food, heating and access to transport or financial support/benefits. Such deprivation directly impairs the mother's capacity to meet her children's basic needs, with both material and psychological consequences for the family. These include adverse effects on children's compromised living conditions and declining maternal mental health.

Discrediting the domestically abused ex-partner as a mother and disrupting the relationship with her children

When false allegations are made by one parent against the other, such claims can trigger extensive legal and social service interventions. These processes can enable institutional coercive control, embedding abuse within formal systems of authority (Godsey and Robinson 2014). What begins as private intimidation transforms into systemic disadvantage for the parent who has had false allegations made against them, prolonging harm through legal and bureaucratic mechanisms that disproportionately affect victim-survivors. Repeated court proceedings compound this vulnerability, intensifying the financial burden and emotional distress. Holt (2017) documents that mothers engaged in ongoing family court litigation can suffer from depression, with some requiring psychiatric intervention. This emotional toll can weaken perceptions of their parenting, especially when contrasted with an abusive father who may present as financially stable and emotionally composed. In these cases, children may, consciously or otherwise, align with the father, perceiving him as the more secure provider. When mothers attempt to articulate this dynamic, often through raising concerns about parental alienation, they may face scepticism, dismissal or even counter-accusations that position them as obstructive or emotionally unstable. Johnston (2017) comments upon research and clinical practices spanning three jurisdictions, including the United States and Australia, drawing from distinct research traditions and empirical observations in each country to contextualise the concept of entrenched interparental hatred in family courts. She notes that courts sometimes respond by attributing psychological diagnoses such as 'narcissistic vulnerability' or 'borderline personality' to mothers. This diminishes their credibility while implicitly legitimising paternal misconduct. This can leave mothers facing an internal conflict, trying to reconcile their lived commitment to caregiving with external narratives that label them as inadequate and dysfunctional. Kruk (2010) further observes that fathers can possess systemic advantages in employment, financial

stability and housing which courts can interpret as indicators of parental competence. These structural disparities can contribute to an uneven legal playing field, one that can lead to a tendency to equate material capital with superior caregiving ability.

The broader implications for children are profound. Studies by Polak and Saini (2015) and Bing *et al.* (2009) found that children exposed to prolonged litigation and parental conflict are at greater risk of poor adjustment outcomes, such as increased anxiety, behavioural disturbances and impaired relational functioning. These findings echo earlier research (Emery *et al.* 2005, Johnston *et al.* 2005, Kelly 2010) which emphasises the critical role of legal professionals in either exacerbating or alleviating family conflict. Where litigation is adversarial and ongoing, children struggle to adapt. In contrast cooperative co-parenting in low-conflict environments supports better adjustment (McIntosh *et al.* 2007). As such, reducing repeated court involvement is not just a matter of legal efficiency, it is a crucial component of safeguarding child and family well-being. By minimising ongoing court actions, separated families are better able to stabilise their living arrangements, limit external disruptions and begin the process of healing and rebuilding. This shift is essential to breaking the cycle of coercive control and enabling a more equitable and nurturing environment for children post-separation.

Disregarding children's needs

Post-separation, perpetrators can continue to maintain control and punish ex-partners by manipulating both children and professionals (Katz *et al.* 2020). Coercive control can extend beyond control of their partner and extend to the child. In the Duluth Post-Separation Power and Control Wheel, a section describes how abusers manipulate child arrangements, undermine the other parent's authority and use children to relay messages or spy on the other parent. This aligns with a disregard for the children's needs whilst perpetuating ongoing non-violent control-based domestic abuse. This abuse can also result in children not being permitted to participate in extra-curricular activities, go on 'days out', visit their grandparents or friends or even spend time with their mothers which can lead to behavioural and emotional problems in children (Katz 2015). Children describe their experience of coercive control within the family like being used as a pawn by the perpetrator (McLeod 2018).

Research found such fathers can manipulate children by giving them expensive gifts and/or attributing problems in the family to the mother. This manipulation results in the abusive partner being able to encourage their children to tell tales on the non-abusive parent and even to have their children hurt the adult victim, either physically or emotionally (McLeod 2018). Post-separation child arrangements can be a mechanism by which to serve the non-resident parents' emotional/psychological needs. Strategies include the child not being allowed to communicate with the parent with primary responsibility for child arrangements, not being able to admit to missing them, or to spend time with friends during 'his time' as the father, being the parent without primary responsibility for child arrangements, would experience this as rejection (Holt 2016). The apparent emphasis on children's welfare may not support children's well-being as other considerations, such as a history of domestic abuse or the child's own wishes are disregarded, permitting the continuation of the abuse (Harrison 2008).

Conclusion and possible ways forward?

This research has examined how domestic abuse perpetrators may manipulate family court systems to maintain control over their former partners, particularly through extended litigation. Drawing on a breadth of cross-jurisdictional studies, it demonstrates that family court proceedings, when divorced from context, can facilitate post-separation coercive control. Courts may misinterpret protective behaviour as ‘implacable hostility’ and overlook how repeated legal action, economic abuse, alienating the child from the mother and her family or false claims of parental alienation serve to destabilise mothers and perpetuate control. This article highlights the significant challenges that family justice practitioners face in recognising and addressing post-separation coercive control. In particular, it has been argued that it is this employment of the family court system and processes which can become a form of control over the mother in certain cases. In light of this, the article has argued that the potential continuation of domestic abuse post-separation, through the use of the court, must be recognised and addressed.

The Duluth Domestic Abuse Intervention Program’s ‘Duluth Post Separation and Control Wheel’ has been proposed as a framework that equips family practitioners to identify coercive tactics that persist after separation. Its structured focus on patterns, rather than isolated incidents, aligns with trauma-informed principles and offers clear criteria for recognising behaviours that courts may otherwise mischaracterise as standard conflict or co-parenting disputes. Evidence from jurisdictions such as England and Wales, Australia and the United States shows that legal processes are sometimes misused to continue psychological and financial abuse. These cases burden the legal system and retraumatise survivors, often under a veneer of paternal involvement or shared parenting ideals. The persistence of such misuse, despite legal reforms like the Domestic Abuse Act 2021 (Gov. uk 2021), stresses the need for a clearer, context-aware response by legal practitioners.

The Duluth model’s relevance lies in its capacity to highlight how systemic blind spots, such as assumptions of mutual conflict or over-reliance on mediation, may embolden perpetrators. While courts may interpret repeated applications as paternal concern, research suggests these can function as a form of legal harassment that drains resources, undermines the mother-child bond, and subjects protective mothers to relentless scrutiny. The Duluth model and the wheel are international standards for organisations involved in understanding and ending men’s violence against women (Godsey and Robinson 2014). The Duluth Model’s ‘Withholding Financial Support’ strategy highlights how abusive fathers use court action as a means of continued financial control over their ex-partners. By repeatedly bringing cases to court, domestic abuse perpetrators not only impose financial burdens on the mother but also manipulate the legal system to maintain their control. Closer scrutiny of returning cases by family justice practitioners could help identify and prevent this misuse of the court system, aligning with the Duluth Wheel’s emphasis on recognising and addressing coercive controlling behaviour. Evidence indicates that such cases contribute to court backlogs and delays, as noted in studies examining the impact of high-conflict residency disputes on the legal system (Meier *et al.* 2019). It is therefore suggested that family justice practitioners be made more aware of the broader implications of these cases and the potential for domestic abuse perpetrators to exploit the legal system to perpetuate abuse. A more vigilant and trauma-informed approach is needed across all relevant private law proceedings, not only

in returning child arrangement cases, to ensure that survivors are protected and that justice is administered fairly and efficiently.

The Duluth Post Separation and Control Wheel provides a valuable framework for understanding how abusive fathers can exploit the legal system to maintain control over their ex-partners and children. It illustrates how abusive fathers manipulate the legal system to maintain control over ex-partners and children. By weaponising residency battles, invoking parental alienation claims and engaging in financial abuse, some perpetrators exploit the legal system to drain resources and enforce ongoing entanglement. Evidence suggests that the pro-father involvement in child arrangements orientation of family courts, though intended to uphold children's best interests, can inadvertently enable post-separation coercive control, particularly when allegations of abuse are minimised or reframed as conflict (Meier 2003, Elizabeth *et al.* 2010). This dynamic may reflect systemic biases that favour parental involvement over safeguarding, shifting the lens from isolated incidents to patterns of post-separation abuse, highlighting the need for legal reforms that centre safety and wellbeing above presumptive rights in child arrangements. The key issues drawn from the research examined in this paper highlight the specific strategies from the Duluth Wheel that family justice practitioners need to be aware of, as follows:

- **Using the Court System (Endless Litigation)** – Perpetrators may use continuous litigation to wear down their ex-partners emotionally and financially, often under the guise of child welfare.
- **Using Children** - Children may be manipulated or coached into rejecting their mother, creating emotional divisions that serve to reinforce the abuser's control.
- **Financial Abuse** - Withholding financial support or creating litigation costs, imposing economic dependency, limiting survivors' autonomy and access to justice.
- **Discrediting the Mother** - False allegations may trigger investigations, diverting focus from child safeguarding and weakening maternal credibility.
- **Disrupting Relationships** – Abusers may deliberately disrupt the relationship with the extended maternal family and damage the mother-child bond through misrepresenting protective behaviour as alienation or obstruction.
- **Misuse of Mediation** - Non-adversarial dispute resolution, while well intentioned, can mask coercive dynamics and pressure survivors into unsafe agreements.
- **Disregarding Children's Needs** - Courts may prioritise contact with both parents over safety, failing to recognise how children's rights and well-being are compromised by ongoing abuse.

These tactics are often missed in traditional adversarial models or risk assessments focused narrowly on physical harm. Integrating tools like the Duluth Wheel into practice supports a deeper, pattern-based understanding of abuse and offers clear diagnostic language for use in risk assessments, case planning and judicial decision-making.

In conclusion, recognising post-separation coercive control as an extension of domestic abuse is essential for safeguarding children and survivors. Family justice practitioners must move beyond binary assumptions of conflict and adopt frameworks that centre on safety, context and pattern. Incorporating the Duluth Wheel into statutory training, court procedures and inter-agency collaboration would mark a crucial step towards addressing the

structural enablers of post-separation abuse. By equipping practitioners in the family justice system with tools that expose coercive tactics masked as parental concern, the family justice system can move closer to protecting those it intends to serve, ensuring child welfare and survivor autonomy are truly prioritised.

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References

- Adams, A.E., *et al.* 2008. Development of the scale of economic abuse. *Violence Against Women*, 14 (5), 564–588. doi:10.1177/1077801208315529.
- Amato, P.R., 2010. Research on divorce: continuing trends and New developments. *Journal of Marriage and Family*, 72 (3), 650–666. doi:10.1111/j.1741-3737.2010.00723.x.
- Aronson Fontes, L., 2022. It's post-separation legal abuse, not high conflict divorce", *Psychology Today* <https://www.psychologytoday.com/us/blog/invisible-chains/202201/its-post-separation-legal-abuse-not-high-conflict-divorce>.
- Attorney General Portfolio, 2024. Landmark family law Act reforms come into effect. Available from: <https://www.fccoa.gov.au/news-and-media-centre/fla2023>.
- AVA (Against Violence and Abuse), 2022. Staying mum: a review of the literature domestic abuse, mothering and child removal. London. Available from: <https://avaproject.org.uk/files/wp-content/uploads/2022/03/staying-mum-%E2%80%93-lit-review-final.pdf>.
- Bala, N., Benedetti, E., and Franzmann, S., 2024. Exploring litigation abuse in Ontario: an analysis of costs decisions. *Family Court Review*, 62 (4), 936–961. doi:10.1111/fcre.12819.
- Barnett, A., 2016. Domestic violence law and practice. *The Journal of Social Welfare & Family Law*, 38 (3), 323–326. doi:10.1080/09649069.2016.1176337.
- Barnett, A., 2020. *Domestic abuse and Private law children cases a literature review*. Available from: <https://assets.publishing.service.gov.uk/media/5ef3dd32d3bf7f7142efc034/domestic-abuse-private-law-children-cases-literature-review.pdf>.
- Barnett, A., 2024a. When is 'the end of the road' reached? Observing the presumption of parental involvement through systems theory. *Journal of Social Welfare and Family Law*, 1–21. doi:10.1080/09649069.2024.2414620.
- Barnett, A., *et al.* 2024b. Ending the presumption of contact in family courts. Brunel University London. Available from: <https://bura.brunel.ac.uk/bitstream/2438/30737/1/Report.pdf>.
- Beck, C., *et al.* 2011. Intimate partner abuse in divorce mediation: outcomes from a long-term multi-cultural study author. Available from: <https://www.ojp.gov/pdffiles1/nij/grants/236868.pdf>.
- Behre, K.A., 2015. Digging beneath the equality language: the influence of the fathers' rights movement on intimate partner violence public policy debates and family law reform. *Wm. &*

- Mary J. Women & L. 21, 525–602. Available from: <https://scholarship.law.wm.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1408&context=wmjowl>.
- Belfast Domestic Violence Partnership, 2013. 'Families experiencing domestic violence - child contact guidance'. https://www.lawsoc-ni.org/DatabaseDocs/med_7204369coac-best-practice-guidance.pdf.
- Bernet, W., *et al.*, 2020. Measuring the difference between parental alienation and parental estrangement: the PARQ-Gap. *Journal of Forensic Sciences*, 65 (2), 454–460. doi:10.1111/1556-4029.14300.
- Bing, N.M., Nelson, W.M., III, and Wesolowski, K.L., 2009. Comparing the effects of amount of conflict on children's adjustment following parental divorce. *Journal of Divorce & Remarriage*, 50 (3), 159–171. doi:10.1080/10502550902717699.
- Birchall, J. and Choudhry, S., 2018. What about my right not to Be abused? Domestic abuse, human rights and the family courts. Women's Aid Federation of England. Available from: <https://www.womensaid.org.uk/wp-content/uploads/2018/05/Domestic-abuse-human-rights-and-the-family-courts-report.pdf>.
- Birchall, J. and Choudhry, S., 2021. 'I was punished for telling the truth': how allegations of parental alienation are used to silence, sideline and disempower survivors of domestic abuse in family law proceedings. *Journal of gender-Based Violence*, 6 (1), 115–131. doi:10.1332/239868021x16287966471815.
- Brosi, M. and Price, C., 2024. Dads making a difference: staying connected in challenging times. Open Research Oklahoma State University. Available from: <https://openresearch.okstate.edu/server/api/core/bitstreams/3e4948bd-15a5-4de4-8d75-8771349464b1/content>.
- Burton, M. and Bettinson, V., 2022. Domestic abuse and child arrangement proceedings: identifying and assessing the risk of harm, including coercive and controlling behaviour. *Child and Family Law Quarterly*, 34 (1), 3–20. <https://dora.dmu.ac.uk/handle/2086/21306>.
- CAFCASS, 2025. Available from: <https://www.cafcass.gov.uk/parent-carer-or-family-member/applications-child-arrangements-order/how-your-family-court-adviser-makes-their-assessment-your-childs-welfare-and-best-interests/alienating-behaviours>.
- Campo, M., 2015. Children's exposure to domestic and family violence: key issues and responses. Available from: https://aifs.gov.au/sites/default/files/publication-documents/cfca-36-children-exposure-fdv_0.pdf.
- Children Order Advisory Committee (COAC) Best Practice Guidance, 2010. 2nd Edition. https://www.lawsoc-ni.org/DatabaseDocs/med_7204369coac-best-practice-guidance.pdf.
- Clarkson, H. and Clarkson, D., 2010. Confusion and controversy in parental alienation. *Journal of Social Welfare and Family Law*, 29 (3–4), 265–275. doi:10.1080/09649060701752273.
- Cleak, H., *et al.* 2018. Screening for partner violence among family mediation clients: differentiating types of abuse. *Journal of Interpersonal Violence*, 33 (7), 1118–1146. doi:10.1177/0886260515614559.
- Clemente, M. and Padilla-Racero, D., 2016. When courts accept what science rejects: custody issues concerning the alleged "parental alienation syndrome. *Journal of Child Custody*, 13 (2–3), 126–133. doi:10.1080/15379418.2016.1219245.
- Collier, R., 2001. 'fathers' rights, gender and welfare: some questions for family law. *Journal: Journal of Social Welfare and Family Law*, 23 (3), 357–375. Available from: https://www.researchgate.net/publication/248990283_Fathers%27_rights_gender_and_welfare_Some_questions_for_family_law.
- Commonwealth Consolidated Acts, 2015. Family law Act 1975. Austlii.edu.au. Available from: https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol_act/fla1975114/.
- Coy, M., *et al.* 2012. 'Picking up the pieces: domestic violence and child contact', a research report by rights of women and CWASU. Available from: https://www.rightsofwomen.org.uk/wp-content/uploads/2023/12/picking_up_the_pieces_report-2012l.pdf.
- Dalgarno, E., *et al.* 2024. Health-related experiences of family court and domestic abuse in England: a looming public health crisis. *Journal of Family Trauma, Child Custody & Child Development*, 21 (3), 1–28. doi:10.1080/26904586.2024.2307609.

- DeKeseredy, W.S., 2021. Bringing feminist sociological analyses of patriarchy back to the forefront of the study of woman abuse. *Violence Against Women*, 27 (5), 621–638. doi:10.1177/1077801220958485.
- Domestic Abuse Commissioner, 2023. Domestic abuse and the family court: achieving cultural change. Available from: <https://www.gov.uk/government/publications/the-family-court-and-domestic-abuse-achieving-cultural-change>.
- Doughty, J., Maxwell, N., and Slater, T., 2018. ‘Review of research and case law on parental alienation’. CAF/CASS Cymru. Available from: <https://gov.wales/sites/default/files/publications/2018-05/review-of-research-and-case-law-on-parental-alienation.pdf>.
- Elizabeth, V., Gavey, N., and Tolmie, J., 2010. Between a rock and a hard place: resident mothers and the moral dilemmas they face during custody disputes. *Feminist Legal Studies*, 18 (3), 253–274. doi:10.1007/s10691-010-9159-9.
- Emery, R.E., Sbarra, D., and Grover, T., 2005. DIVORCE MEDIATION: research and reflections. *Family Court Review*, 43 (1), 22–37. doi:10.1111/j.1744-1617.2005.00005.x.
- Eriksson, M. and Hester, M., 2001. Violent men as good-enough fathers? A look at England and Sweden. *Violence Against Women*, 7 (7), 779–798. doi:10.1177/10778010122182730.
- Fidler, B.J. and Bala, N., 2010. Children resisting postseparation contact with a parent: concepts, controversies, and conundrums. *Family Court Review*, 48 (1), 10–47. doi:10.1111/j.1744-1617.2009.01287.x.
- Ganley, A., 2016. ‘WA domestic violence Manual’, supra note 33, at 2–48. <https://www.courts.wa.gov/content/manuals/domViol/chapter2.pdf>.
- Godsey, C. and Robinson, R., 2014. Post-separation abuse featured in the New Duluth power and control Wheel. *Family & Intimate Partner Violence Quarterly*, 6 (4), 101.
- Gov.uk, 2021. Domestic abuse Act 2021. Legislation.gov.uk. Available from: <https://www.legislation.gov.uk/ukpga/2021/17/contents>.
- Harman, J.J., Kruk, E., and Hines, D.A., 2018. Parental alienating behaviors: an unacknowledged form of family violence. *Psychological Bulletin*, 144 (12), 1275–1299. doi:10.1037/bul0000175.
- Harm Panel Report. 2020. Assessing risk of harm to children and parents in private law children cases final Report. Available from: https://assets.publishing.service.gov.uk/media/5ef3dca4e90e075c4e144bfd/assessing-risk-harm-children-parents-pl-childrens-cases-report_.pdf.
- Harrison, C., 2008. Implacably hostile or appropriately protective? Women managing child contact in the context of domestic violence. *Violence Against Women*, 14 (4), 381–405. doi:10.1177/1077801208314833.
- Hester, M., 2021. Domestic violence and abuse through a criminological lens. *University of Bristol*, [online] pp.55–67. <https://hdl.handle.net/1983/9990d529-e13c-4647-ba35-95d8cae92a16>.
- Hine, B., 2024. Alienating behaviours in separated mothers and fathers in the UK. Available from: https://www.uwl.ac.uk/sites/uwl/files/2024-04/Alienating%20behaviours_v3.pdf.
- Holt, S., 2011. Domestic abuse and child contact: positioning children in the decision-making process. *Child Care in Practice*, 17 (4), 327–346. doi:10.1080/13575279.2011.596817.
- Holt, S., 2016. ‘Quality’ contact post-separation/Divorce: a review of the literature. *Children and Youth Services Review*, 68, 92–99. doi:10.1016/j.childyouth.2016.07.001.
- Holt, S., 2017. Domestic violence and the Paradox of post-separation mothering. *British Journal of Social Work*, 47, 2049–2067. Available from: <http://www.tara.tcd.ie/bitstream/handle/2262/91615/Paradox%20of%20Post%20Seperation%20Mothering.pdf>.
- Holt, S., McCaughren, S., and Parkes, A., 2023. *The voice of the child in family law proceedings in Ireland: the challenges of achieving first-world principles within a third-world infrastructure*. Cheltenham, Glos, UK: Edward Elgar Publishing eBooks, 155–175. doi:10.4337/9781800881402.00019.
- HSE, 2012. Practice guide on domestic, Sexual and gender based violence for staff working with children and families. Available from: https://www.tusla.ie/uploads/content/Domestic_Practice_Guide_on_DSG_bassed_violence.pdf.
- Hunter, R., Burton, M., and Trinder, L., 2020. Assessing risk of harm to children and parents in private law children cases final Report. Available from: <https://assets.publishing.service.gov.uk/>

- government/uploads/system/uploads/attachment_data/file/895173/assessing-risk-harm-children-parents-pl-childrens-cases-report_.pdf.
- Jaffe, A.M., *et al.* 2017., Denial of ambivalence as a hallmark of parental alienation. *Cogent Psychology*, 4 (1), 1327144. doi:10.1080/23311908.2017.1327144.
- Jeffries, S., 2016a. In the best interests of the abuser: coercive control, child Custody proceedings and the “expert” assessments that guide judicial determinations. *School of Criminology and Criminal Justice, Griffith Institute of Criminology, Griffith University, Brisbane 4122, Australia Laws*, 5 (1), 14. doi:10.3390/laws5010014.
- Jeffries, S., *et al.*, 2016b. Good evidence, safe outcomes in parenting matters involving domestic violence? Understanding family Report writing practice from the perspective of professionals working in the family law system. *The University of New South Wales Law Journal*, 39, 1355–1388. Available from: https://www.researchgate.net/publication/311219956_GOOD_EVIDENCE_SAFE_OUTCOMES_IN_PARENTING_MATTERS_INVOLVING_DOMESTIC_VIOLENCE_UNDERSTANDING_FAMILY_REPORT_WRITING_PRACTICE_FROM_THE_PERSPECTIVE_OF_PROFESSIONALS_WORKING_IN_THE_FAMILY_LAW_SYSTEM.
- Johnston, J.R., 2017. Commentary on entrenched postseparation parenting disputes: the role of interparental hatred. *Family Court Review*, 55 (3), 424–429. doi:10.1111/fcre.12290.
- Johnston, J.R. and Sullivan, M.J., 2020. Parental alienation: In search of common ground for a more differentiated theory. *Family Court Review*, 58 (2), 270–292. doi:10.1111/fcre.12472.
- Johnston, J.R., Walters, M.G., and Olesen, N.W., 2005. Clinical ratings of parenting capacity and rorschach protocols of Custody-disputing parents: an exploratory study. *Journal of Child Custody: Research, Issues, and Practices*, 2 (1–2), 159–178. doi:10.1300/J190v02n01_09.
- Justice.gov.uk, 2025. Practice direction – practice directions relating to family. In: Proceedings in force before 6th april 2011 which support the family procedure rules 2010. Available from: https://www.justice.gov.uk/courts/procedure-rules/family/frontmatter/fpr_notes-to-pds.
- Katz, E., 2015. Beyond the physical incident model: how children living with domestic violence are harmed by and resist regimes of coercive control. *Child Abuse Review*, 25 (1), 46–59. doi:10.1002/car.2422.
- Katz, E., 2019. Coercive control, domestic violence, and a five-Factor framework: five factors that influence closeness, distance, and strain in mother–child relationships. *Violence Against Women*, 25 (15), 107780121882499. doi:10.1177/1077801218824998.
- Katz, E., Nikupeteri, A., and Laitinen, M., 2020. When coercive control continues to harm children: post-separation fathering, stalking and domestic violence. *Child Abuse Review*, 29 (4), 310–324. doi:10.1002/car.2611.
- Kaye, M., Booth, T., and Wangmann, J., 2021. Compromised ‘consent’ in Australian family law proceedings. *International Journal of Law, Policy, and the Family*, 35 (1), ebab033. doi:10.1093/lawfam/ebab033.
- Kelly, J.B., 2004. Family mediation research: is there empirical support for the field? *Conflict Resolution Quarterly*, 22 (1–2), 3–35. doi:10.1002/crq.90.
- Kelly, J.B., 2010. Commentary on ‘family bridges: using insights from social science to reconnect parents and alienated children’ (Warshak, 2010)’. *Family Court Review*, 48 (1), 81–90. doi:10.1111/j.1744-1617.2009.01289.x.
- Klein, J., 2021. Women are routinely discredited?: how courts fail mothers and children who have survived abuse. The Fuller Project. Available from: <https://fullerproject.org/story/family-court-mothers-child-abuse/>.
- Kruk, E., 2010. Collateral damage: the lived experiences of divorced mothers without Custody. *Journal of Divorce & Remarriage*, 51 (8), 526–543. doi:10.1080/10502556.2010.504103.
- Lapierre, S., *et al.*, 2024. ‘Parental alienation’ allegations in the context of domestic violence: impacts on mother-child relationships. *The Journal of Social Welfare & Family Law*, 1–15. doi:10.1080/09649069.2024.2414623.
- McCormack, M., 2021. Parental alienation an exploratory study of legal professionals’ views and experiences in Northern Ireland. Available from: https://www.researchgate.net/publication/381311472_Mairead_McCormack_DChild_Thesis_2021.

- McIntosh, J.E., Wells, Y.D., and Long, C.M., 2007. Child-focused and child-inclusive family law dispute resolution: one year findings from a prospective study of outcomes. *Journal of Family Studies*, 13 (1), 8–25. doi:10.5172/jfs.327.13.1.8.
- McLeod, D., 2018. Coercive control: impacts on children and young people in the family environment. Available from: https://www.researchinpractice.org.uk/media/ybkc4pea/coercive_control_impacts_on_children_and_young_people_in_the_family_environment_literature_review_2018.pdf.
- Meier, J.S., 2003. Domestic violence, child Custody, and child protection: understanding judicial resistance and imagining the solutions scholarly commons. Available from: https://scholarship.law.gwu.edu/faculty_publications/822/.
- Meier, J.S., 2009. A historical perspective on parental alienation syndrome and parental alienation. *Journal of Child Custody*, 6 (3–4), 232–257. doi:10.1080/15379410903084681.
- Meier, J.S., et al., 2019. Child custody outcomes in cases involving parental alienation and abuse allegations. GWU Law School Public Law Research Paper No. 2019-56; GWU Legal Studies Research Paper No. 2019-56. doi:10.2139/ssrn.3448062.
- Meier, J.S. and Dickson, S., 2017. Mapping gender: shedding empirical light on family courts treatment of cases involving abuse and alienation. *SSRN Electronic Journal*. doi:10.2139/ssrn.2999906.
- Ministry of Justice, 2024a. Practice direction 36z – pilot scheme: private law reform: investigative approach – justice UK. Available from: https://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/new-practice-direction-36z-pilot-scheme-private-law-reform-investigative-approach.
- Ministry of Justice, 2024b. *Supporting earlier resolution of private family law arrangements: government response*. Available from: <https://www.gov.uk/government/consultations/supporting-earlier-resolution-of-private-family-law-arrangements/outcome/supporting-earlier-resolution-of-private-family-law-arrangements-government-response>.
- National Women’s Council of Ireland, 2021. A Report on the intersection of the criminal justice, private family law and public law child care processes in relation to domestic and Sexual violence. Dublin: National Women’s Council of Ireland. Available from: https://www.nwci.ie/images/uploads/NWC_DoJ_DSV_Justice_Report.pdf.
- Neilson, L., 2018. Parental alienation empirical analysis: child best interests or parental rights? Available from: <https://www.fredacentre.com/wp-content/uploads/Parental-Alienation-Linda-Neilson.pdf>.
- Parliament of Australia, 2023. Family law amendment bill 2023. Available from: https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=r7011.
- Pence, E. and Paymar, M., 1993. *Education groups for men who batter: the duluth Model*. New York: Springer Publishing Company.
- Polak, S. and Saini, M., 2015. Children resisting contact with a parent post separation: assessing this phenomenon using an ecological systems framework. *Journal of Divorce & Remarriage*, 56 (3), 220–247. doi:10.1080/10502556.2015.1012698.
- Przekop, M., 2011. One more battleground: domestic violence, child Custody, and the Batterers’ relentless pursuit of their victims through the courts. *Seattle Journal for Social Justice*, 9 (2), Article 14. <https://digitalcommons.law.seattleu.edu/sjsj/vol9/iss2/14>.
- Rathus, Z., et al. 2019. It’s like standing on a Beach, holding your children’s Hands, and having a tsunami just coming towards you: intimate partner violence and ‘expert. Assessments in Australian Family Law, *Victims & Offenders*, 14 (4), 408–440. doi:10.1080/15564886.2019.1580646.
- Rivera, E.A., Zeoli, A.M., and Sullivan, C.M., 2012. Abused mothers’ safety concerns and court mediators. Custody Recommendations. *Journal of Family Violence*, 27 (4), 321–332. doi:10.1007/s10896-012-9426-4.
- Seward, R.R. and Rush, M.A., 2015. Fathers, fathering, and fatherhood across cultures: convergence or divergence?. [Online] Researchrepository.Ucd.ie. Available from: <https://researchrepository.ucd.ie/entities/publication/837716a8-33a3-45ec-ab49-cc0f3c33b351>.

- Sharp, N., 2008. 'What's yours is mine' the different forms of economic abuse and its impact on women and children experiencing domestic violence research paper by refuge for women and children against domestic violence. Available from: <https://www.theduluthmodel.org/wp-content/uploads/2021/12/Whats-yours-is-mine-Full-Report.pdf>.
- Shea Hart, A., 2011. Child safety in Australian family law: responsibilities and challenges for social science experts in domestic violence cases. *Australian Psychologist*, 46 (1), 31–40. Available from: <https://aps.onlinelibrary.wiley.com/doi/abs/10.1111/j.1742-9544.2010.00001.x>.
- Smart, C. and Neale, B., 1999. *Family fragments?* Cambridge: Polity Press.
- Stark, E., 2007. Coercive control: how men entrap women in personal life. Available from: <https://psycnet.apa.org/record/2007-05264-000>.
- Warshak, R.A., 2010. Family bridges: using insights from social science to reconnect parents and alienated children family. *Court Review*, 48 (1), 48–80. Available from: <https://onlinelibrary.wiley.com/doi/10.1111/j.1744-1617.2009.01288.x>.
- Warshak, R.A., 2015. Parental alienation: overview, management, Intervention and practice tips. *The Journal of the American Academy of Matrimonial Lawyers*, 28, 181–248. Available from: https://aaml.org/wp-content/uploads/MAT107_7.pdf.