

"Totally Invisible"

The experiences of domestic violence and abuse victims/survivors and children engaging with private law family court processes in Northern Ireland.

Executive Summary

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Children and Young People's Advisory Group members (in alphabetical order)

Alex, Cherry, Jess, Kera, Lara, Niamh, Olivia, Rory.

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Foreword

Since taking up this post, I regularly hear heart-breaking and often distressing experiences from domestic abuse victims navigating our private law family court system post separation. These experiences paint a troubling picture of a court system that, while intended to be a neutral problem-solving arena, is frequently being used as a tool for ongoing domestic abuse. The adversarial nature of hearings, protracted proceedings, a 'pro-contact' culture, and repeated applications are serving as weapons for perpetrators to exacerbate trauma and undermine the safety and well-being of victims and their children. A recurring theme running through these experiences is of a system where the voices of the children affected are often obscured or minimised, with limited opportunities for meaningful involvement and where victims describe feeling 'totally invisible'.

Central to our family court system is the undisputed principle that decisions must be taken in the best interests of the child. Whilst Northern Ireland does not have a legislative presumption of parental involvement as is the case in England and Wales, this report clearly demonstrates that a similar approach is guiding decision making, and contact with both parents is generally understood to benefit the child except where there is strong evidence that it would be harmful to their safety and well-being. In short, the starting point for decision-making is a presumption of contact. In England and Wales, the dangers and drawbacks of this presumption have been recognised and the government has indicated its intention to repeal it.

As our understanding and recognition of domestic abuse has grown it is increasingly clear that children are not mere bystanders within a domestic abuse context but quite often victims themselves, suffering emotional, psychological and physical harm. Exposure to an abusive parent post-separation may further perpetuate that harm, leaving children living with the consequences of contact decisions long after they have been taken

in court. It is the voices of those children impacted by such decisions, and their desire to be heard, that has led to this research before you.

The conclusions laid out within the report paint a stark, if perhaps not surprising, picture of the shortcomings of the current private family court system which regulates contact between parents and children.

The findings are derived from a comprehensive analysis of how processes impact on children and non-abusive parents, drawing on evidence from justice, health and legal professionals, support agencies, the judiciary, and perhaps most importantly from the lived experiences of victims and children themselves. The bottom line is that the current system for determining contact arrangements is not conducive to putting the needs of the child first, and risks causing further harm to children through forced contact, lengthy proceedings, minimising the voices of young people and failure to understand that abuse and coercive control affect children directly.

This report is a watershed moment for family justice in Northern Ireland. Children are telling us that they are being harmed by their experience of contact proceedings. We have a duty to listen to what they are telling us and, most importantly, to act. Doing nothing is simply not an option – things need to change and they need to change now.

It is clear that there is significant work required to integrate our improved understanding of the impact of coercive control into risk assessments and family proceedings more broadly.

The adversarial nature of proceedings is enabling acrimony and further abuse to dominate cases over the wishes and needs of the child. There is also a gulf to be overcome between professionals and children themselves as to how and whether they are truly giving children a voice and acting in their best interests.

Children are clear that they want to be informed about the process, and understand how decisions are made and how their opinions are factored into that. This can only be attained by doing family court business differently.

We need a new model for contact proceedings, drawing on the good practice developed in other jurisdictions that have already been grappling with the same issues and shortcomings in their own systems. Implementing a child-focused, trauma and risk informed approach which draws on the strengths of our legal system, but removes the conditions which are enabling further abuse of adult and child victims of domestic abuse, will ensure Northern Ireland is meeting its obligation to the safety, well-being and best interests of the children who have been impacted by domestic abuse.

The first step on that path for this office will be to seek the formation of a cross-departmental, multi-agency working group to explore what a new private family law system which puts the safety and well-being of domestic abuse victims and children first might look like for Northern Ireland.

I am grateful to the researchers at the Centre for Children's Rights in Queen's University Belfast for delivering this comprehensive study.

Thanks are also due to the stakeholder organisations and agencies, members of the judiciary, and legal professionals, who gave up their time to share their own expertise and professional experience of the system.

Last but by no means least, I would like to personally and sincerely thank every victim and survivor of domestic abuse who shared their experience of the family courts with the research team as well as those who have contacted our office since its inception to share their concerns.

Particular thanks are owed to the young people who contributed to the research, both through sharing their own lived experiences and guiding the research as part of the Children & Young People's Advisory Group (CYPAG).

Those young people who are members of the SAY project supported by Women's Aid Federation NI have been truly courageous in speaking up, sharing their traumatic experiences, and telling us the change they wish to see.

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I sincerely hope that this research will provide the catalyst for change that many have long campaigned for and that most importantly victims and children deserve.

Geraldine Hanna **Commissioner Designate for** **Victims of Crime NI**



1. Introduction

The family court system plays a crucial role in addressing domestic violence and abuse (DVA) cases and making decisions that profoundly impact on the lives of victims/survivors and their children. Concerns about family court processes and their impacts on victims/survivors and their children have been documented in neighbouring jurisdictions (Holt et al., 2025; Hunter et al., 2020; Jacobs, 2023) alongside emerging insights into the experiences of victims/survivors in a local context (McLaughlin et al., 2024). Evidence indicates that victims/survivors may feel retraumatised by court proceedings and that experiences of DVA can be overlooked or misunderstood.

A Terms of Reference (Corr & McAlister, 2024) commissioned by the Commissioner for Victims of Crime (CVOC) offered a preliminary examination of children's participation in the family courts, identifying a need to further explore children's experiences of having their views collected, the most effective methods of children sharing their views in ways which are empowering, and the extent to which their views are taken into account and have influence.

Concerns have been raised that children's participation rights have not been implemented in ways that fulfil the requirements of Article 12 of UNCRC (Morrison et al., 2020) and, thus, examining this through a child's rights lens is warranted.

This research study aimed to better understand the experiences of DVA victims/survivors and children engaging with private law family court processes in Northern Ireland. In doing so, it provided a rapid evidence assessment of the existing literature detailing the experience of DVA victims/survivors in family courts, with a particular focus on children's experiences (Chapter 2).

This review also engaged in a comparative analysis of family court practices across jurisdictions to identify best practices for improving the experience and participation of children and adult victims/survivors of DVA (Chapter 3). Chapter 4 offers an account of the methodological approach adopted.

Chapters 5 through to 10 present the analysis of data collected with participants who could speak to the experiences of victims/survivors and/or experiences of children's participation in family court processes – victims/survivors, children and young people, judiciary, legal professionals, Court Children's Officers (CCOs), independent social workers (ISWs) and child/victim advocates. Lastly, Chapter 11 presents the conclusions of this study and outlines recommendations for improved practice.

2. Literature Review

Family law processes and court proceedings can easily retraumatize survivors/victims of DVA, and spark, worsen, or perpetuate abuse, especially coercive control in all its various forms (Alsalem, 2023; Barnett, 2014; Coy et al., 2015; Douglas and Fell, 2020). This is noted across multiple jurisdictions (Dalgarno, 2024b; Francia et al., 2019; Koshan, 2018). Worryingly, survivors/victims' voices are frequently unheard or not listened to, particularly those of children. Lacking voice, they cannot easily participate meaningfully within decision-making processes. Child victims/survivors' views and opinions may also go unsought, be misrepresented, filtered, or misunderstood. This can lead to deeply entrenched, systemic issues in terms of accessing justice or securing the future safety and well-being of those who had been (or perhaps are still being) abused (Lapierre et al., 2025; MacDonald, 2017).

Though gender is a highly significant issue, other characteristics and intersectionalities are also relevant. There are lingering gaps in the research: survivors/victims' experiences can be grounded in and shaped by such matters as ethnicity, sexual orientation, culture, age, refugee status, and disability (Gregory et al., 2024). Male victims/survivors of DVA also remain under-represented in much of the research and their voices are therefore prone to being marginalised or largely absent (Ambrozewicz et al, 2024; Hine and Douglas, 2023).

Much of the research literature indicates that court proceedings and processes can worsen inequalities and vulnerabilities, often exacerbating other problems that victims may face post-separation (Burton, 2021; Hitchings et al., 2023). There are often sharp imbalances of power: these are frequently (but not always or indeed exclusively) tied to gender (Wilde et al., 2024). The need for compassionate professionals to be trauma-informed – via appropriate training on the forms and consequences of DVA – appears repeatedly.

Litigation abuse is a key theme. Court proceedings and processes can be used to continue previous abuses or embed new forms of coercive control (e.g. financial, emotional, psychological) (McCormack, 2025; Laing, 2017; Khaw et al., 2021). Very often, there is also a highly gendered element to this which can sometimes go largely unrecognised amongst professionals (Meier and Dickson, 2017; Miller and Manzer, 2021; Reeves et al., 2025).

Likewise, abused mothers are particularly vulnerable to accusations of 'alienating behaviours,' which is essentially an alternative term for 'parental alienation' (now discredited as a 'syndrome' but still appearing from time to time in some form, within case law and heated academic discourse). This is especially worrying, given the vulnerabilities of mothers, and the way in which an accusation of parental alienation can serve to deflect scrutiny away from the dangerous behaviours of the perpetrator, to redirect its focus onto victim/survivors and their desire to be free from abusive contact (Mithran, 2025; Sheehy and Boyd, 2020; Rathus, 2020).

This ties in with the 'pro-contact' presumption (soon to be abolished in England and Wales, but long-enshrined in statute and, arguably, custom) (Shama, 2025). This has at times prioritised contact with both parents, even where the views and wishes of the child were set against contact with the abuser/perpetrator, or where there were perhaps fairly significant safety or child welfare concerns.

As such, many victims/survivors have noted within the research literature their sense of secondary victimisation (feeling that their experiences and narratives were being trivialised or dismissed by some professionals) (Harwood, 2021; Wild, 2023).

Conversely, there were also some good reports of victim/survivors having been adequately supported by well-trained, fully empathetic and compassionate professionals (Tisdall, 2016; Grey, 2024).

It remains the case, however, that children's participation rights are not always realised consistently in these types of proceedings: their views may be totally excluded from the decision-making process (Gutowski and Goodman, 2020). A core priority is the provision of safe spaces and useful information, with flexible approaches to the question of how to best meet children's individual and often complex needs, post DVA (Weston and Barnes, 2025).

A notable barrier to their being able to meaningfully participate is that of misrepresentation: professionals should take care to avoid 'filtering' or reinterpreting children's voices and views through their own opinions or experiences (or unconscious biases). Moreover, the knock-on effects of having had negative experiences include emotional harm, psychological distress, and longer term, perhaps lifelong mistrust of 'the system' (Birchall and Choudry, 2022).

3. Comparative Analysis: Different Jurisdictions, Similar Issues

A comparative analysis, exploring issues and challenges outside of Northern Ireland (e.g. in Scotland, England and Wales, Canada, Australia, New Zealand, the United States, Italy, Brazil, Sweden) demonstrates that we have much in common in terms of structural challenges and systemic failings: these are neither isolated nor localised.

Family courts, irrespective of jurisdiction, are facing similar challenges, not least systemic failings – chronic and acute – in relation to private family law proceedings, involving victims/survivors of DVA (Burman et al, 2023; Campbell, 2017; Feresin, 2020; Francia et al, 2019; Heward-Belle et al, 2018; Moroskowski et al, 2022).

Children's voices and opinions often go unheard or are given insufficient weight (Dimopoulos et al, 2025; Fouzder, 2025; Morrison et al, 2020). Litigation abuse – repeated or protracted legal proceedings, vexatiously lodged by perpetrators post-separation (Nonomura et al, 2022; Romero and Staudenraus, 2024) – can significantly compound matters (Morrison, 2015). In other words, the court processes designed to protect and safeguard the vulnerable are being used instead to perpetuate abuses, particularly those falling within the increasingly wide (and often highly gendered) remit of coercive control. Such abuse may take various forms: physical, financial, emotional, and psychological (Nathaniel, 2021; Roberts et al, 2015; Henry, et al, 2020).

The concept of 'parental alienation' is especially concerning, given its often equally gendered nature and sharp focus on mothers (and protective parenting or mothering) in the wake of abuse (MacKenzie et al, 2020; Sheehy and Boyd, 2020). The idea of such a syndrome – where a victim/survivor is maliciously, deliberately, and falsely turning their children against one parent – is now generally seen to be archaic and discredited. The notion and biases underpinning it live on, however. Phrases such as 'high conflict divorce,' 'implacable hostility' and 'alienating behaviours' have arguably moved centre stage to fill the void previously occupied by the dark notion of parental alienation. Accusations – even if only hinted at – can easily serve to perpetuate or enable coercive control and entrench deeply gendered stereotypes (Rathus et al, 2019).

Where courts are influenced by such accusations, the impacts can be profound. Court-ordered contact (or residence) with abusive parents, for example, can have deeply traumatizing, often perhaps retraumatizing, adverse impacts on victims/survivors, adult and child (Holt, 2018). Pro-contact presumptions (where the default position is one which prioritises an abusive parent's 'right' to still have contact with their child) have been identified as dangerous and no longer justifiable (Harwood, 2021).

The statute-enshrined presumption in England and Wales has now been earmarked for revocation. Though Northern Ireland has no such equivalent provision, this does not guarantee that pro-contact assumptions will never be made, in the courtroom, or elsewhere e.g. in privately agreed settlements or negotiations between legal professionals.

Barriers to familial justice may be structural as well as sociocultural (Harwood, 2019; Kjellberg, 2024; Kuruppu et al., 2023). A victim/survivor's ineligibility for legal aid (or their lack of awareness of waivers, or inability to meet high evidential thresholds needed to enable a waiver) can spark or worsen pre-existing inequalities (Hunter et al., 2017; Mant, 2017; Mant and Wallbank, 2017).

Absent legal advice or legal representation means that victim/survivors may have to self-fund litigation or represent themselves in court or in negotiations aimed at reaching private resolution. Either of these options can result in economic hardship and/or distress, with harsh impacts, mental and physical (Reeves et al, 2025).

Financial abuse may see survivor/victims accepting unfair settlements in a bid to end abuse or to escape further coercive control. Courts elsewhere (e.g. Australia) are bound by statute to factor in the impacts of domestic abuse when deciding upon ancillary relief matters (Fremder, 2025b). Such a stance reflects the need for 'joined up' approaches to the often complex issue of domestic abuse (Richardson and Speed, 2019).

In terms of child rights, a clear gap can frequently be seen between policy and practice when it comes to children's participation rights in family law proceedings, post DVA (Kaldal, 2023). The more child-centric, collaborative Pathfinder pilot (in England and Wales) offers some hope, but is still beset with various issues in terms of implementation and scarcity of resources (Doughty, 2025). Judicial guidance in Northern Ireland does emphasize the need for trauma-informed, child-centric practice in post-DVA cases involving child arrangements (contact, residence, prohibited steps, specific issues).

The need for judicial oversight of private agreements underscores the vulnerability of survivors/victims in relation to resolving disputes with a former perpetrator/abuser e.g. the potential to still be subject to coercive control (Katz et al, 2020) or adversely affected by trauma, or retraumatised by legal proceedings and processes (Walsh, 2024).

Though fact-finding hearings are often impractical (delays, backlogs) courts should still ensure that findings of fact in cases involving DVA are accurately recorded and clearly documented.

There is a sharp need for more funding (Samuel, 2025), and for specialized, child-centric training (e.g. on trauma informed practice (Long and Lynch, 2025), on recognising and avoiding biases, and addressing imbalances of power) to protect vulnerable parties, not least those children who might be denied voice and meaningful participation within the very processes that can so adversely affect their future welfare and well-being (Parkes, 2015).

4. Methodology

The overall objective of this study was to better understand the experiences of domestic violence and abuse (DVA) of victims/survivors and children engaging with private law family court processes in Northern Ireland. Specifically, the study had the following research questions:

1. How do adult victims/survivors of DVA experience private law family court proceedings? How could their experiences be improved to prevent re-traumatisation and further victimisation?

2. How do children experience participation in the family courts when there has been DVA in the family? How could children's participation be made more effective to ensure that children's voices are heard, listened to, and meaningfully considered?

3. What are the views of practitioners working in different capacities with regard to how children and adult victims/survivors of DVA experience family court proceedings and how practices might be improved?

4. What is the evidence of best practice with children and adult victims/survivors of DVA in family courts in other jurisdictions? What are the implications for reform of the family court system in Northern Ireland?

To meet these aims, we engaged with individuals across various participant groups who could speak to the experiences of adult victims/survivors and/or children and young people. In total 51 participants took part in either individual/paired interviews or small groups discussions. The breakdown of participants was as follows:

Table 1: Sample Profile

Participant Group	Number of Participants
Children and Young People (with experiences of private law family court processes in cases of DVA)	10
Adult Victims/Survivors (with experiences of private law family court processes in cases of DVA)	12
Court Children's Officers (CCOs)	6
Independent Social Workers (ISWs)	4
Child/Victim Advocates	11
Judiciary	3
Legal Professionals	5
Total	51

We worked with a Children and Young People's Advisory Group (CYPAG), established in collaboration with the Social Action Youth (SAY) project at Women's Aid Federation Northern Ireland (WAFNI), all of whom had experiences of DVA and family court processes. We embedded participation (Article 12, UNCRC) in all stages of the project that focused on examining children/young people's experiences of family court processes, working with the CYPAG to design aspects of the study related to children's participation and experience, from informing the Terms of Reference (Corr & McAlister, 2024) for the research through to the dissemination of findings related to children and young people's experiences of participation.

All data were transcribed verbatim and anonymised transcripts were analysed using thematic analysis to identify, analyse and report patterns/themes within the data which addressed the study's research questions.

Ethical approval was sought from the School Research Ethics Committee at the School of Social Sciences, Education and Social Work, Queen's University Belfast and Research Governance approval was sought from Health and Social Care Trusts for engagement with CCOs. Voluntary, informed consent was sought with every participant. All participants were advised that participation was voluntary and that they had the right to refuse participation or withdraw without any repercussion. In addition to the child and young person's own consent, parental/guardian consent was obtained for participants aged under 16 years. Participants were advised where disclosure of information may not be held in confidence, for example, when a participant discloses that a child, young person or vulnerable adult, or indeed themselves, are in danger or at risk of harm. All data was anonymised as much as possible and no identifying information is contained within this report or other outputs related to the research. A participant safety protocol was devised and implemented at all stages of the research, particularly in relation to data collection with children, young people and

adult victims/survivors.

In recognition of the time given by participants, a £20 voucher was offered to children, young people and adult victims/survivors who supported the research as a participant. Members of our CYPAG also received a voucher for each session they attended, as well as receiving recognition for the work through a certificate and a Centre for Children's Rights hoodie.

5. Views and Experiences of Family Court Systems and Processes

This chapter draws on the accounts of adult participants (victims/survivors, legal professionals, CCOs, ISWs, judiciary, child/victim advocates) which speak to their views and experiences of family court systems and processes where allegations of DVA are brought before the court. Whilst accounts showed that there is variation between courts and Trusts, a number of issues were raised which are largely underpinned by concerns about the extent to which experiences of DVA are acknowledged and about levels of understanding of DVA that recognise the complexities of relationships characterised by abuse and control.

A common starting point advocated by some CCOs, legal representatives and judiciary was an attempt for parents to 'resolve' their contest outside of the court through mediation processes. Indeed some victims/survivors described feeling an expectation or 'pressure' to engage in such processes. Whilst concerns about coming into contact with perpetrators could be mitigated to some extent by remote arrangements or shuttle mediation, victims/survivors and child/victim advocates noted that attempts to come to a mutual solution were unlikely where manipulation and control continued, putting victims/survivors at risk of agreeing to arrangements they were uncomfortable with. Where DVA allegations were brought before the court, a primary concern – expressed most strongly by victims/survivors and child/victim advocates – was that such allegations were disregarded or overlooked.

This was considered most likely where allegations of DVA were considered to be 'historic', not of a 'significant level', had been taking place post-separation or, alternatively, were difficult to evidence such as in the case of coercive and controlling behaviours.

Victims/survivors thus spoke of examples where a perpetrator's full history of DVA – including, at times, criminal convictions, past social work involvement in the family, breaches of non-molestation orders and continuing DVA in new relationships – were not used to inform risk assessments. Indeed, there was a concern that risk assessments adopted a narrow focus, considering only the risk posed to the child/ren during contact. In neglecting to appreciate the risk posed to victims/survivors in granting contact, as well as the impacts of DVA post separation, risk assessments can fail to appreciate the effects on victims/survivors' ability to support and parent their child/ren.

In contrast, those working within court processes described a commitment to establish evidence of DVA where this was deemed relevant to put before the court.

Attempts to establish such evidence, however, were frustrated by challenges in sharing information between courts (from criminal to civil) and between relevant agencies. Several professionals spoke of a need to balance taking account of all relevant evidence and working within the no delay principle. As a result, some cases would proceed without all relevant information, particularly in the context of prolonged criminal proceedings.

Several victims/survivors spoke of court proceedings that lasted over several years. In addition to delays due to establishing evidence, professionals also spoke of the significant delay in appointing CCOs to cases, due to under-resourced teams across the Trusts. Proceedings were further prolonged by perpetrators who could use techniques to delay or extend proceedings in order to frustrate victims/survivors and cause more emotional and financial harm.

Whilst there is no statutory presumption of contact in Northern Ireland, the analysis, nevertheless, demonstrates an assumption of contact that operates in practice – although this was refuted by some judges, CCOs and legal professionals.

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Several participants working within and alongside the courts, for example, spoke of the consideration of contact as the starting point of risk assessments and that in the majority of cases, some form of contact – albeit indirect in some cases – will be ruled on by the court, even where DVA is confirmed. Victims/survivors noted their disbelief that even after incidents where partners had been violent, shown aggression towards children, committed sexual violence or threatened arson to the home, contact was still viewed as a priority by the courts. It was also noted by legal professionals that only in the 'most serious' of cases would the court rule 'no contact whatsoever' and most experiences of DVA will not be sufficient to put a bar on contact – indeed, a number of participants spoke of a need for a presumption against contact in cases of DVA.

A tendency towards contact was shaped by the perceived benefit of a child having a relationship with both parents, even where one is abusive, and is also shaped by levels of understanding of DVA among those working within the system. Victims/survivors and child/victim advocates, however, also explained that an assumption in favour of contact demonstrates a lack of understanding of the dynamics of abusive relationships, especially in the period of post separation where risk to victims/survivors and their children (particularly in relation to a threat to life) heightens. Indeed, whilst a developing understanding of DVA among judiciary and legal professionals was acknowledged by many, several gaps remain, particularly a more nuanced understanding of post-separation abuse, coercive control and its impacts on how victims/survivors present, and the behaviour and presentation of

perpetrators. The non-mandatory nature of most training also suggests the possibility of great variation in understanding across judiciary and legal professionals. Navigating the family courts processes was challenging as victims/survivors enter into an unfamiliar world, exacerbated by a lack of formal support. Whilst responsive legal representation helped address some of these challenges, variation in practice meant that some victims/survivors struggled with a lack of information, communication and acknowledgement of their experiences. Challenges were considered intensified for victims/survivors, if few, who acted as self-litigants, and whilst important safeguards had been put in place, an increased need for support was identified.

6. Secondary Victimisation and Trauma

Drawing on interviews with adult victims/survivors, child/victim advocates, CCOs and independent social workers, as well as legal professionals and the judiciary, Chapter 6 examines how family court proceedings can elicit further trauma for DVA victims/survivors, including experiences of secondary victimisation via the response of court professionals and processes. Trauma-informed approaches to service provision (as a means to address previous trauma, promote engagement and recovery from harm) emphasise the importance of building safe relationships which are based on transparency and trust.

They also stress the importance of promoting the service user's voice and choice to address prior experiences of powerlessness and lack of control (Mooney et al., 2024). Several themes emerged from detailed analysis of participant interviews which highlight how such goals are challenging to achieve in a court system which is adversarial in nature, working with contested accounts of previous life experiences and appears to give prior reports of DVA limited consideration.

Building on accounts in Chapter 5 detailing how prior DVA experiences were frequently 'dismissed' by court professionals and processes, the analysis illustrates how such perceptions culminated in a sense of victims/survivors feeling that they haven't been heard or believed.

This sense of not being heard was compounded when the applicant's parental rights were seen as privileged over the safety and well-being of victims/survivors and their child/ren. Some victims/survivors described feeling treated like they were on trial in the family court. There was a sense that they had to prove their innocence or that they were 'a good mum', rather than the spotlight being placed on the abuser's history and behaviour. Many spoke evocatively about how victims/survivors – not their ex-partners/abusers – were constantly 'watched' and 'monitored' by family court professionals. Resident parents described how they felt 'blamed' if their child did not wish to go to contact. Use of legal terms such as 'non-compliance', 'alienation' or 'coaching' by court professionals, inevitably left them feeling 'judged'.

Being 'under the microscope' was noted to lead some victims/survivors to become very 'guarded', unsure what they were 'allowed to say', even to their own children, and constantly 'second guessing' themselves. Concerns were expressed that, due to the adversarial nature of the court, 'every single thing' could be 'twisted' and used as evidence against them. Victims/survivors described how they came under considerable pressure to acquiesce to contact, in spite of safety reservations.

Fears of being labelled as 'unreasonable' or 'hostile' or seeking to 'alienate' the children were reported. Several described how they worried their children may be removed, or had been threatened with fines or imprisonment if they did not comply with the court rulings. This was termed as 'legal abuse'. Such scrutiny over extended time periods was reported to lead to feelings of 'paranoia' and 'exhaustion', and engendered a sense of doubting their 'own reality'. In addition, a perceived gender bias or 'internalised misogyny' was thought to be embedded within the family court process by some participants, with

wider societal attitudes leading court professionals to have higher expectations and harsher judgement for mothers impacted by DVA. Gender bias was also raised by male victims/survivors with suggestions that 'mums are taken more seriously' by the court.

The 'whole environment' of the court was generally viewed as 'very controlling' and fear-evoking, with reports of victims/survivors feeling 'scared' of the judge or 'too afraid' to disagree with their solicitor or other court professionals. The lack of transparency due to the closed nature of the family court was also noted.

The potential for court proceedings to re-traumatise victims/survivors was recognised by many. For example, the need for DVA victims/survivors to recount their experiences 'to strangers' and be cross-examined was acknowledged as potentially re-traumatising, yet seen by legal professionals as an inevitable consequence of the need to uphold the right to a fair hearing. Victims/survivors described living with ongoing fear and uncertainty during court proceedings, with post-separation known to be one of the most dangerous times for DVA victims.

Many spoke of their 'terror' of being in such close proximity to their abuser in the family court arena. Experiences of ongoing intimidation and a lack of privacy and dignity were reported as victims/survivors were forced to sit in small waiting areas 'cheek by jowl' with their abusers, and discuss intimate and personal details in an open environment. Such experiences were described as 'lonely' and 'frightening'. In spite of efforts by court professionals to work around the limitations of the physical court, such conditions did little to create a physical or psychological space where victims/survivors could feel safe.

Many study participants were also conscious that the family court, in the context of previous DVA, could be used to facilitate ongoing abuse, exerting further 'power and control' over the DVA victim/survivor. Examples of suspected litigation abuse were cited where applicants were assessed

as having little interest in their children. The vexatious use of additional applications for revised contact arrangements were noted as ways that abusers sought to deliberately extend the court process and cause further harm. However, in spite of this recognition, legal professionals reported there was little that could be done to stop applicants with parental responsibility submitting an application.

Legislative measures to safeguard against a 'pattern of repeat applications' were described by some as 'extremely hard to get'.

Cumulatively such experiences heightened victims/survivors' deep-seated feelings of 'powerlessness' in the court arena and diminished their sense of trust in court professionals and processes. Victims/survivors used phrases such as 'your life's in their hands' or 'being at everyone else's mercy' to express this profound loss of control. Such feelings are common for people in abusive relationships and demonstrate how the family court, in different ways and at different times, can reproduce the trauma experience for DVA victims/survivors.

The 'whole environment' of the court was generally viewed as 'very controlling' and fear-evoking, with reports of victims/survivors feeling 'scared' of the judge or 'too afraid' to disagree with their solicitor or other court professionals



7. Children's Participation in Private Family Law

This chapter applies the Lundy (2007) model of participation to practices and experiences of children's participation in family court processes. This model conceptualises space, voice, audience and influence as necessary in meeting children's UNCRC Article 12 right to express their views on matters affecting them, and to have those views taken into account in decision making. It also recognises their Articles 13 and 5 rights to information and parental support to help them express their views, the rights of all children to express their views (should they so wish) (Article 2), and the right to protection from harm (Article 19).

It is the balancing of participation and protection rights that raises particular tension with regards to children's involvement in family court processes, and many adults in this study sought to limit children's exposure to the potential harms of hostile court processes. In doing so, the choice to participate is effectively removed for some – because of age (Article 2), perceived capacity, concerns about parental 'coaching' and/or potential harm. While the children and young people in this study did not all want to participate to the same degree, they were unanimous in the belief that options should be provided to do so. They also emphasised the need for information to enable children to make such decisions (Article 13).

Not providing information or engaging with children was not always protective. The lack of preparation for their more active role in the process, in terms of meeting with CCOs, ISWs and/or solicitors to share their views, resulted in many being ill-informed, feeling scared or anxious and being unable to fully participate in the process. Parents were actively encouraged not to prepare children, and thus potentially support their participation, due to concerns about parental pressure (Article 5).

While the data reveals an expressed commitment to children's participation among many professionals, effective participation requires safe and appropriate space for children to express their views, support and effective methods and mechanisms to facilitate them to do so (voice) as well an audience willing to listen to and trust children's voices (influence).

The research reveals a sharp disconnect in how some professionals perceive children to be supported in expressing their views, and children's experiences of engaging with those tasked to collect their views. While CCOs, ISWs and the judiciary spoke of a range of child-friendly methods and spaces in place to support children in expressing their views, these were in stark contrast to the experiences of most of the children and young people in this study.

They described, in depth and with surprising consistency across accounts, limited meetings and thus limited time to build trust, official and austere meeting spaces, uncomfortable engagements/questioning, and a lack of understanding of roles, processes and outcomes. As a result, some felt unwilling or unable to communicate their views. Others felt meetings were geared towards promoting contact and that decisions had already been made.

Many children and young people in this study felt that their views were ignored in decision making. This was felt most intensely by those who had expressed a desire not to have contact with an abusive parent, but courts ruled in opposition to this.

This led children to question if their views were accurately represented to the courts (by CCOs) and/or to assume that judges simply did not put any weight on children's views. Children supported the option of a direct line of communication to the judge in order that their views would not be diluted, misinterpreted or deprioritised in reports provided by others, or in judicial decision making.

Legal professionals and members of the judiciary spoke of the importance of collecting and considering children's views, but combining this with other evidence in making a decision that was in the best interests of the child. Some participants questioned the meaning of 'best interests' when it involved contact with an abusive parent and when children had been clear in their wish for no contact.

While children spoke of being unheard, parents and child/victim advocates pointed to more systemic and endemic issues that effectively silenced children's voices - institutional practices and cultural beliefs about age, capacity or parental influence, and a lack of resourcing. Analysis of the accounts of those tasked with listening to (audience) and acting upon children views (influence) revealed factors impacting decision making. Concerns about parental coaching, and the independence and credibility of younger children's voices, were heavy in the accounts of some. When decisions are overly influenced by such concerns children's voices can be lost.

A crucial element of participation is feeding back to children on how their views were considered in decision making. Despite the expressed commitment to participation, feedback to children was not an established practice among the key decisions makers. Lack of time, resources and mandatory requirements meant that CCOs rarely explained to children how their views had informed their report and recommendation to the court. While noting some concerns, judges were not averse to considering a feedback mechanism for children, they had simply never considered it. Children and young people were generally in favour of having the option of judges or CCOs feeding back to them.

In summary, despite some good practice identified in this research, most of the children and young people who took part felt their views had not been adequately accessed, nor had they influenced decision making. The difficulty of engaging with and involving children in complex and potentially harmful court processes was well recognised, as

were pressures and resource limitations for CCOs. Greater resourcing and review of current practices would, however, signify commitment to children's participation. The accounts of the children involved in this research, and consultation with others, will be pivotal in informing future child rights compliant practice.

8. Impact of Family Court Processes on Adult Victims/Survivors and Children

This chapter explores the impacts of family court processes on adult victims/survivors and children. It should be read alongside Chapter 6 which addresses how family court proceedings can lead to further trauma and secondary victimisation for DVA victims/survivors.

This additional impact chapter is structured in two separate sections - the first focusing on adult victims/survivors, and the second on the impacts on children. This structure recognises that adult DVA victims/survivors and children will be impacted differently and have separate needs in their own right, despite the shared nature of their experience of DVA and the family courts. At the same time, parents and their children will have a reciprocal influence on each other, with the impact on one by necessity having some sort of impact on the other. Adult victim/survivors described a wide range of impacts with some reporting how their experiences of the family court had been 'worse' than their original DVA experiences.

Adult victim/survivors described a wide range of impacts with some reporting how their experiences of the family court had been 'worse' than their original DVA experiences.

This gives some indication of the extent of impact given the protracted and contested nature of family court proceedings over many months and even years. Participants spoke of physical and mental health manifestations of such prolonged periods of acute and chronic stress, including loss of appetite and weight, and turbulent emotions, including anger, emotional distress, hopelessness and worthlessness. Several spoke of long-lasting feelings of shame, guilt and humiliation of being involved with the family court and social services. The uncertain nature of court proceedings was reported to detrimentally impact victims' recovery from DVA, with some struggling with even simple everyday tasks. While the type and level of impact was unique to each participant, reports of the toll on participants' mental health and energy was a shared experience, expressed by all.

There were also financial implications for adult victims/survivors which included not only legal fees but also the need to take time off work or pay for travel/childcare in order to be present in court or facilitate contact. Although the eligibility rules were waived for respondents who were victims/survivors of DVA in family court proceedings in 2022, there remained concern that the financial implications for DVA victim/survivors were frequently 'overlooked' by legal professionals. Participants reported that victim/survivors were not always made aware of their entitlements or supported in applications for the legal aid waiver, often incurring large legal bills as a result.

Efforts 'to hold it all together' and continue to parent their children as well as juggling other necessities, such as work, finances and their own stress, were noted by many. Victims/survivors reported the 'ripple effect' of stress on close family and friends, with supportive relationships reportedly worn down by the experience. Victims/survivors also spoke honestly and openly about the negative impact of protracted and contentious family court processes on their parenting capacity.

Feelings of guilt and regret were expressed as victims/survivors reflected on the long years of 'living in limbo'.

Many victims/survivors noted how the family court had diminished their confidence in parenting with reports of feeling 'scared' and 'paranoid' that they would say or do 'the wrong thing', perhaps leading to accusations of alienation in the family court. Such insecurity meant that there was often a lot unsaid between parents and children as they navigated the family court.

Children and young people's accounts reveal the multiple and layered ways in which family court processes can interrupt and disrupt everyday childhoods - from social life and home life, to learning and free time. Disruption to routine was strongly linked to well-being, with children whose families were embroiled in protracted cases reported to be particularly negatively affected.

Children and young people spoke in detail about the impacts on friendships and social life. Friendships could be broken or weakened due to changes to living arrangements, or a sense of disconnect from those whose lives now felt very different to their own. New contact arrangements and a lack of ability to engage socially due to the stress of the process, impacted on leisure routines and opportunities.

Many also spoke of the impact on school life/learning. In particular, the stress of the court process impacted children's ability to concentrate or desire to attend school. Children and young people themselves spoke of the difficulty in 'shutting out' what was happening in their home lives, impacting their ability to fully engage with learning.

Like parents (above), children and young people also spoke of the impact of family court processes on home life, and on child-parent relationships. The accounts of some demonstrate how the strain and hostility of court processes can engulf home life, even when parents attempt to shield children from the experience. Some children described heightened care and concern felt towards one or both parents.

For others, the home they resided in and the relationship with one or both parents became increasingly strained, as children felt pulled between parents or pressured by one or other. All of the above issues were recognised as hugely stressful for children. In particular, children expressed their anxiety about repercussions following engagement with court professionals, and the impact on decision-making on one or both parents. Retrospective reflection enabled children to identify the various personal impacts of their families' engagement with family courts.

These included: anxiety, low mood and lethargy, feelings of insecurity, instability and/or fear. Some recognised physical manifestations such as loss of appetite, weight loss, not sleeping, fatigue and on occasions physically vomiting. Adults also spoke of anger, emotional outbursts, and what professionals defined as 'trauma responses', which if left unsupported, could have longer term repercussions for children and young people.

Overall, while decisions about children are at the centre of family court processes, consideration of the impacts of going through such proceedings is often focused on adults, and the court room itself. This chapter demonstrates the broader implications for adult victims/survivors as well as the unique impacts on children. It points to the need for a holistic understanding of the related and separate impacts, needs and responses of parents and their children.

9. Experiences of Post Separation Contact

Participants – legal professionals, judiciary, CCOs, ISWs and child/victim advocates – noted that some level of contact was usually granted by the courts and it was 'very rare' that courts would give a no contact ruling, even in cases where there is a history of DVA. Indeed, this chapter acknowledges that several participants – including victims/survivors and children and young people – supported some form of contact between children and their non-resident parent and that, for some, contact arrangements that increased in stages allowed a gradual (re)building of important relationships. Support for contact, however, came with some caveats in that it should be phased, be in line with the child's wishes, the child would be kept safe, and that it did not require direct contact between the victim/survivor and perpetrator.

However, the majority of accounts spoke to experiences of contact where victims/survivors and/or their children were put at risk and experienced fear and harm. Additionally, a number of children and young people spoke of feeling 'forced' and 'pressured' into agreeing to forms of contact they were not happy with. Several professionals spoke of safeguards that were put in place that either allowed a gradual building of contact or protected children from direct or one-to-one engagement. Such safeguards – such as indirect forms of contact, having phased contact arrangements or requiring supervised contact – could be insufficient to protect children and young people, and their resident parent, from harms. Some children and young people, for example, spoke of contact arrangements that escalated rapidly against their wishes, provoking much anxiety.

Others described indirect contact that went beyond the frequency or intensity allowed by the court and children were described by professionals as being 'in a spiral' after events such as receiving a letter. Furthermore, a lack of resources at contact centres meant that suitable third parties were not always available for supervision and requests made

of victims/survivors or their family members to supervise contact neglected to consider the risk that this could pose. Several accounts illustrated that whilst the purpose of contact was to establish or maintain a relationship between the child and their non-resident parent, the practical implications meant that contact was also required between the perpetrator and victim/survivor.

Forms of indirect contact with young children, for example, may require contact being made via the victim/survivor's mobile or email address or may require victims/survivors to read out letters with content directed at them rather than at their child/ren. The onus to facilitate direct contact also weighed heavily on victims/survivors, particularly where children and young people were unwilling to see their non-resident parent and resisted attempts to bring them to contact arrangements. Some victims/survivors described having to 'bribe' their children to attend, 'peel' a child from their body at handover and 'doing everything in [their] power' to avoid being accused by the courts of failing to facilitate contact – the fear of losing their child as a result featured in a number of accounts.

Knowing such fears, the analysis also demonstrates that contact arrangements can create an opportunity for further post-separation abuse, as perpetrators attempt to exert control through non-cooperation and making demands in relation to handover points. Indeed, handover was discussed as posing a particular risk to victims/survivors who feared that their ex-partner could 'kick off' at any stage, fears well founded on the basis of their past experiences.

Several accounts spoke of the impact of contact arrangements on children. A number of victims/survivors spoke of the fears that they had for their child's safety, 'terrified' of children being harmed whilst out of their care. Accounts described children being manipulated or subject to emotional abuse by the non-resident parent, being made to feel 'guilty' for not wanting to attend contact and being issued ultimatums. Children were also described as being used as a 'weapon' to further the abuse of their resident parent,

perpetrators using strategies to intimidate or 'get at' their former partner, with the goal of undermining parent-child relationships.

The emotional toll of contact on children was evident in a number of accounts, and often took on a physical dimension, visible through certain behavioural changes among children.

Parents and child/victim advocates referenced the development of speech impediments, bed wetting, social withdrawal and angry outbursts which were associated with contact, whilst children and young people described 'collapsing and crying' and struggling with emotional well-being after contact visits. The analysis therefore emphasises the importance of taking children's views in relation to contact seriously, particularly where they express a reluctance to continue a relationship with the non-resident parent. It notes the need to not only consult children and young people at the time of decision-making, but to continually engage with their views and experiences of contact as it progresses.

Participants also noted that perpetrators could push the boundaries or breach the terms of contact arrangements, potentially putting children and victims/survivors at risk. A number of victims/survivors, for example, described breaches of contact arrangements where perpetrators had made direct contact with children where only indirect contact had been approved by the courts or had turned up to contact under the influence of substances. The repercussions for breaches of contact arrangements appeared to be minimal, as they were for perpetrators who eventually disengaged from the relationship with their child/ren.

In such instances, there was some scepticism among professionals in terms of motivations of seeking contact, suggesting that the main motivating factor was to further abuse and manipulate the victim/survivor through the court processes.

Similar to breaches of contact arrangements, such failure to follow through on contact did not tend to yield any penalty – in stark contrast to the threatened repercussions for victims/survivors if they did not facilitate contact arrangements.

10. Improving Experiences

Drawing primarily on data from adult study participants, including victims/survivors and the range of professionals interviewed, this chapter outlines participant views on short and longer term improvements to the family courts in an effort to improve the experiences of DVA victims/survivors and their children. This chapter should be read alongside Chapter 7 which explores how to enhance children's engagement and participation in the court process.

A number of improvements to family court proceedings were proposed. Perhaps of greatest significance was the comprehensive consideration of DVA allegations at the outset of proceedings with enhanced information sharing between safeguarding agencies such as the PSNI and social services recommended, as well as cross-court information sharing where applicable.

Many participants were of the view that this centring of DVA allegations and dedicated information gathering would make 'a huge, huge difference' to the experience of victims/survivors, positively impacting reports of not feeling heard or accounts of DVA being dismissed. It was argued that thorough investigation would also lead to more informed decisions about the safety of child contact and the child's best interests. In addition, given the recognition by professional participants as well as victims/survivors of litigant abuse, additional legal safeguards were suggested as a means to slow down the application process or in some cases stall repeated applications where vexatious intent was identified. The need for an expanded and enhanced Court Children's Officer Service was also identified, with the CCO service described as the 'Cinderella' or 'poor cousin' of the family justice system.

The service was acknowledged as under significant pressure with resultant delays in CCOs being assigned to cases. The complexity of the CCO task and the pressure on practitioners with increasing caseloads and decreased capacity was appreciated by legal professionals, with the need for investment highlighted.

While not endorsed by all, the case for an open court was made by some participants as a means of increasing transparency, promoting accountability and enabling in-person support for victims/survivors in the courtroom.

Changes to the family court infrastructure were also suggested in order to enhance the protection and safety afforded to victims/survivors, who reported attending the family court as traumatic, due to the proximity to their perpetrator, ongoing intimidation and fear, and lack of privacy and dignity. Proposals put forward to mitigate these challenges included separate entrances or staggered arrival times for victims/survivors as well as separate waiting areas and bathroom facilities, and the availability of private consultation rooms.

Revised scheduling of court appearances was also suggested to minimise the stress of extended waiting times. The increased use of special measures including remote evidence opportunities was suggested by some participants who had noticed the significant benefits of such arrangements for the well-being of victims/survivors when introduced during the Covid pandemic but subsequently discontinued.

Mandatory DVA training for all court professionals including the judiciary was identified as a key area for service improvement. It was noted that such training needed to be up-to-date and ongoing, incorporating recent developments such as stalking and coercive control legislation. A focus on post-separation abuse and the potential for ongoing abuse via child contact was recommended as well as a critical appraisal of gender assumptions and perceived bias.

While noting the need for shared trauma-informed DVA training for all staff, including security, participants also advocated for specialist training, tailored to the specific needs of the different disciplines and tasks represented in the family court. This included the CCO service with their specialist role in ascertaining children's views and their close interface with both parents in the context of DVA.

The need for independent specialist support for victims/survivors and their children to navigate unfamiliar and daunting family court processes was mentioned by many. This included court advocacy to help understand the complex legal landscape and be more prepared for particular processes e.g. contact with the CCO.

Such guidance, it was proposed, could help mitigate, to an extent, the negative impact of legal proceedings and foster a more secure environment for victims/survivors.

There was also an important reminder of the need for a range of timely and accessible forms of emotional support for victims/survivors to counter deep feelings of aloneness, fear and hopelessness. Support for parenting in the context of prior DVA and post-separation contact was also identified as important.

There appeared to be a scarcity of dedicated DVA services for children. Professionals reported how many local support services previously provided by the community and voluntary sector for both adults and children had closed due to funding cuts or were not available due to long waiting lists. This left few referral options.

In addition to increased support for DVA victims/survivors and children, legal professionals and social workers argued for greater access to programmes for DVA perpetrators and those accused of DVA to stop the 'vicious circle'. Such programmes were reported to be extremely limited and currently only available to people via the Probation Service Northern Ireland.

Participants had different levels of knowledge and expressed different views about alternative family justice models such as integrated or specialist DVA courts. While some had reservations and highlighted the need for further evaluation, others spoke positively about the potential of court processes being specifically tailored to take account of the complexity of DVA and judiciary and court professionals having in-depth understanding and specific protocols for working with parents and children in such circumstances.

'Flipping' the process and placing the child's voice and interests more clearly at the centre of proceedings was also a noted benefit.

In addition, it was thought that such specialist DVA courts might bring greater consistency to family court proceedings across Northern Ireland with significant variance currently reported. The chapter concludes with the need for significant short and long term resourcing and investment if any such improvements are to be realised.

11. Conclusion and Recommendations

This research study aimed to better understand the experiences of domestic violence and abuse (DVA) victims/survivors and children engaging with private law family court processes in Northern Ireland.

Views and experiences of those working within and alongside the legal system in NI, as well as those attempting to navigate the system, echo many of the concerns and barriers to justice that were identified in the review of international literature and a comparative analysis of different legal systems.

Whilst a developing understanding of DVA was acknowledged across participant groups, several gaps in understanding remain among those working within and alongside the system. Such gaps have shaped the ways in which victims/survivors and their children have experienced the system, with the manifestations and impacts of coercive control and post-separation abuse, in particular, still largely unacknowledged in consideration of allegations of DVA before the court. Similarly, experiences of DVA considered 'historic' or not impacting children directly tend to be disregarded in assessments of risk, and with evidence not readily available, often victims/survivors are left feeling unheard, with their fears and concerns dismissed or minimised by the process.

The analysis also highlights the challenges of navigating family court processes for victims/survivors where a lack of formal support, limited information and inconsistent communication act as barriers to their full participation in the processes. Expectations for victims/survivors to engage in mediation presented particular challenges where even remote mediation arrangements neglected to appreciate the ongoing impacts of control and abuse. Moreover, several accounts spoke to the secondary victimisation and (re)traumatisation experienced by victims/survivors, where they

are not believed by those in authority and their accounts and claims were interrogated through invasive questioning and met with false counter-allegations.

Victims/survivors can feel judged, monitored, threatened and on trial themselves, including where they are making efforts to protect their children from a coercively controlling parent. Indeed, the potential for counter-allegations and reapplications to the court to be used by the perpetrator as a further form of abuse was raised by many (including victims/survivors, judiciary, legal professionals and child/victim advocates).

Further trauma is generated by the court environment itself due to perpetrator proximity and experiences of fear, intimidation and a lack of privacy, while proceedings elicited profound feelings of powerlessness and loss of control as well as ongoing fear and uncertainty.

The analysis demonstrates an expressed commitment to a child's right to participation (Article 12, UNCRC) among many professionals and the value in engaging with and listening to children was acknowledged across all groups of adults in the study. However, when we apply the Lundy (2007) model of participation to children and young people's experiences, the analysis highlighted several practices that were not conducive to supporting children to express their views and have those views heard. That is, there was a disconnect between professionals' understanding of participation and how this was experienced by children and young people.

Additionally, the influence of children's views are somewhat diluted – almost automatically due to age as well as in light of considerations of their capacity and potential for parental influence. With no formal duty or mechanisms in place, a key gap related to feedback, where children are not regularly informed about the decisions made by the court – despite their expressed need to understand why decisions were made, to help them accept outcomes, particularly when they are not in line with their wishes.

Whilst there is no statutory presumption of contact in Northern Ireland, the analysis, nevertheless, demonstrates an assumption of contact that operates in practice – with several participants noting their concerns where contact was ruled even in cases where there had been serious violence, a perceived continued risk and/or where children had expressed a clear wish not to see the abusive parent. Although those working within the system refuted claims of ‘contact at all costs’ several followed this assertion with an acknowledgement of the rarity of a ‘no contact’ ruling and by emphasising the importance of a child having a relationship with both parents. Working backwards from contact as the starting point, the question posed by the system appears to be ‘why should contact not happen?’, rather than starting from an assumption of no contact and asking ‘why should contact happen?’. Perhaps a subtle difference in wording, yet it shifts the onus from the victim/survivor to establish their concerns on to the perpetrator to establish that it is appropriate and safe for them to have contact with their child.

The analysis also demonstrates that a presumption towards contact, and a risk assessment that focuses narrowly on the potential impacts on the child, neglects to consider the practical implications of contact (including indirect) between perpetrator and victim/survivor, creating the opportunity for further control and abuse. Those assessing the risk of contact also need to better appreciate the potential for children to be used as a tool in the manipulation and abuse of their resident parent and the detrimental impact this can have on the well-being of both the child and parent. They also need to further appreciate the ongoing emotional toll of contact for certain children and young people which may manifest in many ways such as in their withdrawal from supports, disengagement from education, poor physical and mental health and physical challenges to family members attempting to bring them to contact arrangements. This emphasises the importance of not only taking children’s views seriously at the point of deliberation on contact,

but that these views are revisited as children and young people continue to experience the impacts of contact upon their everyday lives.

In sum, the research points to a need for responses to disclosures of DVA to be met with visible and tangible compassion from professionals, grounded in an enhanced awareness of the cumulative impacts of DVA. Meaningful reform will require a decisive and adequately funded shift towards trauma-informed, victim/survivor and child-centred processes. Chapter 10 presents participants’ views on potential improvements to the family courts system and associated processes whilst Chapter 7 identifies potential improvements to better facilitate children’s participation.

Many of these are used to inform and frame the recommendations below which are supported by the preceding analysis. The recommendations also echo and expand upon those contained within Outcome 5 of EVAWG Strategic Framework (e.g. in relation to supports, training, reduction of delay, information sharing, provision of perpetrator programmes) and the analysis provides supporting evidence for these priorities to be addressed.

11.1 Recommendations

Training: Mandatory training on DVA, delivered by qualified/accredited experts in the field, is required for all members of the judiciary and legal professionals, as well as CCOs and ISWs, who are working within the family courts. Training should be up to date and needs to address current gaps including: understanding of coercive control, its impacts and how impacts can influence victims / survivors' presentation/behaviours; understanding of post-separation abuse and the potential for contact – both direct and indirect – to increase opportunities for such abuse; specialist training on the experiences and impacts of DVA on children and young people; trauma-informed practice; the implications of gendered assumptions; and, the impacts of accusations of implacable hostility.

Evidence and Information Sharing: Formal mechanisms need to be established to allow for more timely sharing of information and evidence related to allegations of DVA. Consideration should be given to an information sharing protocol between criminal and family courts. Clear processes and procedures need to be established for information sharing between agencies and departments holding relevant evidence such as the PSNI, PPS and social services. Information should also be sought and considered from supporting organisations who have valuable insights into the experiences and impacts of DVA on individuals, including children.

CCO Capacity and Practice: Timely participation to ensure children's views are heard early in the process requires an increase in the number and capacity of Court Children's Officers across all Health and Social Care Trusts in Northern Ireland. CCO practice is also in need of review, support and enhancement to acknowledge the complexity of the task given the disjuncture between how CCOs define their practice (as child-friendly) and how children and young people experience it. This should include the provision of advanced specialist training to ensure regional consistency and best practice in the context of DVA allegations.

The review of practice should apply the Lundy (2007) model of participation to consider the barriers and enablers to effective participation. A review of the CCO role and best practice with residing parents and applicants in the context of prior DVA should also be undertaken.

Enhancing Children's Participation: Processes should operate on the presumption that all children are capable of sharing their views, providing a greater opportunity for them to be heard in all proceedings. A resource for children and young people, co-designed by children and young people, should be provided to advise: what family court proceedings are, who is who, what they will be asked and, how information will be used and decisions made. Children and young people should also be consulted on their preferred modes of communication to the court, including consideration of more direct lines of communication to the judge/court.

Formal mechanisms to provide feedback to children should be embedded in the process. Given lack of established practice in this area, this, too, requires consultation with children and young people and could also draw on emerging practice in neighbouring jurisdictions such as the children/judiciary co-produced letter writing toolkit for judges (McFarlane, 2025) – consideration should also be given to the potential role of CCOs in this regard. Guidance and information should also be provided for parents to help better prepare children and young people for participation.

Alternative Family Law Models: Consider alternative family law models which increase the possibility of applying a DVA lens. This should: include a full consideration of DVA allegations at the outset; facilitate more efficient, timely sharing of information and evidence; adopt trauma-informed approaches to service delivery; place children's voices at the centre of the decision-making process; have specialist judiciary and CCO services with expertise in DVA (and specifically its impacts on children); and, a wide range of supports for victims/survivors and children.

Presumption Against Contact: A presumption against contact should operate in the courts in cases where DVA is established. This requires an important shift in focus towards perpetrators establishing why it is safe and appropriate for them to have contact with their child. This presumption should also include indirect contact, given its potential to establish controlling behaviours and its impacts on some children. Where contact is agreed/ruled upon, this needs to be revisited regularly with victims/survivors and children to gauge ongoing impacts and children's wishes which are susceptible to change.

Mediation: Ensure that mediation is not offered to victims/survivors and perpetrators in cases of DVA as a first-stage means to expedite a 'resolution' around contact, given the challenges for victims/survivors to engage with mediation and shape outcomes in the context of an abusive and controlling relationship.

Restricting Potential for Litigation Abuse: Consideration should be given to further restrictions beyond Article 179(14) of the Children's Order to limit perpetrators' ability to make a further application for a period of time, with the potential to bar further applications indefinitely in certain circumstances.

Legal Aid Waiver: All victims/survivors should be advised of the possibility of applying for the Legal Aid Waiver as respondents in Article 8 Children's Order cases. Support and training should also be provided to relevant legal professionals in advising clients and to those who may be called upon to provide sources of evidence of DVA for applications for the waiver. Consideration should also be given to review the onerous financial evidence requirements for eligibility, or for the means tested element of the waiver to be removed entirely.

Court Infrastructure: A review should be conducted of courts' spaces with a view to providing increased provision for victims/survivors to avoid any contact with perpetrators. This should include separate entrances, separate waiting

areas/floors, toilet facilities and increased provision of private consultation rooms.

Supports: Provision of formalised support provided to victims/survivors to assist them in navigating the court system and processes, including increasing their awareness and requests of special measures, is required. Additionally, consideration should be given to opening the courts to, at least, allow DVA support workers and family members to attend with victims/survivors as important sources of support. The possibility of attending hearings remotely via Sightlink should also be reintroduced.

Funding is also required for specialised DVA child support workers, to support children in preparing for engagement with family law processes as well as providing post-engagement support to assist with accepting the outcomes of proceedings. This is especially important given the limitations on CCO time and their capacity to support children pre/post engagement.

Perpetrator Programmes: Reintroduce DVA perpetrator programmes that can be referred to/accessed without a criminal court adjudication of guilt, with a potential referral route from fact-finding hearings and from CCOs.

References

- Alsalem, R. (2023) 'Custody, violence against women, and violence against children.' Report of the Special Rapporteur on Violence Against Women and Girls, Its Causes and Consequences, A/HRC/53/36. Available at: <https://docs.un.org/en/A/HRC/53/36> (Accessed: 31 July 2025).
- Ambrozewicz, P., Hammond, C., and Fido, D. (2024) 'Ending the stigma of male domestic violence and abuse victims: A Mixed-Methods Study' *Journal of Criminal Justice*, 93, pp. 1-9.
- Barnett, A. (2014) 'Contact at all costs? Domestic violence and children's welfare' *Child and Family Law Quarterly*, 26 (4), pp. 439-462.
- Birchall, J. and Choudhry, S. (2022) '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), pp. 115 - 131.
- Burman, M., Friskney, R., Mair, J. and Whitecross, R. (2023) 'Domestic abuse and child contact in Scotland: The perspectives of family law practitioners' *Journal of Social Welfare and Family Law*, 45(3), pp. 234-248.
- Burton, M. (2021) 'What can go wrong in child arrangement proceedings where there are allegations of domestic abuse?' *Journal of Social Welfare and Family Law*, 43(4), pp. 471-474.
- Campbell, E. (2017) 'How Domestic violence batterers use custody proceedings in family Courts to abuse victims, and how courts can put a stop to it' *UCLA Women's Law Journal*, 24 (1), pp. 41-66.
- Corr, M. and McAlister, S. (2024) *Terms of reference: Children's experiences of family courts in context of domestic violence*. Belfast: Centre for Children's Rights. Available at: <https://www.cvocni.org/publications/terms-reference-childrens-participation-family-courts> (Accessed: 6 August 2025).
- Coy, M., Scott, E., Tweedale, R. and Perks, K. (2015) 'It's like going through the abuse again': Domestic violence and women and children's (un)safety in private law contact proceedings' *Journal of Social Welfare and Family Law*, 37(1), pp. 53-69
- Dalgarno, E., Katz, E., Ayeb-Karlsson, S., Barnett, A., Motosi, P. and Verma, A. (2024b) 'Swim, swim and die at the beach': Family court and perpetrator induced trauma (CPIT) experiences of mothers in Brazil' *Journal of Social Welfare and Family Law*, 46, pp. 11-38.
- Dimopoulos, G., Hew, E., Vosz, M. and Walsh, H. (2025) 'Talk to us, not about us': Children's understandings and experiences of participation in Australian Family Law' *Child & Family Social Work* Available at: <https://doi.org/10.1111/cfs.13275> (Accessed: 6 August 2025).
- Douglas, H. and Fell, E. (2020) 'Malicious reports of child maltreatment as coercive control: mothers and domestic and family violence' *Journal of Family Violence*, 35(1), pp. 827-837
- Francia, L., Millea, P. and Sharman, R. (2019) 'Addressing family violence post separation -mothers and fathers' experiences from Australia' *Journal of Child Custody*, 16(3), pp. 211-235.
- Feresin, M. (2020) Parental alienation (syndrome) in child custody cases: survivors' experiences and the logic of psychosocial and legal services in Italy, *Journal of Social Welfare and Family Law*, 42(1), pp. 56-67.
- Fouzder M (2025) 'Family justice system 'badly letting children down', MPs warn' *Law Society Gazette*
- Fremder M S (2025b) 'Domestic abuse in financial remedy proceedings: what lessons can be learned from Australia?' (2025) *IFL* 30.
- Gregory, S., Elliffe, R., Holt, S., Donnellan, R. and Cahill, L. (2024) 'Post-separation child contact and domestic violence and abuse: The experiences of children with a disability' *Journal of Family Violence* Available at: <https://doi.org/10.1007/s10896-024-00731-x> (Accessed: 6 August 2025).
- Grey R., (2024) 'Being made visible: Responding to complex needs created by child removal in the family court' *Journal of Social Welfare and Family Law*, pp. 1-16.
- Gutowski E., and Goodman, L. (2020) 'Like I'm invisible': IPV survivor-mothers' perceptions of seeking child custody through the family court system' *Journal of Family Violence*, 35(5), pp. 441-457.

- Harwood, J. (2021) 'Presuming the status quo? The impact of the statutory presumption of parental involvement' *Journal of Social Welfare and Family Law*, 43(2), pp. 119-142.
- Harwood, J. (2019) "'We don't know what it is we don't know': How austerity has undermined the courts' access to information in child arrangements cases involving domestic abuse' *Child and Family Law Quarterly*, 31(4), pp. 321 - 345.
- Henry, N., Flynn, A., and Powell, A. (2020). 'Technology-facilitated domestic and sexual violence: A review' *Violence Against Women*, 26(15-16), pp. 1828-1854.
- Heward-Belle, S., Laing, L., Humphreys, C. and Toivonen, C. (2018) 'Intervening with Children Living with Domestic Violence: Is the System Safe?' *Australian Social Work*, 71(2), pp. 135-147.
- Hine, B., and Douglas, E. (2023) 'Men's experiences of female-perpetrated intimate partner violence', in E. Bates and J. Taylor (eds) *Domestic violence against men and boys: Experiences of Male Victims of Intimate Partner Violence*. London: Routledge, pp. 9-23.
- Hitchings, E., et al (2023) 'Fair Shares?: Sorting out money and property on divorce' University of Bristol.
- Holt, S., (2018) 'A voice or a choice? Children's views on participating in decisions about post-separation contact with domestically abusive fathers' *Journal of Social Welfare and Family Law*, 40(4), pp.459-476.
- Hunter, R., Barlow, A., Smithson, J. and Ewing, J. (2017) 'Access to what? LASPO and mediation' in A. Flynn and J. Hodgson (eds) *Access to Justice and Legal Aid: Comparative Perspectives on Unmet Legal Need*. Oxford: Hart Publishing, pp. 239-254.
- Jacobs, N. (Domestic Abuse Commissioner) (2023) *The family court and domestic abuse: Achieving cultural change*. Available at: <https://www.gov.uk/government/publications/the-family-court-and-domestic-abuse-achieving-cultural-change> (Accessed 6 August 2025).
- Kaldal, A. (2023) 'Children's participation in legal proceedings: Conditioned by adult views of children's capacity and credibility?' in R. Adamin, A. Kaldal, and M. Aspan (eds.) *The rights of the child: Political, ethical and legal challenges*. Leiden: Brill/Nijhoff, pp. 61-81.
- Katz E., Nikupeteri, A., Laitinen, M., (2020) 'When coercive control continues to harm children: Post-separation fathering, stalking and domestic violence' *Child Abuse Review*, 29(4), pp. 310-324.
- Khaw, L., Bermea, A., Hardesty, J., Saunders, D. and Whittaker, A. (2021) "'The system had choked me too": Abused mother's perceptions of the custody determination process that resulted in negative custody outcomes' *Journal of Interpersonal Violence*, 36(9-10), pp. 4310-4334.
- Kjellberg, J. (2024). 'Support or Betrayal? Swedish Survivors' Experiences of Support From Social Workers During Post-Separation Violence.' *Violence Against Women*, 31(5), pp. 1174-1200.
- Koshan, J. (2018). 'Specialised domestic violence courts in Canada and the United States: Key factors in prioritising safety for women and children' *Journal of Social Welfare and Family Law*, 40(4), pp. 515-532.
- Kuruppu, J., Novy, K., Fetter, L., Oo, S. and Hegarty, K. (2023) 'Family court ... sucks out your soul': Australian general practitioners' experiences supporting domestic violence survivors through family court' *BMC Primary Care*, 24(95). Available at: <https://bmcpriamcare.biomedcentral.com/articles/10.1186/s12875-023-02044-2#citeas> (Accessed: 6 August 2025).
- Laing, L. (2017) 'Secondary victimization: Domestic violence survivors navigating the family law system' *Violence Against Women*, 23(11), pp. 1314-1335.
- Lapierre, S., Sazgar, R. and Cardeal, C. (2025) 'Children's experiences, perspectives and participation in the context of domestic violence: A scoping review' *Journal of Family Violence* Available at: <https://doi.org/10.1007/s10896-025-00836-x> (Accessed: 6 August 2025).
- Long, M. and Lynch, L. (2025) *Developing trauma informed systems in Northern Ireland: A review of organisations' experiences of implementing a trauma informed approach using an external assessment*. Safeguarding Board for Northern Ireland/Ulster University.
- Lundy, L. (2007). 'Voice' is not enough: conceptualising Article 12 of the United Nations Convention on the Rights of the Child. *British Educational Research Journal*, 33(6), 927-942. <https://doi.org/10.1080/01411920701657033>

- MacDonald, G., (2017) 'Hearing children's voices? Including children's perspectives on their experiences of domestic violence in welfare reports prepared for the English courts in private family law proceedings' *Child Abuse and Neglect*, 65, pp.1-13.
- Mackenzie, D., Herbert, R. and Robertson, N. (2020) 'It's not OK', but 'it' never happened: Parental alienation accusations undermine children's safety in the New Zealand family court' *Journal of Social Welfare and Family Law*, 42(1), pp. 106-117.
- Mant, J. (2017) 'Neoliberalism, family law and the cost of access to justice' *Journal of Social Welfare and Family Law*, 39(2), pp. 246-258.
- Mant, J. and Wallbank, J. (2017) 'The mysterious case of disappearing family law and the shrinking vulnerable subject: The shifting sands of family law's jurisdiction' *Social & Legal Studies*, 26(5), pp. 629-648.
- McCormack, M. (2025). 'Endless litigation in family court as a method of post-separation coercive control' *Journal of Social Welfare and Family Law*, 47(2-3), pp.183-212.
- McLaughlin, K., Millar, R., and Hardy, C. (2024) Domestic abuse survivors' experiences of family courts in Northern Ireland. Policy paper no. 12. Belfast: Queen's Policy Engagement. Available at: <https://qppl.qub.ac.uk/domestic-abuse-survivors-experiences-family-courts-ni/> (Accessed: 6 August 2025).
- Meier, J. and Dickson, S. (2017) 'Mapping gender: Shedding empirical light on family courts' treatment of cases involving abuse and alienation' *Minnesota Journal of Law & Inequality*, 35(2), pp. 311-334.
- Miller, S. and Manzer, J. (2021) 'Safeguarding children's well-being: Voices from abused mothers navigating their relationships and the civil courts' *Journal of Interpersonal Violence*, 36(9-10), pp.4545-4569.
- Mithran, S. (2025) Use of unregulated experts in family courts to be curbed following 'parental alienation' concerns. Available at: <https://www.communitycare.co.uk/2025/03/24/use-of-unregulated-experts-in-family-courts-to-be-curbed-following-parental-alienation-concerns/> (Accessed 7 August 2025)
- Mooney, S., Fargas, M., MacDonald, M., Bunting, L., O'Neill, D., Walsh, C., Hayes, D. & Montgomery, L. (2024). 'We are on a Journey': Implementing Trauma Informed Approaches in Northern Ireland. Safeguarding Board Northern Ireland & Queen's University Belfast
- Moroskoski, M., Chiaravalloti-Neto, F., Brito, F.A.M., Ferracioli, G.V., Oliveria, N.N., Dutra, A.C., Baldissera, V.D.A. and Oliveria, R.R. (2022) 'Lethal violence against women in southern Brazil: Spatial analysis and associated factors' *Spatial and Spatio-temporal Epidemiology*, 43.
- Morrison, F. (2015) 'All over now? The ongoing relational consequences of domestic abuse through children's contact arrangements' *Child Abuse Review*, 24(4), pp. 274-284.
- Morrison, F., Tisdall, E.K. and Callaghan, J. (2020) 'Manipulation and domestic abuse in contested contact: Threats to children's participation rights' *Family Court Review*, 58(2), pp. 403-416.
- Nathaniel, K.A. (2021) 'What can we do? Social workers in Trinidad discuss intimate partner violence against women' *Violence Against Women*, 27(15-16), pp. 2971-2989.
- Nonomura, R; Bala, N; McMillan, K; Au-Yeung, A; Jaffe, P; Heslop, L; Scott, K (2022). When the family court becomes the continuation of family violence after separation: Understanding litigation abuse. *Family Violence & Family Law Brief* (15). London, Ontario: Centre for Research & Education on Violence Against Women & Children.
- Parkes, A., Shore, C., O'Mahony, C. and Burns, K. (2015) 'The right of the child to be heard? Professional experiences of child care proceedings in the Irish district court' *Child and Family Law Quarterly*, 27(4), pp. 423-444.
- Rathus, Z., Jeffries, S., Menih, H. and Field, R. (2019) "'It's like standing on a beach, holding your children's hands, and having a tsunami just coming toward you": Intimate partner violence and "expert" assessments in Australian Family law' *Victims & Offenders*, 14(4), pp. 408-440.

- Rathus, Z. (2020) 'A history of the use of the concept of parental alienation in the Australian family law system: Contradictions, collisions and their consequences' *Journal of Social Welfare and Family Law*, 42(1), pp. 5-17.
- Reeves, E., Fitz-Gibbon, K., Meyer, S. and Walklate, S. (2025) 'Incredible women: Legal systems abuse, coercive control, and the credibility of victim-survivors' *Violence Against Women*, 31(3-4), pp. 767-788.
- Richardson, K. L. and Speed, A. K. (2019) 'Restrictions on legal aid in family law cases in England and Wales: Creating a necessary barrier to public funding or simply increasing the burden on the family courts?' *Journal of Social Welfare and Family Law*, 41(2), 135-152.
- Roberts, D., Chamberlain, P., and Delfabbro, P. (2015) 'Women's experiences of the processes associated with the family court of Australia in the context of domestic violence: A thematic analysis' *Psychiatry, Psychology and Law*, 22(4), pp. 599-615.
- Romero, A. and Staudenraus, M. (2024) 'Experiences of intimate partner violence victims: Continued abuses during and after litigation' *Journal of Family Trauma, Child Custody & Child Development*, 21(3), pp. 253-276.
- Samuel M (2025) 'Cafcass would need 200 more social workers to implement private law reform' *Community Care*
<https://www.communitycare.co.uk/2025/10/08/cafcass-would-need-200-more-social-workers-to-implement-private-law-reform/>
- Shama, F. 'Repealing the presumption of contact' (2025) *Law Society Gazette* (Accessed 15 November 2025).
- Sheehy, E. and Boyd, S. (2020) 'Penalizing women's fear: Intimate partner violence and parental alienation in Canadian child custody cases' *Journal of Social Welfare and Family Law*, 42 (1), pp. 80-91.
- Tisdall, K. (2016) 'Subjects with agency? Children's participation in family law proceedings' *Journal of Social Welfare and Family Law*, 38(4), pp. 362-379.
- Walsh, K. (2024) 'The failure to recognize continuing harm: Post-separation domestic abuse in child contact cases' *Violence Against Women*, 31(8), pp. 1816-1837.
- Weston, A., Meusz, A. and Barnes, L. (2025) 'Trauma and the family courts: Developing a trauma-informed practice' *Family Law*, 106.
- Wild, J. (2023) 'Gendered discourses of responsibility and domestic abuse victim-blame in the English children's social care system' *Journal of Family Violence*, 38, pp. 1391-1403.
- Wilde, S., Sheeran, N. and Douglas, H. (2024) 'The psychological impact on mothers who have experienced domestic violence when navigating the family court system: A scoping review' *Psychiatry, Psychology and Law*, 31(4), pp. 764-791.

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