

Lady Chief Justice's Office Northern Ireland

Consultation on New Guidance 'Family Proceedings: Allegations of Parental Alienation'

**Response from the Commissioner Designate
for Victims of Crime for Northern Ireland**

3rd July 2026

The Commissioner Designate for Victims of Crime for Northern Ireland welcomes the opportunity to respond to the Lady Chief Justice's consultation on the draft guidance 'Family Proceedings: Allegations of Parental Alienation.'

Remit

The Commissioner Designate's statutory remit is to represent and advocate for the needs and interests of victims of crime, including victims of domestic abuse, and to drive system-wide improvement in how victims experience the justice process. This response is therefore focused on the implications of the draft guidance for victim safety, children's welfare, and the effective functioning of family court proceedings where allegations of parental alienation arise.

The Commissioner Designate welcomes the intent behind the guidance, particularly its emphasis on early case management, proportionality, and the avoidance of unnecessary delay. These are important objectives in proceedings that can otherwise become prolonged and harmful for both children and adult victims.

The Commissioner Designate considers that the guidance provides an important foundation but could be further strengthened in a number of areas, to ensure that it operates safely and effectively in cases involving domestic abuse and coercive control.

Victim and child experience in family proceedings

Evidence from the Commissioner Designate's '[Totally Invisible](#)' research highlights that victims of domestic abuse and their children frequently experience private law family proceedings as difficult to navigate and insufficiently responsive to abuse dynamics. Victims reported that patterns of coercive control and manipulation were not always well understood within proceedings, and that concerns raised to protect children were sometimes reframed as parental conflict rather than examined through a victim-centred and safeguarding focused lens. This contributed to victims feeling disbelieved and required to repeatedly justify protective decisions in a process that felt adversarial rather than protective.

Children and young people involved in these proceedings similarly described feeling distressed and excluded when their experiences and wishes were not clearly reflected in decision making. Some children reported uncertainty about whether their views were being heard or accurately represented, particularly where their reluctance to have contact with a parent was questioned or attributed to adult influence. Taken together, these findings underline the importance of ensuring that any guidance on parental alienation is applied with care, so that it does not inadvertently minimise abuse or undermine the credibility of resistance to contact on valid safeguarding grounds.

Terminology and evidential caution in cases of alleged parental alienation

The Commissioner Designate welcomes the draft guidance's recognition of the lack of international consensus around the concept of parental alienation, and its emphasis on examining alleged behaviours rather than relying on diagnostic labels. This reflects an appropriate level of caution in an area where terminology has often been used inconsistently and without a clear evidential foundation.

Developments elsewhere provide helpful learning in this regard. For example, the [Family Justice Council's Guidance on Responding to Allegations of Alienating Behaviour](#) in England and Wales makes clear that parental alienation should not be treated as a medical or psychological syndrome. Instead, it directs courts to focus on specific behaviours, their impact on the child, and the wider factual context in which concerns arise. This behaviour-based approach supports careful judicial analysis while reducing the risk that untested or ideologically driven concepts are afforded undue weight in proceedings.

The Commissioner Designate considers it important that the draft guidance continues to reinforce that findings of fact are a matter for the court, and that expert evidence should be used cautiously and only where it is necessary to inform welfare decisions. This is particularly important in cases involving allegations of domestic abuse, where undue reliance on expert opinion may detract from the court's responsibility to undertake its own assessment of the evidence and context.

The Commissioner Designate also welcomes the guidance's approach to expert evidence, including the emphasis on limiting its role. This reflects concerns about the risks associated with unregulated expert input in this area. The use of regulated experts, where appropriate, can assist the court in understanding welfare considerations once the factual basis of a case has been established. However, this is most effective where such evidence supports, rather than replaces, the court's assessment. **Further clarification within the guidance on the sequencing and scope of expert involvement may assist in promoting consistent practice.**

Intersection with domestic abuse and coercive control

The Commissioner Designate welcomes the draft guidance's explicit acknowledgement that allegations of parental alienation may arise alongside allegations of domestic abuse, and that such allegations can be misused in ways that cause further harm. This reflects concerns consistently raised through victim evidence about the use of family proceedings to continue patterns of control following separation, particularly where abuse dynamics are not identified early.

So-called 'litigation abuse' is frequently identified in research as a significant issue for victims engaging with family courts. Such behaviours, which fall under the category of post-separation abuse, can include both making allegations of parental alienation to counter domestic abuse allegations, and deliberately alienating children from a victim as part of a broader pattern of domestic abuse. The misuse and manipulation of the courts to further abuse has been evidenced in Northern Ireland in the [Totally Invisible](#) report as well as other academic research¹, and these findings are mirrored by the experience in England as documented by the [Domestic Abuse Commissioner's Family Court Report \(2023\)](#). Most frequently identified are the use of counter-allegations of abuse to challenge protective actions taken by the non-abusive parent, including making claims of parental alienation where a parent is seeking to restrict contact due to ongoing safety concerns. The body of research highlights how such dynamics can divert attention away from abusive behaviour and place disproportionate scrutiny on the actions of the protective parent, with significant implications for victim safety and children's welfare.

In this context, it is important to recognise that a child's reluctance or resistance to contact, or a parent's efforts to restrict contact, may reflect a protective response to domestic abuse, including coercive control and post-separation harm. Developments in England and Wales, including the [Family Justice Council Guidance on Responding to Allegations of Alienating Behaviour \(2024\)](#), have emphasised the need to distinguish clearly between unjustified rejection of a parent and behaviour that arises from lived experience of abuse or fear.

While the proposed guidance states that allegations of domestic abuse should be considered before allegations of parental alienation, the Commissioner Designate considers that this could be strengthened further. In particular, it may be helpful to clarify that where allegations of parental alienation are raised, courts should routinely consider the potential for domestic abuse, coercive control or post-separation harm, even where this has not been explicitly articulated at an early stage.

The Commissioner Designate supports the emphasis on sequencing fact-finding so that allegations of domestic abuse are determined at an early stage, noting that this is a critical safeguard against misinterpretation of a child's experience. The Domestic Abuse Commissioner's [response to the Family Justice Council guidance](#) (2024) is also instructive in this regard, highlighting that effective sequencing depends on an abuse informed interpretation of the evidence, and cautioning that allegations of alienating behaviour may be used to obscure or minimise domestic abuse if this context is not

¹ See for example McLaughlin, Millar & Hardy, Domestic Abuse Survivors' Experiences of Family Courts in Northern Ireland, QUB 2024; Millar, Hardy & McLaughlin, Ark Policy Brief: The Impact of Post-Separation Abuse on Children, 2026.

properly considered. This reinforces the need for a clear understanding of coercive control and post-separation manipulation when assessing such claims.

In light of the evidence from *Totally Invisible*, which demonstrates how proceedings can be experienced as an extension of coercive control, it is essential that the guidance is applied in a way that actively tests risk and prevents the process from being used as a further means of harm. **This may include greater emphasis on early safeguarding, scrutiny of repeat applications, and ensuring that children's views are meaningfully heard where allegations of parental alienation arise.**

The Commissioner Designate therefore welcomes the direction of the guidance, but considers that further clarification in this area would strengthen its ability to protect victims and children in practice.

Training and system capability

While the Commissioner Designate welcomes the publication of clear judicial guidance, evidence from victims and wider research indicates that guidance alone is unlikely to secure consistent and safe practice, and that variability in professional understanding can significantly affect outcomes in cases involving domestic abuse. Victim experience highlights that outcomes in family proceedings can vary significantly depending on how well professionals are able to recognise domestic abuse dynamics, including coercive control and post separation manipulation, at an early stage.

The findings of the *Totally Invisible* report emphasised that there are gaps in understanding across the family court process in relation to understanding of the complex dynamics of domestic abuse, including the risks associated with post-separation abuse and its impact on both adult and child victims. Similar conclusions have been drawn by the Domestic Abuse Commissioner for England & Wales that shortcomings in professional understanding can allow abusive dynamics to be minimised or reframed, even where appropriate guidance exists. Similarly, the [Family Justice Council's guidance](#) in England and Wales highlights that allegations of alienating behaviour require informed, abuse aware analysis if they are to be applied safely in practice. In this context, the Commissioner Designate considers **mandatory, ongoing specialist training for judges and practitioners to be essential to support effective implementation of the guidance** – this formed a key recommendation of the *Totally Invisible* report.

Without this underpinning, there remains a risk that the guidance will be applied unevenly in practice, with harmful consequences for victims and children. Ensuring that those responsible for applying the guidance have the necessary expertise is therefore critical to achieving its stated aims and maintaining confidence in the family justice system.

Structural learning from elsewhere

The Commissioner Designate welcomes the draft guidance as an important step towards greater consistency in the handling of allegations of parental alienation, but notes that guidance is most effective when supported by wider system measures that address delay and support early identification of abuse.

Reference has been made in this response to developments in England and Wales where relevant. This reflects the shared legal framework and the significant body of recent judicial and policy work in this area, which provides a useful point of comparison when considering how guidance operates in practice.

Experience elsewhere, including initiatives such as the Pathfinder pilots or Child Focused Courts as they are now known, highlights the importance of viewing guidance on parental alienation as part of a broader system response rather than a standalone intervention. The Commissioner Designate therefore considers that **ongoing evaluation of how the guidance is applied in practice will be important to ensuring that its aims are realised and that victims and children are adequately protected.**

Conclusion

The Commissioner Designate recognises the broader work already undertaken by the Lady Chief Justice to improve the way domestic abuse cases are handled in the courts. She welcomes the publication of this draft guidance and recognises its potential to support greater consistency and more focused case management in family proceedings involving allegations of parental alienation. The emphasis on early consideration of safeguarding concerns and proportional decision making is an important step in addressing issues that have caused harm to victims and children in practice.

Evidence from victims and learning from developments elsewhere underline, however, that the effectiveness of the guidance will depend on how it is applied in individual cases. Its aims will only be realised if it is implemented in a manner that is consistently abuse informed, supported by appropriate training, and alert to the risk of parental alienation allegations being misused in cases involving domestic abuse.

The Commissioner Designate therefore considers that careful implementation and ongoing review will be essential to ensuring that the guidance operates as intended and contributes to safer outcomes for victims and children. Strengthening the guidance in relation to the interaction between parental alienation and domestic abuse, the role

of expert evidence, and the consistent application of abuse-informed practice would further support its implementation.

She is grateful for the opportunity to contribute to this consultation and would be content to engage further as the guidance is taken forward. Her office can be contacted via the details below:

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