

## **JUSTICE COMMITTEE**

### **CHILDREN (SCOTLAND) BILL**

#### **ANONYMOUS SUBMISSION 4**

I am the partner of a father whose children have been completely alienated from him and all of the other members of his family. The alienation was identified early and confirmed by experts. However the courts repeatedly failed to challenge the alienating behaviours of the children's mother. In doing so, the courts have allowed the emotional abuse of the children and coercive control of my partner to continue. None of us have had any contact with the children for over five years now.

1. Voice of the child - How does the court ensure that the voice of the child is not actually just the voice of the alienating parent? Children generally want to please and they are likely to automatically support the parent they spend most time with, particularly if that parent is emotionally needy or controlling. Children should be protected from the responsibility of choosing between one parent or another, yet this is what alienated children are often being expected to do when asked to give their views. This only exacerbates the harm. Any workers who support a child to express their views on contact with a parent should be independent and properly qualified to do so.

2. Child's best interests - In my experience, when the courts fail to address parental alienation effectively, they are clearly also failing to protect the child's best interests.

3. Child welfare reporter - In my experience, many child welfare reporters have insufficient knowledge to recognise or understand the impact of harmful family dynamics. Even when child welfare reporters clearly identify parental alienation, courts can give insufficient attention to the seriousness of this, and give disproportionate weight to the expressed views of the alienated child.

4. Factors to be considered when making contact and residence orders - In my view, if the court does not make orders for an alienating parent to address their behaviour, they are condoning that parent's abuse of their child. The court does have the power to make an order for a parent to engage in therapeutic work under section 11(7)(a). In my opinion, courts shy away from making such orders in cases where alienation has been identified because orders are seldom made, and that reticence just perpetuates problem. Some Sheriffs then seem to try to justify their inaction by minimising the issue, or projecting blame back to the rejected parent. This is negligent and cowardly in my view.

5. Enforcement of orders - if the court makes an order but does not enforce it, this reinforces to the alienating parent that they, not the court is in charge, which allows the abuse to flourish, causing significant long-term damage.