

JUSTICE COMMITTEE

CHILDREN (SCOTLAND) BILL

ANONYMOUS SUBMISSION 8

1. **Voice of the child:** Do you agree with the approach taken in the Bill to remove the presumption that a child aged 12 or over is of sufficient age and maturity to form a view?

My Views

Yes. I believe a child of any particular age who's able to communicate clearly; their views should be taken into account.

- Do you agree that it should be left to the court to decide the most suitable way of obtaining a child's views?

My Views

No. The court does not know the child. I think this should be done by professionals who have spent a reasonable amount of time with the child and knows the child for a long time like Schools, Nurseries and Children's workers (i.e. Women's Aid and Children's advocacy).

- How do you think children should be given the opportunity to express their views?

My Views

Children should have consistent advocacy workers during court processes to talk to; so that they can have professionals that they trust and familiar with to enable them to share their views freely without worrying that their perpetrator will find out what they have shared. These professionals should only communicate with the children to avoid any influence from the parents.

- Are there other measures that you think should be in the Bill to ensure that the voice of the child is heard?

MY Views

The child should speak to a decision maker directly with/in the presence of a professional the child is comfortable, familiar with and trust to enable the child to give their views in a way that they would like to.

2. **Child's best interests:** To what extent does the Bill meet one of its key policy aims of ensuring that the best interests of the child are at the centre of contact

and residence cases and Children's Hearings? - ***I think the Bill meet its key policy for about 90%***

3. **Child welfare reporters and curators ad litem:** Do you agree that child welfare reporters and curators ad litem should be regulated? - **YES**

Do you have any views on how this should work in practice? – ***YES, I think they should be trained on Domestic abuse and perpetrators' behaviour. Also all information collected by Child welfare reporters and curators should be audio / TV recorded to prevent false information being written /recorded by the reporters and curators.***

4. **Factors to be considered by the court when making contact and residence orders:** The Bill would require the court to consider the effect of an order on the involvement of the child's parents in bringing up the child and the effect on the child's important relationships with other people. This is in addition to statutory factors relating to protecting the child from abuse and other factors appearing in case law. Do you agree with this approach? - **YES**

Should any other factors be listed in the Bill? - **YES,**

- ***The Bill should request the court to make decision based on facts presented before them and not Judges opinion.***
- ***The Bill should request the court/Judges not to make drastic changes of removing the child from is primary carer to their alleged abuser based on judges opinion or way of punishing the primary carer.***
- ***The Bill should request the court not to treat court rooms as their personal property.***

5. **Other requirements on the court:** Do you agree that the court should ensure that certain decisions are explained to the child? - **YES**

Do you have any views on the provision in the Bill which would require the court to consider the risk to the child's welfare of any delay in the proceedings? - **NO**

6. **Vulnerable witnesses:** The Bill would prevent a party from personally conducting their case in contact and residence cases and Children's Hearings in certain circumstances, for example, where the witness is a victim or complainer of domestic abuse. A solicitor could be appointed by the court to represent the party who is prevented from conducting their own case. Do you agree with this approach? - **YES**

The Bill would also allow the court to order the use of other special measures, such as the use of a live TV link or screen, in contact and residence cases. Do you have any views on this provision? - **NO**

7. **Contact centres:** What role should child contact centres play in maintaining contact between children and family members they do not live with?

MY Views

I believe contact centre should offer a safe, friendly, neutral and child-centred environment. However, from my experience, I feel like contact centre is not meeting its key policy aim of providing a safe, friendly, neutral and child-centred environment. Contact centre had been solely acting and ensuring father is having contact to a point where they were breaching their own Policy to accommodate the father. I think CCTV/ Cameras should be present during Child contact especially if there is allegation of Domestic / child abuse.

Do you agree with the proposal in the Bill to regulate child contact centres and for there to be a system of independent inspections? - **YES**

The Bill would only require the use of regulated contact centres where referral is made by the court, although the Family Justice Modernisation Strategy suggests solicitors could also be encouraged to refer to regulated centres. Do you agree with this approach? - **YES**

Do you have any views on the practical or resource implications of the regulation of contact centres? - **YES, Contact Centre staff and Volunteers should be trained on how to pick up signs when a child is distressed /uncomfortable around their perpetrator.**

8. **Enforcement of orders:** The Bill would require the court to investigate the reasons for a person's failure to comply with a court's order relating to, for example, contact. Do you have any views on this approach? Are there any other options which should be included in the Bill to ensure orders are enforced?

MY Views

I agree the Bill should require the court to investigate the reasons for a person`s failure to comply with a court order. Also I think the Bill should request judges not to threaten parents with contempt of court when exercising their right to protect the child.

9. **Contact with siblings:** Do you agree that local authorities should be required to promote contact between a child and any siblings or other people with whom the child has a sibling-like relationship? - **YES**

10. Births registered out with the UK: Do you have any views on the provisions in the Bill that would allow parental rights and responsibilities obtained out with the UK to be recognised? - **NO**

11. Children's Hearings: Some of the Bill's provisions, for example, in relation to ensuring that the voice of the child is heard and protecting vulnerable witnesses would apply to Children's Hearings. The Bill would also make other changes relating to Children's Hearings, for example, giving the Principal Reporter the right to appeal against a sheriff's decision in relation to deemed relevant person status. Do you have any views on these changes? - **NO**

12. Practical, financial or other impacts of the Bill: Do you have any views on the practical, financial or other impacts, such as the equality impacts, of the Bill? – **NO**

13. Family Justice Modernisation Strategy / issues not covered by the Bill: The Family Justice Modernisation Strategy, published alongside the Bill, sets out other actions the Scottish Government intends to take to improve the operation of family justice. It also sets out the reasons why certain areas that were previously consulted on by the Government are not being taken forward. Do you have any views on the actions set out in the Family Justice Modernisation Strategy? Are there issues which are currently not covered by the Bill which you think should be? - **Please refer to question 4**