PROTECTING CHILDREN AND PARENTS FROM RISK OF HARM IN CHILD ARRANGEMENTS CASES IN THE FAMILY COURTS

I am writing to inform you of the establishment of an expert panel to review how effectively the family courts are protecting both children and victim parents from risk of harm where allegations or other evidence of domestic abuse and other offences arise in child contact and other child arrangements cases. This will be announced tomorrow, Tuesday 21 May, but I wanted to give you advance notice.

This announcement follows the recent Domestic Abuse consultation in which concerns were raised about the courts’ response to potential harm to children and victim parents. Respondents to the consultation raised concerns around the use of Practice Direction 12J in the family courts, which sets out what the court is required to do in any case where domestic abuse is alleged or admitted.

The Government takes domestic abuse extremely seriously and is therefore establishing an expert panel which will, first, gather evidence, which is currently limited, on how the courts are responding to this issue, including how courts are applying the law and Practice Directions in this area. Second, we recognise that there are a range of other offences, such as rape, child abuse, assaults, murder, and other violent crime where the need for protection is equally important, and so this review will also investigate potential harm, and the adequacy of protections in these circumstances.

Third, the Government is aware of the potential for multiple and repeat court applications to re-victimise and control children and victim parents. The panel will therefore also consider the handling of repeat applications within the family justice system, particularly the use of ‘barring’ orders under section 91(14) of the Children Act 1989, and the effects and outcomes in cases of these types of applications.

The membership of the panel will be drawn from the judiciary, expert academics, and third sector organisations. I will ask the panel to conduct a Call for Evidence and report within three months of its establishment. I am determined that the family court system should never be used to coerce or re-victimise those who have been abused. The panel’s work will enable the Government to take, as a matter of urgency, evidence-based decisions about whether current protections should be enhanced; and, if so,
to develop options for reform. Further details on the composition of the panel and the Call for Evidence will be made available shortly.

Yours ever

Paul

PAUL MAYNARD MP