



NATIONAL ASSOCIATION OF ALIENATED PARENTS

naapchange2018@gmail.com

5/28/2019

Joe Bloggs MP
Houses of Parliament,
London
SW1A 0AA

Dear Mr Bloggs

Subject - MOJ review of how the family courts protect children and parents in cases of domestic abuse.

I am writing to you in my capacity as a director of the National Association of Alienated Parents (NAAP).

On the 21st May the MOJ pledged to establish a panel and hold a review of:

'...how the family courts protect children and parents in cases of domestic abuse and other serious offences.'

We understand that the MOJ-chaired panel is intended to consist of a range of experts including senior members of the judiciary, leading academics and charities.¹

Our principal concerns regarding the ambit of the review are summarised as follows:

Unless the ambit of the review is extended to encompass ALL forms of domestic abuse, including parental alienation, a golden opportunity to further safeguard vulnerable children will have been sacrificed upon the altar of expediency and appeasement. The current focus appears to have been set according to the voices and needs of pressure groups rather than children and families. We firmly believe that the welfare of children must be the paramount consideration of the family court and the MOJ.

¹ <https://www.gov.uk/government/news/spotlight-on-child-protection-in-family-courts>

- **As a precursor to improved transparency and greater scrutiny, the appointment of the panel, and any subsequent inquiry or review, must be the subject of public scrutiny and openness. Correspondence from concerned parents must be treated with the diligence and respect it deserves.**

We wholeheartedly support Sir James Munby's calls for an INDEPENDENT inquiry and wish to add our voice to his and a burgeoning groundswell of support. Only an INDEPENDENT inquiry - free from influence by the judiciary, Whitehall, all pressure groups and other third parties - will disclose the true extent of any problems and start to build public confidence in a failing system.

NAAP, its membership and its followers want the intended inquiry to be established and carried out with these principles foremost in any brief for a review. We therefore want our members of parliament to make representations to the Secretary of State for Justice to have the remit for the review and the terms of reference for the review itself to be adjusted accordingly. In the remainder of this letter we have summarised our reasons for making this request.

Ambit of the review

Firstly, we note that the panel wishes to consider:

*'...how the family courts handle a range of offences including rape, child abuse, assault, sexual assault, murder and other violent crime, with the government committed to ensuring the right protections are in place for victims and their children.'*²

The current focus appears to have been set according to the voices and needs of pressure groups rather than children and families. We firmly believe that the welfare of children must be the paramount consideration of the family court and the MOJ.

The principal casualties of parental alienation are our children who are emotionally abused in the process of contact denial and the unilateral severance of a parental child relationship by a malevolent parent. The case law now contains many examples where the emotional abuse of children, as a consequence of alienating behaviours, was sufficiently serious to cross the public law threshold of 'significant harm'. In these cases the court considered that the best interests of the children were served by reversing residence in order to protect these children from an abusive parent.³

² *ibid.*

³ The first of these was *Re M (Intractable Contact Dispute: Interim Care Order)* [2003] EWHC 1024 (Fam), followed by *V v V (Contact: Implacable Hostility)* [2004] 2 FLR 851. Most recently *D (A child - parental*

The false allegations, frequently used by alienating parents to justify severing good parental relationships - in the absence of cogent reasons - are profoundly malicious, stressful, damaging and sometimes life altering. Besides occasioning emotional harm to children they commonly result in parents committing suicide besides precipitating physical and mental health problems in families. In a recent period of only 10 days we are aware of 6 parents, who were involved in the family courts, that tragically took their lives. The human cost of inaction into the collateral effects of PA is growing daily. Lack of education, training, awareness and effective guidelines for dealing with the scourge of parental alienation is fuelling a growing legacy of misery and grief for too many children and families.

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Secrecy and public confidence in the family courts

Secondly, well known barrister and transparency campaigner, Lucy Reed, wrote in the Times:

'...Family court rules designed to protect the privacy of vulnerable children come with a corollary: when something goes wrong, it is difficult to see it, talk about it or fix it.'

Lucy added that,

*'...A system that operates in private is also highly vulnerable to a collapse in public trust. That vulnerability exists whether or not campaigns and anecdotal accounts are representative or accurate. A collapse is upon us, and we must do something about it.'*⁴

We wholeheartedly agree with Lucy. When the operation of the family court system takes place behind closed doors and service users are practically forbidden from publicly airing details of their cases there are two immediate consequences. Firstly, it is not possible for them to speak about their cases or for anyone to corroborate their accounts. Secondly, it is not possible to demonstrate that spurious claims are in fact untrue. This enables false claims to be promulgated about the system with impunity. It encourages a proliferation of

alienation) (Rev 1) [2018] EWFC B64 and G (Children : Intractable Dispute) [2019] EWCA Civ 548; provide instructive examples.

⁴ https://www.thetimes.co.uk/article/we-must-shed-light-on-family-court-crisis-pkb9360jt?fbclid=IwAR0T1JMjfoCLi71fOKB_9F2s57RIVSZ9RvGh8fOypbQf8Lc40o4k_tYKbNc

anecdotal accounts which cannot be evidenced. It is a dismal basis for determining policy.

In reality, clandestine proceedings - meant to protect the identities of children and families - prevent scrutiny, eliminate accountability, stifle debate, mask incompetence, breed distrust, prevent learning and development. Public faith and trust in the system have collapsed.

Concerns expressed by our members via their MPs are typically not given the time of day by the ministers responsible and the same anodyne, condescending, and flabby responses are disrespectfully cut and pasted together and thrown around like confetti. The public mood thus engendered has been accurately conveyed by Women's Aid, the MP signatories to Louise Haigh's letter and Sir James Munby. People have really had enough and the appointment of a panel made up of the very people who are perceived to have contributed to the present mess is unbelievably naive. It further undermines public confidence and it fails to inspire faith for the future operation of the system.

As a precursor to improved transparency and greater scrutiny, the appointment of the panel, and any subsequent inquiry or review, must be the subject of public scrutiny and openness. Correspondence from concerned parents must be treated with the diligence and respect it deserves.

Independence of the review

Thirdly, calls for an independent inquiry into the issues stated by Louise Haigh MP et al were quickly supported by Sir James Munby. Furthermore Sir James stated that:

*"The only way we are going to get to the bottom of this once and for all is if there is a detailed independent analysis by reputable academic researchers,"*⁵

For clarity, with reference to independence, he also said:

*'Independent ...of the judiciary, Whitehall, and of all pressure groups and other third parties. It would be vital that the research be published, whatever the conclusions.'*⁶

Despite having retired, Sir James has demonstrated an intimate understanding of and empathy with the public mood by leaving us in no doubt about the minimum standards of independence which are appropriate in order to even begin to

⁵ <http://www.transparencyproject.org.uk/spotlight-on-the-family-courts-but-is-it-enough-the-victoria-derbyshire-show-view/>

⁶ *ibid.*

address a growing lack of confidence in a system which is sadly viewed with grave suspicion and distrust.

We wholeheartedly support Sir James Munby's calls for an INDEPENDENT inquiry and wish to add our voice to his and a burgeoning groundswell of support. Only an INDEPENDENT inquiry - free from influence by the judiciary, Whitehall, all pressure groups and other third parties - will disclose the true extent of any problems and start to build public confidence in a failing system.

We hope that you are able to support our request in view of the positive impact these points will have on the ability of the family courts to properly safeguard our children and protect them from emotional abuse. In addition to the rights of all of us to a fair trial under article 6⁷ and a right to a family life under article 8⁸ we also wish to highlight the state's absolute obligation to protect its citizens from torture, inhumane and degrading treatment under article 3.⁹ We believe that the emotional abuse of children is covered by article 3 and we must therefore request that the state fulfils its obligations by giving the welfare of our most vulnerable citizens its paramount care and consideration.

If we can help you in any way with regards to these matters then please contact me.

Yours sincerely

Peter A Davies LLB (Hons)
- Director, National Association of Alienated Parents (NAAP)

⁷ <https://www.legislation.gov.uk/ukpga/1998/42/schedule/1>; Right to a fair trial.

⁸ *ibid*; Right to respect for private and family life.

⁹ Prohibition of torture: No one shall be subjected to torture or to inhuman or degrading treatment or punishment.