

Written evidence submitted by Fair Hearing to the Courts and Tribunals Public Bill Committee (CTB36)

Response to written evidence CTB35 submitted by Both Parents Matter

Supporting Amendments NC16, NC20 and NC31

1. Introduction

1.1 This submission is made by Fair Hearing, a charity working to make the justice system safer for survivors of domestic abuse and their children. We work through policy advocacy, legislative change, and training for the judiciary and police officers. Our evidence base is drawn from extensive engagement with survivors, practitioners, judges, and policymakers. The charity has been commissioned by the Judicial College to deliver training to over 900 family and criminal court judges in domestic abuse and trauma-informed practice.

1.2 This submission responds to the further written evidence submitted by Both Parents Matter (CTB35), which opposes three amendments tabled for debate at Committee under Clause 17: NC16 (protective relocation and presumption of reasonableness, moved by Jess Brown-Fuller MP), NC20 (determination of domestic abuse allegations and related presumptions, moved by Jess Brown-Fuller MP), and NC31 (determination of domestic abuse allegations and related presumptions, moved by Alison Hume MP).

1.3 Fair Hearing supports, and has helped to draft, all three amendments. They address evidenced and longstanding failures in the family justice system's response to domestic abuse: failures that the Ministry of Justice, the family judiciary, and the independent Domestic Abuse Commissioner have themselves documented.

2. Summary of position

2.1 The three amendments should be understood as part of a single legislative response to the structural failures identified by the Ministry of Justice's 2020 Harm Panel, reaffirmed by the Domestic Abuse Commissioner's 2025 *Everyday Business* report, and underpinning the Government's repeal of the presumption of parental involvement in Clause 17 of this Bill. They do not introduce rigid presumptions where none existed; they correct imbalances in how the current framework operates in practice.

2.2 Both Parents Matter's submission asserts that the existing framework – the Children Act 1989 welfare checklist, Practice Direction 12J, leave-to-remove proceedings, and the 1980 Hague Convention – adequately protects survivors and children. The evidence does not support that assertion. On the contrary:

- Evidence of domestic abuse was present in 87% of 300 private-law case files analysed by the Domestic Abuse Commissioner, and in over half of those cases unsupervised overnight contact with the allegedly abusive parent was nonetheless ordered (DAC, 2025).
- Since Women's Aid first reported on the issue in 2004, 67 children have been killed by perpetrators of domestic abuse through contact arrangements – with 19 further child deaths documented in the decade to September 2024 alone (*Nineteen More Child Homicides*, 2025).
- The overwhelming majority of applications under the 1980 Hague Convention involve mothers who have fled with their children in the context of domestic violence – yet the Article 13(1)(b) grave-risk exception is applied by the English and Welsh courts to an extremely high standard, with children routinely returned to jurisdictions where they and their mothers face documented abuse.
- The UN Special Rapporteur on violence against women and girls, Reem Alsalem, has expressly recommended that states legislate to prohibit the use of parental alienation and related pseudo-concepts in family law cases (A/HRC/53/36, 2023).

2.3 NC16, NC20 and NC31 are not radical departures. They codify the ordering principle already articulated by the Family Justice Council's December 2024 Guidance on responding to allegations of alienating behaviour, which instructs courts to “begin with domestic abuse and review the alienating behaviours through that prism”, and which states expressly that allegations of domestic abuse and alienating behaviour “cannot be equated”.

3. The evidence base

3.1 Prevalence of domestic abuse in private family law proceedings

3.1.1 In the year ending March 2024, an estimated 1.6 million women and 712,000 men aged 16 and over were victims of domestic abuse in England and Wales (ONS, 2024); police recorded 1,350,428 domestic abuse-related crimes and incidents. 91.3% of defendants in domestic abuse prosecutions that year were male (Refuge, 2025/6). 30.3% of women and 21.7% of men will experience domestic abuse in their lifetime (ONS, 2024).

3.1.2 Allegations or findings of domestic abuse are present in 49 to 62 per cent of private law children applications (Barnett, Ministry of Justice literature review, 2020). In 2022, 54,429 private-law applications were made; Cafcass worked with 102,500 children in private-law cases in 2021-22.

3.2 Risk at and after separation

3.2.1 The Femicide Census (2020) found that 38 per cent of women killed by an ex-partner between 2009 and 2018 were killed within the first month of separation, and 89 per cent within the first year. Approximately 75,000 people each year are at high and imminent risk of being murdered or seriously injured because of domestic abuse (SafeLives, 2023).

3.2.2 Women's Aid's Nineteen More Child Homicides report (2025) documents 19 children in 18 families killed by perpetrators of domestic abuse through contact arrangements between September 2015 and September 2024. 17 of the 18 perpetrators were male; 15 were the fathers of the children they killed. This follows Women's Aid's 2004 report Twenty-Nine Child Homicides and its 2016 report Nineteen Child Homicides. The running total over thirty years is 67 children killed through contact arrangements in the context of domestic abuse. Every one of these deaths was preventable.

3.3 Systemic failure in the family courts

3.3.1 The Ministry of Justice's 2020 Harm Panel report, *Assessing Risk of Harm to Children and Parents in Private Law Children Cases*, identified four structural barriers to the family court's ability to protect survivors: a pro-contact culture, adversarialism, a lack of resources, and silo working. Together these were found to result in the minimisation of abuse, traumatic court experiences, the silencing of children's voices, and unsafe contact orders.

3.3.2 The Domestic Abuse Commissioner's October 2025 *Everyday Business* report – drawing on analysis of 300 private law case files, extensive observation of three family courts, interviews with judges and magistrates, and focus groups with survivors – found that all four Harm Panel barriers remain prevalent. Evidence of domestic abuse was found in 87% of case files. Despite this, in more than half of those cases unsupervised overnight contact with the allegedly abusive parent was ordered. Judges and magistrates interviewed described the most typical response to allegations of abuse as denial, followed by cross-allegations of abuse. Counter allegations of "parental alienation" were less common but documented in 12% of files, with implicit alienation framings in a further 13% of live hearings (DAC, 2025).

3.3.3 The Ministry of Justice's Review of the Presumption of Parental Involvement: Final Report (October 2025) concluded that the exception to the presumption was "not being sufficiently considered" and that "system practice and the resulting court decisions could leave children at ongoing risk of harm". Unsupervised and face-to-face involvement remains the most likely outcome for child arrangements applications including in cases which involve allegations or findings of domestic abuse or harm. This is the evidence base on which the Government is repealing section 1(2A) through Clause 17 of this Bill.

3.4 The misuse of "parental alienation" allegations

3.4.1 The principal empirical study is Meier et al., *U.S. Child Custody Outcomes in Cases Involving Parental Alienation and Abuse Allegations* (2020, Journal of Social Welfare and Family Law 42(1): 92-105), based on analysis of 4,388 U.S. custody cases over ten years. Key findings:

- Mothers alleging child physical or sexual abuse lost custody to the accused abuser in over one in four cases.
- A father's counter-claim of alienation virtually doubled the mother's risk of losing custody.
- Where mothers alleged child sexual abuse and fathers cross-claimed alienation, custody was switched to the accused father in 68 per cent of cases.
- The effect was gender-specific: mothers' counter-claims of alienation did not similarly undermine fathers' abuse allegations.

3.4.2 The UN Special Rapporteur on violence against women and girls, in her report to the Human Rights Council Custody, violence against women and violence against children (A/HRC/53/36, 13 April 2023), characterised parental alienation as a "discredited and unscientific pseudo-concept". Her report records that, in the United States, when a father alleges alienation by the mother, her custody rights are removed 44% of the time; when the situation is reversed, mothers gain custody from fathers only 28% of the time. She recommends that states "legislate to prohibit the use of parental alienation or related pseudo-concepts in family law cases and the use of so-called experts in parental alienation and related pseudo-concepts" (Recommendation 74(a)).

3.4.3 The Family Justice Council's December 2024 Guidance on responding to a child's unexplained reluctance, resistance or refusal to spend time with a parent and allegations of alienating behaviour, approved by Sir Andrew McFarlane, President of the Family Division, confirms that there is no diagnosable syndrome of parental alienation; that findings of alienating behaviours will be "relatively rare"; and that allegations of domestic abuse and alienating behaviour "cannot be equated". Where both are in play, the court is instructed to "begin with domestic abuse and review the alienating behaviours through that prism".

4. Response to Amendment NC16 (protective relocation and presumption of reasonableness)

4.1 The problem NC16 addresses

4.1.1 NC16 responds to a well-documented and longstanding gap in the law. Survivors of domestic abuse frequently cannot safely remain in the jurisdiction, neighbourhood, or region in which their perpetrator lives. The realities of coercive control, stalking, post-

separation abuse, and ongoing risk to both parent and child mean that physical distance is often the most effective – and in some cases the only – protective measure available.

4.1.2 Existing legal mechanisms do not provide sufficient safeguards for survivors who fear for their own safety or that of their child. Where a survivor flees with a child in response to a credible threat of harm, the law may still treat that act as wrongful child removal or, in some circumstances, child abduction. Survivors understand this risk. Many are accordingly too frightened of the legal consequences to leave, even where remaining places them and their child in danger. A clearer legal mechanism is needed to allow those at risk to leave safely, while enabling courts to distinguish between unlawful child abduction and protective relocation undertaken in response to abuse.

4.1.3 In relation to longer-term relocation applications, the current framework is inadequate. Although courts may consider the psychological impact on a survivor of being required to remain in proximity to an abuser, domestic abuse is in practice too often treated as peripheral to child arrangements decisions. Contact is frequently prioritised, including in cases where there have been convictions or established findings of abuse.

4.1.4 Fair Hearing has worked with cases in which courts have failed to give proper weight to the relevance of domestic abuse in relocation decisions. In one such case, a mother who had experienced severe physical, sexual and psychological abuse had been forced by her partner, during the relationship, to move with the children to an isolated rural area. After leaving him, she sought permission to return to her home town, where she had family support and greater safety. The court nonetheless required her to remain in an isolated cottage near her abuser, failing to give proper weight to the impact of the abuse or to her need for safety and support. Cases of this kind illustrate the consequences of a framework that, in its operation, too often treats a survivor seeking to relocate for safety no differently from any other parent seeking to move for lifestyle or preference reasons.

4.1.5 It is also well recognised that proving domestic abuse within the current family justice system can be extremely difficult, particularly where coercive control, psychological abuse or post-separation abuse are involved. NC16 would help to restore balance by ensuring that credible concerns about abuse and safety are given appropriate weight when relocation decisions are made.

4.2 Response to Both Parents Matter's three objections

4.2.1 "Undermining established legal safeguards"

4.2.1.1 Both Parents Matter contends that existing legal mechanisms provide robust safeguards and that NC16 risks introducing a summary or expedited pathway that could bypass a comprehensive welfare evaluation. We respectfully disagree.

4.2.1.2 The welfare checklist in section 1(3) of the Children Act 1989 remains the operative framework under NC16, and the court is not excused from a holistic evaluation. What changes is the evidential burden: the parent opposing relocation must rebut the reasonableness presumption, rather than the relocating parent having to build a positive welfare case from neutral – the position left by *Re F (A Child) (International Relocation)* [2015] EWCA Civ 882 after it stripped *Payne v Payne* [2001] EWCA Civ 166 of its doctrinal force. That is a meaningful shift, but it is a shift in burden allocation, not in welfare scrutiny.

4.2.1.3 Both Parents Matter is correct that “a supporting letter from a domestic abuse organisation cannot substitute for full judicial scrutiny”. We agree, and accept the principle underlying this concern. NC16 is best understood as operating within a judicial process rather than in substitution for one. Importantly, NC16 does not displace or remove the existing legal framework governing child arrangements, welfare assessments, or judicial discretion. It strengthens that framework by ensuring that cases involving domestic abuse are considered through a lens of safety, reality, and fairness.

4.2.2 “Erosion of judicial discretion and procedural integrity”

4.2.2.1 Both Parents Matter contends that “unless it is asserted that the UK's existing protective framework is inadequate – a position for which there is no clear evidence – this amendment risks undermining the integrity of established legal processes”. With respect, this is precisely the position that the Ministry of Justice, the Domestic Abuse Commissioner, and the Government itself have adopted, on the basis of substantial evidence.

4.2.2.2 The 2020 Harm Panel, the 2023 Domestic Abuse Commissioner report *The Family Court and Domestic Abuse: Achieving Cultural Change*, and the 2025 Everyday Business report all identify systemic inadequacies in the family justice system's response to domestic abuse. The Government's October 2025 Written Ministerial Statement announcing the repeal of the presumption of parental involvement expressly acknowledged that the presumption “has faced sustained criticism from victims and survivors of domestic abuse and from campaigners and academics” and that “system practice and the resulting court decisions could leave children at ongoing risk of harm”.

4.2.2.3 There is a clear imbalance in how the current law recognises the impact of domestic abuse on the resident parent. Thousands of survivors are required to navigate ongoing direct contact arrangements while remaining geographically tied to the person who abused them. In many cases they are effectively prevented from moving to safety or rebuilding their lives because the law gives insufficient weight to the continuing harm caused by enforced proximity to an abuser. This gap is particularly stark where there have been findings of serious abuse, yet the practical demands of direct contact continue to override the survivor's need for safety, stability, and recovery. The result can be a form of continued entrapment long after separation.

4.2.2.4 NC16 seeks to restore balance by ensuring that the impact of domestic abuse on the resident parent is properly recognised, and that courts are better able to prioritise safety and long-term wellbeing when considering relocation and child arrangements.

4.2.3 Irreversibility and the supervisory role of the courts

4.2.3.1 Both Parents Matter argues that once a child has been lawfully removed from the jurisdiction, the UK courts may have limited or no ability to revisit or reverse the outcome. This is a genuine concern, but it applies equally to every authorised relocation under existing law – it is not a feature distinctive to NC16.

4.2.3.2 What matters is the pre-removal process: whether the welfare analysis is adequate, whether the opposing parent is heard, whether protective conditions are imposed, and whether appellate routes remain open. NC16 operates within that judicial architecture rather than bypassing it. The presumption changes the evidential starting point; it does not remove the court's supervisory role up to the moment of authorised removal.

4.3 The 1980 Hague Convention

4.3.1 Both Parents Matter argues that NC16 risks placing the UK in breach of its international obligations under the 1980 Hague Convention on the Civil Aspects of International Child Abduction. This argument is overstated and overlooks the documented operation of the Convention against survivors of domestic abuse.

4.3.2 The 1980 Hague Convention governs what happens after a wrongful removal or retention. It does not prevent Parliament from legislating to clarify the circumstances in which relocation is lawfully authorised. If NC16 operates, as we propose, within a court-seised process that produces an authorised relocation, there is no "wrongful removal" within the meaning of Article 3 and no conflict with the Convention.

4.3.3 The more significant problem with the current Hague framework is the opposite of the one Both Parents Matter identifies: the Convention has been repeatedly weaponised against survivors of domestic abuse. As of 2021, approximately 75 per cent of "taking parents" under the Hague Convention are mothers (Hague Conference on Private International Law, 2020). The overwhelming majority of Article 13(1)(b) "grave risk" defences concern allegations of domestic abuse. Yet the English and Welsh courts apply Article 13(1)(b) to an exceptionally high standard, with survivors regularly ordered to return children to the jurisdiction of their abusers. The Hague Conference's 2011 Reflection Paper and its 2020 Guide to Good Practice on Article 13(1)(b) expressly acknowledge that domestic violence is a primary context for the grave-risk exception and call for more consistent protective interpretation.

4.3.4 The European Court of Human Rights in *X v Latvia* (2013) required domestic courts operating the Convention to conduct an "effective examination" of allegations of domestic

violence before ordering return; Article 8 ECHR is engaged. UK domestic law has not yet fully aligned with that requirement. The received doctrine is that the “grave risk” threshold requires something close to extreme or systemic risk, not “ordinary” domestic abuse. Judges are also entitled to take into account “protective measures” in the requesting state – undertakings by the left-behind parent, court orders in the state of habitual residence, refuge availability, etc. – which can defeat the defence even where abuse allegations are substantial. In *Re E (Children) (Abduction: Custody Appeal)* [2011] UKSC 27, the Supreme Court emphasised that Article 13(1)(b) should be “restrictively applied.” The practical effect is that survivors raising DA allegations regularly find the defence fails. Sustained academic and practitioner commentary – including litigation by Dr Charlotte Proudman of Right to Equality and the Hague Mothers campaign – documents cases in which the English and Welsh courts have ordered return in circumstances where, on any ordinary reading, there was substantial evidence of abuse and limited practical protection in the receiving jurisdiction.

4.3.5 Far from conflicting with the Hague Convention, NC16 is best understood as a domestic response to a framework that has, in practice, failed to protect survivors. If anything, a clearer domestic legislative route to protective relocation – operated through the UK courts, with appropriate evidential scrutiny – would reduce the volume of unilateral removals and the resulting Hague proceedings. The Government may wish to consider whether NC16 should be supplemented by a consequential amendment clarifying the interaction between domestic protective relocation orders and obligations under the Family Law (Child Abduction Convention) Regulations.

5. Response on Amendment NC20 (determination of domestic abuse allegations and related presumptions)

5.1 The problem NC20 addresses

5.1.1 Allegations of “parental alienation” have in recent years become a routine feature of contested private law children proceedings. Sir Andrew McFarlane, President of the Family Court Division from 2018 to 2026, giving evidence to the Justice Committee in April 2024, described a “complete upsurge” in such cases. The Family Justice Council’s December 2024 Guidance was issued in response to that upsurge, and in response to widespread concern that allegations of “parental alienation” were being used as a litigation tactic to undermine survivors of domestic abuse.

5.1.2 NC20 codifies the ordering principle the FJC Guidance already articulates: where both domestic abuse and alienating behaviour are alleged, the court should begin with domestic abuse. Where abuse is proved on the balance of probabilities, a child’s reluctance to spend time with the abusive parent is presumed to be a justified response, absent evidence to the contrary. This reflects the established position in the evidence base that children who are

exposed to abusive behaviour by one parent towards the other may reasonably fear, resist, or reject that abusive parent, and that such responses are not, in themselves, evidence of manipulation by the protective parent.

5.2 Response to Both Parents Matter's five objections

5.2.1 The "artificial dichotomy argument"

5.2.1.1 Both Parents Matter argues that NC20 is premised on an "artificial dichotomy" between domestic abuse and alienating behaviours, citing the FJC Guidance for the proposition that alienating behaviours can cause harm "akin to other forms of emotional/psychological child abuse".

5.2.1.2 This is a selective reading of the Guidance. The same document states expressly: "Given their respective prevalence, and the relative harm to children and adult survivors (and noting that Domestic Abuse is a crime in its own right), allegations of domestic abuse are in a different category to Alienating Behaviour – the two sets of allegations cannot be equated." The Guidance instructs courts to "begin with domestic abuse and review the alienating behaviours through that prism". NC20 gives effect to that instruction in statutory form.

5.2.1.3 There is a widely recognised imbalance in the current system whereby perpetrators of abuse have been able to deploy the increasingly discredited concept of "parental alienation" to undermine survivors who raise legitimate safeguarding concerns. NC20 helps to restore balance by ensuring abuse allegations are assessed on their merits, children's responses to abuse are properly understood, and discredited concepts are not permitted to override genuine safeguarding concerns.

5.2.2 "Risk of harm through delayed or incomplete investigation"

5.2.2.1 The misuse of parental alienation allegations can itself be profoundly damaging. It deters survivors from disclosing abuse, shifts scrutiny away from the abusive parent, and recasts protective behaviour as hostility or manipulation. In practice, this places children and survivors at further risk.

5.2.2.2 Fair Hearing has seen cases that illustrate this imbalance. In one, a mother whose former partner had been convicted of serious sexual offences against young children was nonetheless the subject of allegations of parental alienation, despite the local authority having placed the children on the child protection register and the court having restricted contact to the highest level of supervision. That such an allegation could gain traction in those circumstances demonstrates how distorted decision-making can become when alienating behaviour allegations are given equal standing with proven abuse.

5.2.2.3 This is a broader systemic problem. The empirical literature – in particular Meier et al. (2020) – demonstrates that cross-claims of alienation virtually double the risk that a parent alleging abuse will lose custody of their child. The documented pattern of strategic allegation-making runs in the opposite direction to that suggested by Both Parents Matter.

5.2.3 "Removal of case-by-case judicial assessment"

5.2.3.1 A rebuttable presumption does not displace case-by-case assessment. Section 1(2A) itself has operated as a rebuttable presumption since 2014 – a presumption that Both Parents Matter itself supported at the time of its introduction. The doctrinal position advanced in the CTB35 submission is therefore internally inconsistent: a rebuttable presumption in favour of parental involvement is said to be compatible with welfare-based adjudication, but a rebuttable presumption that a child's reluctance is justified where abuse has been proved is said to constrain judicial discretion impermissibly.

5.2.3.2 The NC20 trigger is a finding of abuse on the balance of probabilities – the civil standard following a fact-finding hearing under Practice Direction 12J. This is a high evidential threshold. The welfare checklist under section 1(3) of the Children Act 1989 – in particular limb (e), harm – continues to govern. What NC20 does is to ensure that where harm has been found, the natural protective response of a child to that harm is recognised as such.

5.2.4 "Practical challenges and evidential ambiguity"

5.2.4.1 Both Parents Matter is right that Cafcass officers and other professionals are often unable to determine with certainty why a child resists contact. This evidential ambiguity, however, cuts in favour of NC20's structure, not against it. Where domestic abuse has been proved, the ambiguity about a child's resistance is resolved into a legally cognisable presumption – one that can be rebutted with evidence of actual manipulation by the survivor-parent, but that prevents resistance from being reflexively recharacterised as alienation in the absence of such evidence.

5.2.5 "Incentivising allegations and increasing delay"

5.2.5.1 The concern that NC20 will incentivise strategic allegation-making is not supported by the data. The documented pattern, both in the Meier study (2020) and in the UN Special Rapporteur's 2023 report, is the reverse: it is alienation cross-claims, not abuse allegations, that are the documented strategic instrument. Family courts are already burdened by allegations of parental alienation, including in a significant proportion of domestic abuse cases. Such claims are frequently raised even where there are substantive safeguarding concerns, diverting attention from the central issues of abuse, risk, and child welfare.

5.2.5.2 There is growing recognition that, in some cases, allegations of parental alienation are used by abusive parties as a litigation tactic to discredit the protective parent, reframe

legitimate concerns as hostility, and continue patterns of coercion or control through the court process. NC20 addresses that problem by ensuring that claims of alienation are approached with appropriate scrutiny, that domestic abuse allegations are properly examined first, and that the welfare and safety of children remain the court's paramount consideration.

6. Response on Amendment NC31 (determination of domestic abuse allegations)

6.1 The problem NC31 addresses

6.1.1 NC31 complements NC20 by recognising that where a child, or a party representing the child, has made an allegation of domestic abuse, any reluctance on the part of the child to spend time with the accused parent should be presumed to be a reasonable and justified response, unless rebutted. The amendment responds to the documented reality that children's disclosures of abuse are routinely discounted in family proceedings, and that children's protective responses are frequently reframed as manipulation by the protective parent.

6.2 Response to Both Parents Matter's objections

6.2.1 "Removal of case-by-case judicial assessment"

6.2.1.1 Both Parents Matter argues that NC31 constrains professional investigation and places the onus on the accused party to prove a negative. The substantive concern – that the amendment will prevent proper assessment – is not supported by the Family Justice Council's own structure. The FJC's three-limb test for alienating behaviour would continue to operate; NC31 would order the sequencing of the court's enquiry rather than eliminate any strand of it.

6.2.1.2 NC31 also gives effect to the Government's own policy direction under the Child Focused Courts programme, which emphasises early, multi-agency assessment of risk. Recognising that a child's allegation of abuse is a *prima facie* risk-indicator is not a constraint on professional investigation; it is a direction that such investigation should begin from the position of taking the child seriously.

6.2.2 "Increased risk of alienating behaviours by child coaching"

6.2.2.1 Both Parents Matter argues that NC31 creates an incentive for a parent inclined to alienate to coach a child into making an unfounded abuse allegation. This argument is plausible in principle but not supported by the data. *Everyday Business* (2025) and the Harm Panel report found no systematic pattern of fabricated abuse allegations by protective parents. The Meier data (2020) shows that mothers' abuse allegations are frequently under-credited rather than over-credited. The UN Special Rapporteur's 2023 report documents the same pattern internationally.

6.2.2.2 The volume of evidence points in the opposite direction: the documented strategic instrument is the counter-allegation of alienation, deployed to discredit genuine disclosures of abuse. NC31 is a corrective measure in response to that documented pattern.

7. Conclusion

7.1 Fair Hearing supports NC16, NC20 and NC31. These amendments are not a departure from the Children Act 1989 framework. They codify the ordering principle already articulated by the senior family judiciary through the Family Justice Council's December 2024 Guidance, and they respond to the evidenced failures documented by the Ministry of Justice's own Harm Panel (2020), by the Presumption Review Final Report (2025), and by the Domestic Abuse Commissioner's Everyday Business report (2025).

7.2 Both Parents Matter's submission rests on the assertion that the current framework is adequate to protect survivors and children. The evidence – including the Government's own evidence base on which the repeal of section 1(2A) in Clause 17 is founded – does not support that assertion. Children continue to be killed, harmed, and re-traumatised through unsafe contact orders. Survivors continue to be re-victimised through the family court process. The 67 children whose deaths Women's Aid has documented over three decades, and the 87% of private law case files containing evidence of domestic abuse, are not peripheral statistics. They are the evidenced reality against which these amendments must be evaluated.

7.3 The repeal of the presumption of parental involvement in Clause 17 is a necessary but insufficient step. NC16, NC20 and NC31 would align the family justice system's statutory framework with both the senior judiciary's own current guidance and the UK's obligations under international human rights law.

7.4 We urge the Committee to support all three amendments.

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