

**P-05-751 Recognition of Parental Alienation –
Correspondence from the Chief Executive of Children in Wales to Chair,
16.04.18**

David Rowlands AM
Chair
Petitions Committee
National Assembly for Wales

Dear David

re : Petition P-05-751 Recognition of Parental Alienation

Thank you for asking our views about the above petition. This is a complex matter for a variety of reasons. As an organisation we are totally committed to promoting emotional well-being and good mental health for all children and young people in Wales. In particular this has been a top priority for children and young people themselves as we have heard through our Young Wales programme which actively engages their views from across Wales through collaboration with youth forums, schools and organisations that support vulnerable and marginalised groups.

Within this context they are very concerned about healthy relationships which includes relationships within families of all shapes and sizes, whether birth parents or not. For a significant number of children in Wales their parents have never married. The impact on children of relationship breakdown between parents who are not married is no different to that which occurs when a marriage breaks down, but these conflictual cases do not end up in private law proceedings. We therefore recommend that there should be more of a focus on child development and co-parenting in such situations as the petition refers to, from the point of view of a child's right to family life under the United Nations Convention on the Rights of the Child. Family breakdown is a major issue for very large numbers of children and so Welsh Government should invest in its general parenting work, public education and services that recognise the importance of healthy relationships within families including when separation happens.

It is well established that in the main, a child's interests are best served if resolutions are found outside of the court either between the parents themselves or through mediation. It also has to be remembered that *Private Law (Section 16.4 Children Act)* only deals with a minority of children in those marital breakdown cases which are the most extreme and where the adults involved are behaving in a way which is entrenched and unlikely to change to resolve matters for the child without court intervention. High levels of conflict are typical in these cases and there may also be situations of domestic violence, substance misuse etc. CAFCASS appoints guardians to provide the court with reports on the child's behalf and the child also has legal representation in their own right.

In particularly entrenched cases the court also has the power to issue a *Family Assistance Order* and can require CAFCASS Cymru to conduct a risk assessment to be done if it is felt that the child is at risk. A key reservation we have is that since the changes to legal aid, parents are less likely to have helpful early advice such as sign-posting to mediation or at least realistic guidance about the prospects of the outcome they are looking for through court proceedings. The Ministry of Justice should be required to consider the impact on children of the changes to legal aid in such circumstances. It can't be good for children to have their parents representing themselves in adversarial court situations.

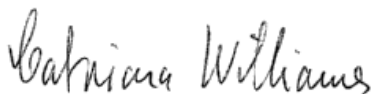
Regarding 'Parental Alienation' there is no definition of what it actually is despite its use in various published articles. We know that there are many situations where the parent with whom the child resides may be obstructive to promoting a positive relationship with the other parent. However, we do not believe that focussing on one aspect of a child's emotional health is the correct way of looking at it. The child may have other worries as well during these difficult times such as a change in school, loss of friends, loss of grandparents, new family members such as a parents new partner etc etc.

The complexities of separation and the impact on children are common place and it should currently be part of the development or training of social workers and CAFCASS staff to recognise parental behaviours that aim to make the child feel negatively towards the other parent. Considering the complex work that social workers and CAFCASS staff carry out in cases of public law cases which may lead to the removal of children for their own safety, it would be surprising to us that they did not have the skills to make such an assessment to inform the court. However time may be an issue for both them and for the solicitors.

Regarding acting on emotional abuse, we believe that there is sufficient legislation and multi-agency procedures to be able to protect any child who is suffering emotional abuse. In the *All Wales Child Protection Procedures* there are clear definitions of Abuse and Neglect. Under 1.1.2 Emotional Abuse is defined as *'the persistent emotional ill treatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate or valued only in so far as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. It may involve causing children frequently to feel frightened or in danger, for example by witnessing domestic abuse within the home or being bullied, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of ill treatment of a child though it may occur alone.'*

We do not believe that creating a new law as suggested by the petitioner is the answer although we would like to encourage Welsh Government to recognise the needs of children in separating families, especially their emotional needs and to invest in services that create a supportive environment for the children.

Yours sincerely



Catriona Williams OBE
Chief Executive

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