

# Exploring How Victim-Survivors of Domestic Violence and Abuse Experience Navigating the Irish Family Law System in Guardianship, Custody and Access

## Executive Summary

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# Introduction

Commissioned and funded by Women's Aid, this study provides the first national account of how adult and child victim-survivors of domestic violence and abuse (DVA) experience navigating the Irish family law system in guardianship, custody and access (GCA) cases. The study is both timely and significant, not least because of the reform of Irish family law and policy development currently being driven by the Department of Justice.<sup>1</sup>

Furthermore, international evidence confirms that the prevalence of DVA in family law cases is disproportionately high, with allegations or findings of DVA recorded in approximately 49-62% of cases.<sup>2</sup> Court systems are therefore interacting with adult and child victim-survivors who are actively managing increased risks of harm and danger. Indeed, Irish and international research highlights the continued abuse of adult and child victims associated with child contact arrangements. Yet, this research finds that the Irish family law system as a whole is not sufficiently DVA informed or responsive. The presumption that continued contact with their non-resident parent is almost always in a child's best interest, continues to dominate, with child contact rarely if ever denied. This is important to explore because contact decisions that do that not adequately consider the risks posed by the abusive parent, arguably prioritise the abusive parents' rights over children's safety. Furthermore, non-abusive parents who oppose or resist contact risk being accused of 'parental alienation'.

Despite the disproportionately high prevalence of DVA in family law cases alongside ongoing safety and welfare concerns in these cases, there has been limited robust research evidence on how the journey through the family law system is experienced by adult and child victim-survivors of DVA. This study provides a comprehensive 360-degree understanding of that journey and makes a range of recommendations to improve the family law system to make it safer for adult and child victim-survivors.

**Note about this report:** Throughout this Executive Summary there are chapter numbers indicated to reference where further data and detail can be accessed in the Research Report. The electronic version of the Executive Summary will have embedded hyperlinks. For the printed version, it will be necessary to use the Research Report citation to access these chapters. This citation is indicated on the inside cover page of this Executive Summary.

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1 See for example report on the Family Justice Strategy Progress Report (2024) <https://assets.gov.ie/static/documents/progress-report-on-the-family-justice-strategy-2022-2025.pdf> and the Review of the Role of Expert Reports in the Family Law Process (2024) <https://assets.gov.ie/static/documents/review-of-the-role-of-expert-reports-in-the-family-law-process.pdf> and Parkes, McCaughren & Burns (forthcoming 2025). *The Operation of the In Camera Rule in Family Law in Ireland*.

2 Hunter, R., Burton, M. & Trinder, L. (2020). *Assessing Risk of Harm to Children and Parents in Private Law Children Cases*. UK: Ministry of Justice.

## Aims and Methods

This study provides an understanding of how adult and child victim-survivors of domestic violence and abuse (DVA) experience the journey through the family law system in guardianship, custody and access (GCA) cases. Specifically, this study is interested in:

- i. identifying the enablers and barriers to victim-survivor safety and welfare throughout that journey; and
- ii. understanding how the voice of the child is ascertained and represented in family law decisions.

Adopting a 360-degree perspective, this study offers a comprehensive exploration of a largely unobserved issue in the Irish context. It is intended to provide an evidence-base to inform and support the reform of family law currently underway in Ireland.

In addition to being informed by a robust review of the international literature ([chapter 2](#)), a significant strength of this study lies in the methodological depth, breadth and rigour of the research design. Using a sequential mixed-methods approach, which allows each subsequent stage of the study to build on findings from earlier waves of data collection, the research draws on evidence gathered from a diverse range of sources. This includes online surveys, court observations, focus groups, and individual interviews with a wide range of victim-survivors and professionals. The three phases of the study were as follows:

### **1. Phase One** involved two large surveys:

- a. An online survey involving 196 specialist DVA practitioners.
- b. An online survey of adult victim-survivors comprising of 370 female and 43 male victim-survivors.

### **2. Phase Two** involved qualitative focus groups and individual interviews:

- a. Eight focus groups with 61 participants drawn from a broad range of health, social care and legal professionals, including services supporting migrant and minority ethnic communities, facilitators of perpetrator programmes, legal professionals, services supporting male victim-survivors, court appointed assessors and Tusla professionals.
- b. Individual interviews with 23 adult female victim-survivors and one male victim-survivor.
- c. Individual interviews with 14 children aged 9-17 years.
- d. Individual interviews with six aged-out minors aged 18-20 years.

### **3. Phase Three** Family Law 'Case Study' which involved interviews and court observation:

- a. Non-participant observation of family law courts in both rural and urban settings.
- b. Individual interviews with six judges, two barristers and two relevant court personnel.

## Legal Context

Social and legal developments in the context of private family law proceedings have been significant over the last couple of decades. Irish case law dating back to the 1980s, has seen judges considering DVA as a matter between parents and, apart from creating a tense environment for the children, does not constitute serious misconduct. Arguably, Article 42 A of the Irish Constitution which requires that the best interests of children be a paramount consideration in GCA cases, has paved the way for change in this area particularly in the context of considering the impact of DVA on children. In addition, the constitutional requirement that the voices of children be heard and given due weight in cases of this nature has meant that children should no longer be invisible in the process.

These provisions are given further effect in legislation – through the Children and Family Relationships Act 2015 and the Domestic Violence Act 2018. However, the adversarial nature of the system, the lack of appropriate mechanisms for supporting the voices of children being heard in such cases and the current operation of the in camera rule make it extremely challenging to effectively implement these core legal rights of children in practice. Indeed, where children do not have an authentic voice in such cases, their best interests are at risk.

Furthermore, the Children and Family Relationships Act 2015 has introduced a requirement that when considering a child's best interests in such cases, any household violence should be taken into consideration. Where abuse is alleged to be present or has been found to be present, the courts must consider whether continued access or shared custody would place the child at risk.

In cases where this information has not been brought before the court, or is unavailable to the court, it renders these provisions moot. Moreover, in the absence of efficient information exchange between the family law courts and other courts, risks posed to children and parents in cases where DVA is an issue become all the more acute.

## Reflecting on gender and DVA: Some important considerations

DVA is understood globally as a public health concern and a serious human rights violation impacting individuals, families, and communities. Importantly however, DVA is also acknowledged as a highly gendered issue, with women disproportionately affected as victim-survivors and men primarily identified as perpetrators. This dominant gendered perspective on DVA is also reflected in this present research.

Notwithstanding the foregoing, concerted efforts were made to include the voices of male victim-survivors, either through direct engagement or via professionals who provide support, advocacy, and information to male victim-survivors. However, challenges with recruitment prevailed. Therefore, there are some important considerations in relation to the findings which concern male victim-survivors. For example, there were substantially fewer male victim-survivors who took part in the study (n=44) compared to female victim-survivors (n=393). Male victim-survivors account for approximately 10% of study participants, which reflects estimated prevalence rates internationally. Consequently, it is important to emphasise that the statistics reported for male victim-survivors relate to much smaller groups than the statistics which relate to female victim-survivors. Furthermore, the volume of qualitative data on female victim-survivors which was collected through the surveys and individual interviews, facilitated a rich and detailed thematic analysis, from which robust conclusions could be determined. A comparable analysis for male victim-survivors was simply not possible.

Consequently, it is important to emphasise that the statistics reported for male victim-survivors relate to much smaller groups than the statistics which relate to female victim-survivors.

Furthermore, the volume of qualitative data on female victim-survivors which was collected through the surveys and individual interviews, facilitated a rich and detailed thematic analysis, from which robust conclusions could be determined. A comparable analysis for male victim-survivors was simply not possible.

Additionally, while there were a great many similarities between the experiences of men and women as victim-survivors of DVA, there were also some clear distinctions which differentiated male victim-survivors' experiences from their female counterparts. Where the data revealed similar themes and patterns, such as victim-survivors' perspectives on the 'tools' of the legal system, or on the voices and experiences of their children being heard and considered in the decision-making process in the family law courts, data were analysed together to present the views and experiences of victim-survivor parents. This study has identified a clear need for future research which further explores the perspectives of male victim-survivors which builds on the evidence this study provides.

## **Key Findings**

As the data gathered from different sources aligned so closely, the authors have presented the findings in a streamlined way, primarily because including data from every source would have led to unnecessary repetition. Given this strong convergence across all data sets, the research team has focused on sharing the voices of victim-survivors wherever possible and only brought in other data when it added new or substantive detail. A notable aspect of this study is the sizable participation of victim-survivors, with a total of 437 victim-survivor parents contributing through both an online survey and in-person interviews.

The triangulation of data in this mixed-methods study has ensured that the findings are robust and well-supported, combining insights from both quantitative and qualitative sources, which is underpinned by a rigorous literature review.

**This Executive Summary reports selectively on two key findings as follows:**

1. Adult victim-survivors experienced navigating the family law system in GCA cases as ‘secondary victimisation’.
2. Children did not experience being heard as part of their journey through the family law system.

The full and detailed research report can be accessed using the unique Digital Object Identifier (DOI) – [<https://hdl.handle.net/2262/111839>]

Before moving into the presentation of findings, it is important to contextualise these findings against the backdrop of the Family Justice Strategy which commenced in 2022 with an ambitious programme of reform. Acknowledging the challenges inherent in its operations and processes, the Family Justice Strategy identifies nine goals and over 50 actions that need to be achieved if ‘the vision for a family justice system of the future’ is to be realised.<sup>3</sup> Many of the challenges driving the Family Justice Strategy are repeated/reinforced in the findings of this present research. However, the focus on DVA and in particular the inclusion of adult and child victim-survivor testimonies of their journey through family law in GCA proceedings, brings new and important insights to further inform family law reform.

These new insights paint a predominantly negative picture of that journey through the family law system for adult and child victim-survivors of DVA. That negative picture is highly critical of the processes, procedures and practices within the family law system. Family law systems are not however simple or linear. They are complex and adaptive - made up of laws and statutes, courts, judges, professionals, services, and the lived experiences of families. These elements do not operate in isolation; they interact in ways that are often dynamic and unpredictable<sup>4</sup>. Outcomes for service users emerge from this whole system working together, not from any single decision, rule, or actor. To truly understand and improve the family law system, we must look beyond individual components and focus on how all the parts connect and influence one another. In short, the system is more than the sum of its parts.

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3 Department of Justice (2024, p.6) <https://assets.gov.ie/static/documents/progress-report-on-the-family-justice-strategy-2022-2025.pdf>

4 Byrne, David (2002), Complexity theory and the social sciences: An Introduction. Routledge.

# Navigating Family Law Experienced as Secondary victimisation

*"It's a horrific experience in which victims are repeatedly retraumatised. It is essentially a stage for the abuse to continue." (R102, female)*

**Adult victim-survivors' experiences of family law for guardianship, custody and access in the context of domestic violence and abuse were overwhelmingly negative.**

In the survey data, of the 306 female victim-survivors and 39 male victim-survivors who responded to the question *'what was good about your GCA proceedings?'*, 154 victim-survivors explicitly stated that they could not identify anything good using terms such as; *'nothing'*, *'absolutely nothing'*, *'n/a'*, *'zero'*, while many others left qualifying comments which too were largely negative.

**The vast majority of female victim-survivors indicated that the journey through the family law courts was experienced as traumatic and resulted in secondary re-victimisation over and above the abuse inflicted by their abusers.**

Hundreds of women<sup>5</sup> provided comments in the online victim-survivor survey, which were strongly corroborated by all 23 of the women who participated in in-depth interviews, that they experienced family law proceedings and its associated processes as [re]traumatising. Several men in the survey also alluded to some level of trauma from engaging with family law processes. Reflecting this finding, the overarching theme to emerge from the data specifically in relation to female victim-survivors' experiences was *'navigating the family law system as 'secondary victimisation' (chapter 6).*

The analysis of the findings clearly highlights three distinct categories of factors which directly influence why the journey through the family law system was predominantly a negative experience for all adult-victim-survivor participants, and why it was considered a form of secondary victimisation specifically for women. These three categories of factors will be discussed separately and are as follows:

1. Human behaviour, knowledge and attitudinal factors.
2. Well-being and safety factors.
3. Structural and systemic factors.

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5 It was not possible to analyse data from male victim-survivors in this level of detail primarily because of lower numbers of male victim-survivors. There were also other factors which differentiated male and female experiences, such as differences in the forms of abuse experienced and structural inequalities which impact greater number of women than men and are well documented in the literature.



## 1. Human behaviour, knowledge and attitudinal factors

The behaviour, attitude and knowledge of the professionals that participants encountered on their journey through the family law system emerged strongly from the findings as a crucial factor influencing the participants' experiences – both positively and negatively.

**Specifically, a key finding from this study was the profound impact on victim-survivors arising from a deep lack of understanding by professionals of DVA including coercive control and the absence of a DVA informed lens in all aspects of the family law system.**

### What is a DVA informed lens?

- A DVA informed lens requires that professionals understand the dynamics and tactics employed by perpetrators of DVA and the impacts on victims-survivors.
- A DVA informed lens ensures that professionals understand that the responsibility for the abusive behaviour lies with the perpetrator.
- DVA informed practice therefore holds the perpetrator to account for their behaviours and appreciates the potential risk to the safety and welfare of both adult and child victim-survivors that their behaviour poses.
- A DVA informed lens in family law decision making processes that ensure the power and control that perpetrators continue to exert over their former partners is understood and recognised.
- A DVA informed lens in professional practice means that the adult victim-survivor will never be held responsible for ensuring that access/contact takes place.

**DVA informed practice was not experienced by the majority proportion of participants in this study.**

**Large percentages of all victim-survivors believed their legal representatives did not understand their experiences of DVA during their family law proceedings. This is represented in the following statistics (chapter 5):**

- **39.7% of female** victim-survivors (n=147) reported that they felt their legal representation **'never'** understood their experiences while representing them for GCA.
- **47.6% of male** victim-survivors (n=20) reported that they felt their legal representation **'never'** understood their experiences while representing them for GCA.



The greatest percentage of victim-survivors believed presiding judges did not consider their experiences of DVA. This is represented in the following statistics:

- **61.5% of female** victim-survivors reported that presiding judges **‘never’** considered their experiences of DVA during their GCA proceedings (n=227).
- **71.4% of male** victim-survivors reported that presiding judges **‘never’** considered their experiences of DVA during their GCA proceedings (n=30).

*“[...] my experiences of domestic violence were often skipped over and ignored in the court.” (R328, female)*

150 female victim-survivors left qualifying responses about their experiences of judges considering their family’s experience of DVA during proceedings. A strong theme to emerge from these additional comments was victim-survivors’ perception that the judge, or judges, presiding over their case did not understand their experiences of DVA. Comments emphasised feeling unacknowledged, dismissed and/or unheard. Some female victim-survivors believed that the court did not want to know about their experiences of DVA, while several others revealed they were instructed not to mention it by their legal representatives.

17 male victim-survivors left qualifying responses. Eight of these comments indicated that male victim-survivors perceived that their experiences were either ignored or not taken seriously by the court.

The largest percentage of victim-survivors believed that their experiences of DVA were **‘never’** taken into account in the decisions made by judges. This is represented in the following statistics:

- **67.4% of female** victim-survivors reported that their experiences of DVA were **‘never’** taken into account in the decisions made by judges concerning GCA (n=248).
- **77.5% of male** victim-survivors reported that their experiences of DVA were **‘never’** taken into account in the decisions made by judges concerning GCA (n=31).

*“All breaches of orders happened at handover, the same judge convicted on order breaches and then increased access in the same hearing.” (R282, female)*

120 female victim-survivors left qualifying responses about whether the decisions made in their case took account of their experiences of DVA. Overwhelmingly these comments illustrated victim-survivors' perceptions that decisions made by the court did not take into account adult and/or child victim-survivors' experiences of DVA.

Many comments revealed that access/contact was a predetermined outcome and experiences of DVA were wrongly categorised as high conflict. Other examples of decisions which did not take account of DVA included three comments where victim-survivors revealed that they were ordered to supervise contact, with one victim-survivor stating the terms of her DV Order were amended to accommodate this. Another mother reported that although her children had made allegations of physical and emotional abuse against their father prior to separation, unsupervised access had been ordered.

Qualifying responses were left by 16 male victim-survivors. Seven of these comments portrayed a perception that the courts were biased towards mothers and therefore male-victim survivors' experiences were overlooked in the decisions made.

**In the absence of professionals engaging in DVA informed practice, female victim-survivors perceived that perpetrators were assumed to be ‘good enough’ fathers simply because they were seeking custody and access (chapter 4, chapter 6). Mothers asserted that this resulted in the following:**

- A presumption that contact was in the child's best interest without an acknowledgement by the court of the perpetrator's capacity for DVA.
- A presumption that contact was in the child's best interest without any interrogation of the perpetrators ability to contribute positively to the child's well-being.

Female victim-survivors in the survey and interviews described how the courts seem to separate their perpetrator's persona into that of ‘father’ and ‘abusive partner’, as if they were not the same person and their behaviours were completely unconnected. This dual perception underscores the difficulty in recognising and addressing abusive behaviour, especially when the abuser maintains a positive public or familial image. (chapter 4, chapter 6, chapter 8)

## **Male victim-survivors and professionals perceived that DVA was generally misunderstood when the victim-survivor was a man:**

A strong theme to emerge across multiple sources of data<sup>6</sup> was a perceived lack of understanding about DVA when the victim-survivor is a man. Additionally, men perceived that the courts were biased in favour of female perpetrators because they are women and mothers, and that female perpetrators weaponised this against them in their family law case. A dedicated focus group with professionals who support male victim-survivors asserted that less is known about female perpetrators.

## **A lack of understanding of DVA by professionals also resulted in and was accompanied by inappropriate allegations of ‘Parental Alienation’.**

A 2023 Department of Justice policy paper describes ‘parental alienation’ as a highly contested concept, noting the debates about its existence, its connection to domestic, sexual, and gender-based violence (DSGBV), its prevalence, and its role in the family justice system.<sup>7</sup> Relatedly, a report by the UN Special Rapporteur on Violence Against Women and Girls (2023)<sup>8</sup> also highlights the problematic correlation between custody cases, violence against women, and violence against children. It emphasises how terms like ‘parental alienation’ are often misused, leading to the neglect of domestic violence in legal proceedings.

**In this study, ‘parental alienation’ and alienating behaviours were raised by both female and male victim-survivors in the survey data, and by female victim-survivors during interviews.**

**However, the evidence from this study’s data suggests that female victim-survivors and male victim-survivors had contrasting experiences of ‘parental alienation’ in the family law context (chapter 5, chapter 6, chapter 7).**

A common experience reported by female victim-survivors concerned their legal representatives cautioning them not to raise their experiences of DVA in GCA proceedings over fears of it being countered with allegations of ‘parental alienation’. Some participating mothers stated they had already been accused of ‘parental alienation’ for doing so.

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6 Multiple sources of data included male victim-survivor respondents to the survey, the interview participant, and specialist DVA practitioners with experience supporting male victim-survivors in a focus group, and range of other professionals in focus groups and individual interviews

7 <https://assets.gov.ie/static/documents/parental-alienation-a-review-of-understandings-assessment-and-interventions.pdf>

8 <https://unwomen.de/wp-content/uploads/2023/06/G2307018-Report-of-the-Special-Rapporteur-on-violence-against-women-and-girls-its-causes-and-consequences-Reem-Alsalem-2023.pdf>

Female victim-survivors reported being wrongly accused of ‘parental alienation’ when they said that their children did not want to go on access visits or continue their relationship with their abusive father because of children’s lived-experiences of DVA.

Female victim-survivors also described how ‘parental alienation’ was frequently espoused by court appointed assessors as the only conceivable explanation for children’s reluctance to have contact with their perpetrator father, instead of a justified response by children to their experiences of DVA.

Conversely, in the survey male victim-survivors described being subjected to ‘parental alienation’ by female perpetrators. From the comments left by male victim-survivors about alienation, respondents believed that female perpetrators leveraged their position as primary care givers to cause harm to the father-child relationship by restricting contact and effectively removing fathers from their children’s lives ([chapter 5](#), [chapter 7](#)).

**A lack of understanding of DVA meant that many adult victim-survivors reported feeling constantly apprehensive about repeated court interactions.**

For all of the victim-survivors who were interviewed, the lack of knowledge of DVA that they encountered in their journey through the legal system, left them in a constant state of anxiety that a judge or other professional might be influenced by their abuser’s tactics. Victim-survivors stated they were perpetually on edge about further court involvement, which had the potential for uncertainty and ongoing exposure to risk. This finding was also strongly represented in victim-survivors’ comments gathered by the online survey.

**For all adult victim-survivor interview participants, positive experiences and interactions during GCA proceedings were in the minority. Importantly, positive experiences were often overshadowed by the overwhelming volume of negative experiences.**

Where positive experiences were expressed by adult victim-survivors, such as when DVA was taken into account in the orders made by the court, often it had taken a long time to arrive at this point. In the majority of cases, this also involved multiple assessments and reports, an incident or escalation of abuse, or a deterioration of the situation while the children were on access, before there was a genuine acknowledgement by the court that DVA was an issue. All positive experiences related to the participants experiencing DVA informed professional practice.

## **DVA informed practice was experienced as transformative and was a crucial factor in victim-survivors' positive experiences (chapter 11)**

All positive experiences involved victim-survivors being **Seen, Heard** and **Believed**.

The importance of DVA informed legal practice was a strong theme to emerge across all sources of data as an enabling and supportive factor for victim-survivors during GCA proceedings in the context of DVA.

### **What does DVA informed practice by legal representatives look like?**

When victim-survivors identified their legal representatives as a positive factor in their GCA process, it frequently related to their understanding of the dynamics of DVA, which made respondents feel like they had been heard and believed.

This was particularly powerful if solicitors and barristers were able to recognise abusive behaviours from ex-partners which may not have been identified and/or acknowledged by the other professionals involved in their journey. (chapter 11)

DVA practitioners commented in the survey that 'good' legal representation involves a victim-survivor client being well prepared in advance of their court appearance so that their solicitor understands their wishes, and the victim-survivor client knows what to expect.

### **What does DVA informed judicial practice look like?**

In the survey, many specialist DVA practitioners indicated that when judges have a good understanding of the dynamics of DVA, it dramatically improves the experience and outcomes for victim-survivors.

This finding is loudly echoed in the survey comments and the in-depth interviews where victim-survivors' personal experiences of judges who listened, heard and appeared to understand the complexity of DVA demonstrates the centrality of DVA informed practice in the family law context. DVA informed judicial practice critically involves:

- Judges recognising and responding to abusive patterns and behaviours from perpetrators.
- Judges making decisions which do not increase risk or cause further harm to adult and/or child victim-survivors.
- Judges appreciating victim-survivors anxiety or fear and being patient with them when giving evidence.
- Judges not allowing (alleged) perpetrators to cross examine victim-survivors.

## What does DVA informed practice by Court appointed assessors look like?

Specialist DVA practitioners emphasised that where court appointed assessors were DVA informed, their assessments and reports were accurate, comprehensive and provided crucial information for the court. Victim-survivors described examples of positive practice by court appointed assessors which included (chapter 11):

- A thorough and complete information gathering process from a wide variety of sources considered relevant to each individual child (e.g. schools, GPs, gardai, supports and services).
- Adequate time spent with children so that children trusted the process and the person.
- Children experiencing the assessor *listening* to them.
- The assessor directly reporting what children said.
- The assessor not presuming that 'parental alienation' is the only reason a child might not want to see a parent.
- The assessor not taking perpetrators narrative at face value but also including a consideration of the quality of the parent-child relationship.

Victim-survivors in the survey and interviews described the impact that positive assessment experiences and outcomes had for them and their children. A positive assessment involved the following:

- It validated their abusive experiences – pre- and post-separation.
- It considered children's safety and wellbeing in recommendations.
- Where required, it challenged the dominant presumption of contact as 'best interest'.

Victim-survivors identified several enabling factors which somewhat mitigated the negative effects of engaging with systems that did not acknowledge or appreciate their experiences of DVA. These factors included **Specialist DVA services, therapeutic and supportive interventions, and family and informal support networks.**

### **Specialist DVA services**

Specialist DVA practitioners, professionals and victim-survivors perceived that specialist DVA services effectively filled the gap in understanding that courts and professionals had regarding DVA. Specialist DVA services were deemed essential support for:

- Providing clear, relevant information.
- Providing emotional support and advocacy.
- Providing court accompaniment.
- Providing safety planning in relation to access arrangements.

### **Therapeutic and supportive interventions for children**

Victim-survivors and specialist DVA practitioner respondents to the survey, professionals in the focus group interviews and many of the children and young people interviewed emphasised the important role of Barnardos, and other supportive interventions such as play therapy or counselling to assist children in their recovery from the experience of living with DVA and support them in managing ongoing and unsafe contact with their abusive parent.

### **Family and friends**

Family and informal support networks were identified as instrumental in providing support during both their experiences with the family law system and DVA. A broad spectrum of support included financial support associated with the cost of family law, emotional support and childcare, and frequently active involvement supporting supervised contact in the absence of the availability of professionally run services and centres.

The behaviours, attitudes and knowledge of the key professionals encountered by victim-survivors in their journey through the family law system interacted closely with the second category of factors: safety and well-being factors.

## 2. Safety and well-being factors

*“The abuse never stopped after separation, it just changed.” (R234, female)*

Far from separation being a ‘vaccine against domestic violence’<sup>9</sup> the findings of this study confirm that separation simply opens other avenues of new challenges, new risks and new opportunities for abuse to continue for both adult and child victim-survivors.

As reflected in the above quote, the survey data provides robust evidence which strongly refutes the prevailing assumption that DVA ceases once separation has occurred.

- **91.4%** (n=338) of **female** victim-survivors and **93.0%** (n=40) **male** victim-survivors indicated that many forms of abuse **‘continued or began post-separation’** and while guardianship, custody and access proceedings were underway (**chapter 4, chapter 7**).

However, the findings also confirm that the courts and the family law system often operate under the flawed assumption that once a couple separates, any violence or abuse that occurred during the relationship is considered to be historical and therefore not relevant.

This premise can lead to decisions and judgments that may not fully account for the ongoing risks or impacts of abuse on the victim-survivors, as it overlooks the possibility that abuse can continue even after separation. **Notwithstanding high proportions of abuse reported pre-separation (chapter 4), many victim-survivors stated that the level of abuse increased post-separation.**

### Post-separation abuse – female victim-survivors

Majority proportions of female victim-survivors indicated in the survey that many of the forms of abuse **‘increased’** post-separation, for example:

- **57.4%** reported **‘increased’** coercive control (n=183)
- **57.3%** reported **‘increased’** emotional abuse (n=189)
- **57.3%** reported **‘increased’** financial/economic abuse (n=189)
- **55.7%** reported **‘increased’** stalking (n=142)
- **44.0%** reported **‘increased’** online abuse (n=88)

9 Jaffe, P., Lemon, N., & Poisson, S. (2003). Child Custody & Domestic Violence: A Call for Safety and accountability. SAGE Publications, Inc. <https://doi.org/10.4135/9781452231730>



In fact, the only two forms of abuse where majority proportions of female victim-survivors were observed to have **'decreased'** were **physical abuse** (n=109, **49.3%**) and **sexual abuse** (n=92, **82.9%**), presumably because of the reduced opportunity to inflict these forms of abuse post-separation.

### Post-separation abuse – male victim-survivors.

Similar statistics were observed for male victim-survivors who indicated that the level of abuse **'increased'** or remained unchanged post-separation.

- **69.2%** reported **'increased'** coercive control (n=27)
- **68.4%** reported **'increased'** emotional abuse (n=26)

In combining the proportions for the categories **'continued at the same level'** and **'increased'** in relation to physical abuse post-separation, **50.0%**, of male respondents reported that they continued to experience physical abuse post-separation (n=14) ([chapter 4, chapter 7](#)).

### Adult victim-survivors further reported they did not feel safe during their GCA proceedings.

The survey asked respondents to rate their overall feelings of safety at the time of their proceedings using a scale from 1- 10; from 1 **'not safe at all/at risk'** to 10 **'very-safe/no risk'**.

### Female victim/survivors gave an overall average rating of 3.3/10 (n=365).

The **most common rating** for over a quarter of female respondents was **1/10** (n=95, 26.0%); the lowest score possible. This score indicates high levels of perceived risk.

- **77.9%** of female victim-survivors did not feel safe while in the court (n=286)

This finding of not feeling safe while in court also emerged robustly in the qualitative interview data. Examples provided included:

- Sharing the court waiting area with their abuser, experiencing acute fear and anxiety in this unsafe space.
- The close proximity of their abuser to them in the court room, experiencing this as intimidating, terrifying and disabling with some participants describing scenarios where they were barely functioning.
- The above impacts were amplified when female victim-survivors experienced being cross-examined by their former partners.

- **89.9%** of female victim/survivors did not feel safe in their day-to-day lives outside the courtroom at the time of their proceedings (n=330).

The qualitative interviews with female victim survivors also identified examples of women not feeling safe in their day-to-day lives outside the courtroom at the time of their proceedings. These included:

- Ongoing surveillance by their former partner when he constantly appears in places where she is – supermarket, local shops, parks, at children’s sporting activities.
- Threats and intimation during contact activity and handovers.
- Physical assault and unwanted sexual advances associated with contact time.

### **Male victim-survivors provided an average overall safety rating of 4.1/10 (n=43).**

- **65.1%** of male victim-survivors did not feel safe while in court (n=28).
- **76.7%** of male victim-survivors did not feel safe in their day-to-day lives outside of court at the time of their proceedings (n=33).

While not comparable with the data gathered in relation to female victim-survivors, the survey data identified examples of male victim-survivors not feeling safe during the time of their GCA proceedings both in and out of the courtroom (**chapter 7**). These included:

- Fears over false accusations or allegations, which involved being accused of being the perpetrator rather than the victim, and/or child abuse allegations including sexual abuse allegations.
- These male victim-survivors feared that An Garda Síochána would become involved, and that this could impact on their employment or have repercussions within their community.

Across both the survey data and interviews, female victim-survivors in particular raised concerns about the threat of harm, or actual harm, to their children. These harms spanned emotional, psychological, physical, sexual abuse and neglect and also included exposing children to addiction, mental health concerns and endangerment. Other comments related to a wide range of tactics of abuse perpetrated by their former partners on them, including financial abuse, surveillance, sexual abuse, physical harm, including use of weapons or a perceived threat to life.

Adding detail and depth to the rudimentary statistics gathered via the victim-survivor survey, the rich narratives gathered from individual interviews with 23 female victim survivors depict the profound impact that both pre- and post-separation domestically abusive family-life had on victim-survivors and their children. Strong themes identified by female victim-survivors included their experience of ‘controlling, monitoring and surveillance’ by their abuser, the ‘impact on the adult-victims mental health’, and questions over the quality of ‘fathering involvement’, the ‘father-child relationship’ and ‘fathering-capacity’.

## Managing unsafe contact to facilitate court ordered access

*“Intimidation and threats whilst handing my child over for court ordered access visits.” (R346, female)*

As the quote from the survey respondent outlines, victim-survivors reported ongoing risks to their safety and welfare directly associated with their role in managing court ordered access.

- **78.4%** of all victim-survivor respondents reported that they experienced ongoing problems and/or abuse from their ex-partner connected with their child/ren’s access arrangements (n=326).

**However, in order to adhere to court ordered access and avoid being charged with violating a court order, victim-survivors were required to regularly engage with their abuser. This frequently provided court sanctioned opportunities for further abuse to occur.**

‘Managing unsafe contact for the adult victim-survivor’ (chapter 4), was an important theme to emerge from all data sources. However, interview data from 23 female victim-survivors<sup>10</sup> provides a rich account of the challenges faced, including assaults, threats, intimidation and manipulation.

Furthermore, it was found that female victim-survivors perceived that court ordered access was used by their abuser as an ongoing tactic of control and abuse. Where separation meant reduced opportunities for previously utilised forms of abuse, perpetrators adapted their methods to ensure that victim-survivors did not have time or space to recover or move-on. Examples included repeat summoning/adjournments, time wasting by not being adequately prepared or legally represented, requesting more access and not adhering to orders; generally being as unaccommodating as possible.

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<sup>10</sup> Lower numbers of male victim-survivors (n=44) who took part in the study did not allow for a comparable in-depth analysis as was conducted with female victim-survivors (n=393). Unique perspectives relating to male victim-survivors’ experiences are comprehensively addressed in chapter 7

**Interviews with female victim-survivors revealed that abusive fathers ongoing control of them and their children also involved actions which were experienced as attacking mothering and the mother-child relationship.**

Several sub-themes which emerged from the data included:

### **‘Attacking/undermining mother and the impact on mother-child relationship’**

This theme illustrated how mothers had to navigate their children’s heightened emotional states and anxiety following contact with perpetrator fathers, which frequently involved blaming or defaming mothers to their children. All 23 female interviewees commented on the impact of managing constant control and manipulation from perpetrator fathers, alongside managing its impact on their relationships with their children.

### **‘Mothers have to work to make contact happen’**

In-depth interviews highlighted that the mothers put considerable ‘work’ into supporting children’s contact with their fathers. They did not want to be barriers to the father-child relationship which they had been told was in their child’s ‘best interests’. All of the ‘work’ mothers described doing was to make contact safe for children and was firmly focused on what they considered to be in their child’s best interest. Examples of this ‘work’ included:

- Risk assessing children’s safety and welfare and putting in place mitigation strategies against possible harms arising from substance-use, mental health, neglectful parenting practices. This included actively ensuring that basic needs such as food, clothing and stimulation were met while on contact.
- Bridging any and all gaps associated with contact such as supervising access where required, picking up and dropping off, considering safe handover locations, etc.
- Working to manage children emotional states in the build up to and fallout from contact visits.

For all the interview participants, remaining committed to making contact work had clear implications for their own safety and well-being with contact providing ongoing opportunities for continued abuse, ongoing control and manipulation.

### **‘Maintaining and sustaining the father-child relationship through post-separation contact’**

Findings raised concern for both fathering capacity and father-child relationships pre-separation, with abusive fathers often more absent than present in their children’s lives. Across all interviews with mothers, the motivation for fathers seeking access was in the main considered two-fold: to maintain power and control over mothers through contact, combined with a sense of righteousness or ownership over children’s time and women’s lives. Participating mothers therefore invested time and energy maintaining and sustaining father-child relationships, which were not without issue prior to separation.

The countless elements that contributed to victim-survivors safety and well-being being undermined, including professional attitudes and behaviours, were further compounded by structural and systemic factors inherent in the family law system.

### 3. Structural and systemic factors

*“It was relentless, in and out, and it was frustrating where he got so many adjournments, because he played the system.” (Olivia)*

**Navigating the family law system was perceived as ‘relentless’. This was one of the most frequently used terms by adult victim-survivors when describing their experience.**

Contributing factors to this experience of ‘relentlessness’ included:

- The length of time it took for cases to be heard and processed – sometimes spanning many years.
- The number of times cases were adjourned, necessitating multiple days in court.
- Being summoned to court – often multiple times – by former partners.
- Repeated court attendances caused disruption to victim-survivors’ employment and/or created challenges in managing childcare responsibilities.
- Having to attend court for issues which could have been resolved outside of a courtroom, including for the processing of passport applications when the abuser refused to sign the paperwork, agreeing minor alterations to contact arrangements, for example where a child wanted to attend a friend’s birthday party that fell on their contact parents time, or enforcing the payment of maintenance.
- Engaging with multiple different professionals, including judges, across multiple court appearances.
- If required, occasionally interacting with different court systems and complex processes.

**Family Law processes facilitated legitimate opportunities for abusers to exercise their tactics of abuse.**

A strong theme to emerge from the qualitative data gathered by the victim-survivor survey, and from 22 of the 24 victim-survivors who were interviewed<sup>11</sup>, perceived that perpetrators were able to ‘play’ the family law system to maintain control and/or cause disruption to inflict harm.

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11 21 female and one male victim-survivors.

Many female victim-survivors in interview described how paradoxically the family law system enabled, or sanctioned, their former partner's ongoing abusive and manipulative behaviours. Findings highlight some important considerations, including:

- The court's neutral stance regularly failed to capture the subtle, nuanced patterns of abuse, allowing the perpetrator to be seen simply as a parent seeking access, while overlooking the history of DVA.
- Perpetrators were reported to delay, stall or prolong court processes to maintain control over victim-survivors.
- Perpetrators were believed to actively seek out professionals from all disciplines who would be sympathetic to their narrative, typically portraying themselves as the aggrieved party.
- Perpetrators were reported to use counter proceedings against victim-survivors. Examples included when victim-survivors sought protection through the court, via DV Order applications which were reported to trigger perpetrators instigating GCA proceedings. Occasionally this triggered perpetrators to apply for counter DV Orders against victim-survivors.
- Perpetrators were reported to use the contact schedule as a mechanism of control, whereby rigid adherence to the terms or orders was reported even if children required some flexibility or an amendment. For others, contact orders were sought but never taken up or sporadically engaged with.
- Perpetrators were reported to use their guardianship rights to exert control, including withholding consent, or opposing decisions in relation to children's psychosocial, medical or educational needs.
- Perpetrators made false allegations to social services or An Garda Síochána about child abuse and neglect perpetrated by the victim-survivor parent.

Male victim-survivors' experiences were similar with some distinctions. Here, it was reported that female perpetrators also manipulated the system and its processes to maintain control and in doing so weaponised the legal system against them. However, male victim-survivors generally believed that the family law system privileged or protected the rights women as mothers. Examples included:

- A perception that judges and the legal system have a predisposition to side with mothers.
- A perception that the system operates under gender-based assumptions about parental roles and parental capacity.

- A perception that the outcome is predetermined – the (perpetrator) mother retains custody, the father will be given access/contact and will have to pay maintenance and cover expenses.
- A perception of collusion against fathers/male victims from within the system.

### Many Victim-survivors experienced engaging with the Court and its processes as abuse

Participants identified several sub-elements which contributed to their perception of the system as abusive, including:

- *DVA not being believed by the Court* was experienced as traumatic, this included persistent worries over whether it would be believed on each occasion.
- *Reliving the story as trauma*: the process of giving evidence was traumatic for victim-survivors, particularly if cross-examined by perpetrators who were self-representing.
- *Multiple judges*: Participants reported that engaging with many different judges had challenges such as explaining everything again, with not enough time for judges to grasp the complexity of the case, and judicial susceptibility to manipulation by perpetrators' narratives.
- *Problematic legal orders and legal responses*: Having to provide evidence which adhered to an incident-based model to obtain or enforce DV Orders was problematic for those who experience more 'subtle' or ongoing coercively controlling tactics.
- *The process of agreeing the 'deal' before going before the judge*: The process of 'bartering' or 'negotiating' between the two sides' solicitors to reach agreement which could be 'rubber stamped' by the judge was not experienced positively; it was perceived that adult and child victim-survivors' needs in relation to safety and wellbeing were bargained away.
- *Not understanding the process*: Participants highlighted the importance of understanding the processes of the legal system that they were having to navigate, with their confusion and lack of understanding often compounding their distress and enhancing their fear.
- *Financial implications of the process*: Participants experienced significant financial stress and difficulties arising from repeated court attendance, legal fees, court report fees and associated additional costs including childcare and travel.



## ‘Tools’ of the legal system

A range of participating professionals highlighted the absence of an infrastructure<sup>12</sup> for the sharing of information relevant to the family law proceedings makes it difficult for judges to see the complete picture when legal matters are dealt with in separate proceedings. Corroborating examples from victim-survivors include:

- Several victim-survivor respondents to the survey shared experiences of criminal proceeding being precluded from other family and civil proceedings.
- Several disclosed that criminal proceedings were used as bargaining tools in family law proceedings.

## DV Orders and undertakings

Inconsistencies were identified in relation to DV Orders. These include:

- **25.4% of female** (n=93) and **53.5% of male** (n=23) victim-survivors **did not have any DV Orders in place at the time of GCA proceedings.**
- Approximately a quarter of these respondents **did not know they could apply for a DV Order** (n=5, **23.8%, male**; n=23, **25.0%, female**).
- **13.2% of female** (n=36) and **10.0% of male** (n=2) victim-survivors indicated that the judge presiding over their case **did not know there was a DV Order in place (chapter 5).**
- In additional comments left by survey respondents, some disclosed that they were **advised by their legal representatives not to mention the history of DVA.**

Comments left in the survey data indicated some respondents had been issued with an ‘**undertaking**’ to the court instead of a DV Order. This practice involves alleged perpetrators swearing under oath not to threaten, instil fear or cause harm. However, as undertakings do not give the Gardai the power to arrest, this renders them effectively useless if abuse re-occurs. In contrast, a DV Order may be enforced in the event of a breach, to arrest a perpetrator.

**Interview data highlighted concerns about the incident-based approach of DV Orders, particularly in the context of coercive control.**

Difficulties were highlighted by victim-survivors in relation to obtaining orders in the absence of physical abuse or an incident, in addition to knowing when

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<sup>12</sup> As previously highlighted by Egan & O'Malley Dunlop (2023) *A Report on the intersection of the Criminal Justice, Private Family Law and Public Law Child Care Processes in Relation to Domestic and Sexual Violence*. National Women's Council and Department of Justice. [https://www.nwci.ie/images/uploads/NWC\\_DSV\\_Justice\\_Report.pdf](https://www.nwci.ie/images/uploads/NWC_DSV_Justice_Report.pdf)

to enforce an order by involving An Garda Síochána. Persistent high-levels of fear experienced by some female victim-survivors made it difficult for them to determine when to enforce a DV Order.

### Issues with legal representation

- **45.2%** (n=185) of victim-survivor survey respondents reported using only privately funded legal representation for their GCA proceedings.
- **31.3%** (n=128) of victim-survivor survey respondents reported using Legal Aid as sole source of representation for their GCA proceedings.

### DVA practitioners and victim-survivors identified issues in relation to accessing and/or securing legal representation.

#### Specialist DVA practitioners perceived there were less issues securing private legal representation.

- The average overall rating for experiences of clients accessing **Legal Aid was 4.8/10** (n=175).
- Privately funded solicitors received a slightly higher rating of **5.5/10** (n=167).

However, the most common response awarded by practitioners emphasises this disparity:

- Legal Aid **3/10** (n=37, 21.3%), while private solicitors were **6.0/10** (n=36, 21.3%).

#### Victim-survivors and specialist DVA practitioners emphasised a range of difficulties associated with accessing both Legal Aid and private legal representation for family law cases in the context of DVA.

Accessing Legal Aid was perceived to be particularly problematic (chapter 5, chapter 9). Examples included:

- The low-income threshold to qualify for Legal Aid was identified as a significant barrier for victim-survivors. The vast majority of DVA practitioners surveyed believed that the eligibility criteria for Legal Aid is '*too restrictive or too strict*' (n=137, **73.7%**).
- Access to Legal Aid practitioners was highly limited in certain geographic locations.
- It was reported that the demand for Legal Aid is greater than the availability.
- It was reported that there is a lack of incentive for practitioners to take on Legal Aid cases. Remuneration is too low for the level of work typically associated with family law cases with DVA.

- Difficulties were reported with getting in contact with legal practitioners to discuss cases.
- There were issues with inadequate attention to cases; interactions were reported to be rushed and often at the court on the day of proceedings.
- There were reports of supplementary payments to Legal Aid practitioners from victim-survivors.

There were not as many issues identified with privately funded legal representation (chapter 5, chapter 9). Nonetheless issues were identified, and examples included:

- Private legal fees were described as excessively high.
- Accessing private legal representation could also be a problem, in rural areas for example, with limited availability of practitioners, particularly if the perpetrator had secured the only experienced practitioner in the area.

**In the context of DVA, the potential for repeat summoning and multiple adjournments, combined with protracted length of proceedings, compounded issues for victim-survivors relating to costs for both Legal Aid and private representation, but for different reasons.**

- Legal Aid practitioners were reluctant to take on case which appeared too complex as the Legal Aid certificates<sup>13</sup> did not cover the costs.
- Private representation placed too high a financial burden on victim-survivors to cover these costs.

## Mediation

*“Mediation put me at risk and I was further abused and it was a waste of time, just an avenue for perpetrator to control and further abuse victim and play mind games.” (R180, female)*

**Mediation was not perceived to be ‘useful’ in the context of DVA during GCA proceedings.**

Using a 10-point scale where **1 was ‘not useful at all’ to 10 ‘very useful’**, on average mediation was rated as **1.8/10** (n=133,) by victim-survivors. Qualitative comments in the victim-survivor survey again provided depth and detail for this rating.

<sup>13</sup> A legal aid certificate is an official document issued by the Legal Aid Board that entitles a person to civil legal aid and advice from a solicitor (and in some cases a barrister) at little or no cost; it is means-tested.

## Mediation was not experienced as safe in the context of DVA during GCA proceedings.

Mediation is not an appropriate course of action where there is DVA as it can be unsafe for victim-survivors. Notwithstanding this, survey findings highlight some concerning issues:

- **68.2%** of all adult victim-survivors reported that mediation was suggested to them by a professional (n=281).
- One third of all respondents to the online survey reported that they engaged with mediation during their GCA process (n=140, **33.9%**).
- **5.1%** of the sample said that their ex-partner 'forced' them to engage with mediation (n=7) and another **5.1%** reported that their ex-partner's legal representation had 'strongly insisted' on mediation (n=7). This suggests that some level of coercion was involved in the decision to engage in mediation for **10.2%** of victim-survivors (n=14).

Perhaps unsurprisingly, 133 victim-survivor respondents provided an average rating of **3.0/10** for feelings of safety during mediation.

## Specialist DVA practitioners indicated that they did not believe that mediators understood the dynamics of DVA.

Two thirds of practitioners surveyed had experience of their clients using mediation (n=129, **66.2%**). Mirroring the mainly negative perceptions of mediation from victim-survivors, DVA practitioners rated mediators' understanding of the dynamics of DVA an average of **3.6/10** with a modal response of **2.0/10** from a quarter of responding practitioners.

## Court assessments and reports<sup>14</sup>

In the context of this research, it was clear from members of the judiciary that there is a heavy reliance on court reports for the purpose of incorporating the view of the child into guardianship, custody and access matters (**chapter 10**) - a constitutionally and legislatively mandated legal requirement. Yet strong concerns were expressed across datasets about the overall quality of these court reports in the myriad forms they take. For example, these reports include a '*Child welfare report*' *Section 32 (1) (a) Guardianship of Infants Act 1964 as amended*; '*Voice of the child*' *Section 32 (1) (b) Guardianship of Infants Act 1964 as amended*; *Welfare report (as it relates to the child/ren)*, *Section 47 report*,

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<sup>14</sup> The findings of this present research on the process and practice of conducting court assessment reports corroborate the findings of the Department of Justice (2024) Review of the Role of Expert Reports in the Family Law Process <https://assets.gov.ie/static/documents/review-of-the-role-of-expert-reports-in-the-family-law-process.pdf>

*Family Law Act 1995 as amended; Social work report, Section 20, Child Care Acts 1991 (as amended).* Notwithstanding the legislative and constitutional requirement for children's voices to be ascertained, and in particular when it is alleged that there is DVA within the family, **41.0%** of adult-victim survey respondents (n=171) indicated that **no court reports or child welfare reports were prepared** for the court during their GCA proceedings.

In the survey of specialist DVA practitioners, the vast majority of practitioners (n=163, **86.7%**) had experience of their adult and child clients being interviewed and assessed by experts to prepare reports for the court. Drawing on their extensive professional experience and expertise, practitioners contributed meaningful insights into the court ordered assessment and reporting process.

**Specialist DVA practitioners identified issues with how these reports are factored into judicial decision-making.**

- Using a scale from **1-10**; where **1** represented '**not good – lots of issues**' and **10** represented '**very good – no issues**' – average ratings ranged between **3.6/10**<sup>15</sup> to **4.3/10**<sup>16</sup>

**Specialist DVA practitioners perceived there is a lack of understanding of the dynamics of abuse from those charged with preparing these reports.**

- Using a scale from **1- 10**; where **1** represented '**not good – lots of issues**' and **10** represented '**very good – no issues**' – average ratings ranged between **3.1/10** to **3.7/10**<sup>17</sup>

**Serious questions emerged across multiple data sets<sup>18</sup> regarding the qualifications and expertise of professionals appointed to conduct assessments and prepare reports for the courts.**

- The qualifications of professionals appointed to conduct assessments and prepare reports for the court were called into question.
- Reservations were expressed about whether these professionals possessed the appropriate expertise to undertake such responsibilities.
- Notwithstanding DVA practitioners' expert knowledge, which could be drawn on to inform assessments in complex cases involving DVA, two thirds of practitioners surveyed indicated that their professional views were 'never' sought into inform decision-making processes in relation to GCA proceedings in the context of DVA (n=121, **67.6%**).

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15 Section 32(1)(a), Section 32(1)(b), Section 47 report.

16 Section 20

17 Section 20

18 Data sources included focus group interviews with a broad range of health, social care and legal professionals; individual interviews with legal practitioners; individual interviews with victim-survivors, and survey data from specialist DVA practitioners and victim-survivors.

**Multiple sources of data<sup>19</sup> strongly converged in relation to the extremely high costs associated with court ordered assessments and reports, with many victim-survivors and professionals expressing the view that they were ‘extortionate’ or a ‘money-racket’. Additional considerations raised included:**

- Perpetrators can interfere with the process or block assessments and reports by withholding payment.
- It can place an undue financial burden on the victim-survivor who needs their child’s voice to be heard.

**Inconsistencies were recorded in the specialist DVA Practitioner survey in relation to the amount of time spent preparing reports by court appointed assessors.**

- Only **4.3%** indicated that the time spent was ‘*appropriate*’ for Section 32 (1)(a) reports.
- Only **4.3%** indicated that the time spent was ‘*appropriate*’ for Section 32 (1)(b) reports.
- Only **8.3%** indicated that the time spent was ‘*appropriate*’ for Section 47 reports.
- Only **16.3%** indicated that the time spent was ‘*appropriate*’ for Section 20 reports.

The greatest percentage indicated that time spent was ‘*too short*’ while the remainder ‘*did not know*’ or believed time spent was ‘*too long*’ (chapter 5).

**The vast majority of specialist DVA practitioners perceived that ‘Not Enough’ details were gathered to prepare reports.**

- **64.2%** indicated ‘*not enough*’ detail is gathered by assessors for Section 32 (1)(a) reports.
- **69.4%** indicated ‘*not enough*’ detail is gathered by assessors for Section 32 (1)(b) reports.
- **71.4%** indicated ‘*not enough*’ detail is gathered by assessors for Section 47 reports.
- **68.4%** indicated ‘*not enough*’ detail is gathered by assessors for Section 20 reports.

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<sup>19</sup> Data sources included focus group interviews with a broad range of health, social care and legal professionals; individual interviews with legal practitioners; interviews with member of the judiciary, individual interviews with victim-survivors, and survey data from specialist DVA practitioners and victim-survivors.

## Specialist DVA practitioners emphasised fears over the absence of children's voices in GCA proceedings

DVA practitioner survey respondents highlighted the lack of voice children have in GCA proceedings, even with these dedicated reports whose primary purpose is to ascertain their views. Again, many respondents asserted that this issue is compounded by a poor understanding of DVA and children's needs among these professionals, combined with a perceived prioritisation of the rights of the abusive parent over and above safety considerations for the child. This perception was strongly aligned with the experience of adult and child victim-survivors participating in this study.

*"She destroyed my life for future good." (Lily)*

**The overwhelming account from adult victim-survivor interview participants was of a very negative experience of both the process and outcome of assessments, with implications for their safety and well-being and the safety and well-being of their children.**

A number of issues were described by victim-survivors in relation to how they experienced the assessment process and the outcomes. These are as follows:

- Victim-survivor accounts of DVA victimisation were discredited, denied and ignored.
- Corroborating and validating information victim-survivors considered essential was not included in the final report.
- The abusive ex-partners narrative was accepted without any interrogation.
- Mothers were therefore presented as disgruntled, over-sensitive, hysterical, over-protective and unhinged<sup>20</sup>.
- In the absence of any consideration of DVA, parental alienation became the only alternative conclusion assessors reached to explain why mothers and children were resistant to contact/access.
- Victim-survivors safety needs were disregarded even where DV orders were in place. Assessors' requests occasionally breached those orders.
- Notwithstanding the financial burden on victim-survivors of these reports, victim-survivors were given limited/no access to reports.
- There was no mechanism to contest the claims made in the reports.

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20 The limited amount of data on fathers did not allow for this level of analysis.

**All members of the judiciary interviewed indicated a clear preference for Section 32 reports as the primary method for ascertaining children's views and perspectives, rather than engaging with children directly themselves (chapter 10)**

All six members of the judiciary consistently identified Section 32 reports as a crucial mechanism for obtaining vital insights into children's views and circumstances, further highlighting their reliance on these reports to inform their decisions. However, each judge also acknowledged notable limitations associated with Section 32 reports, including concerns about their cost, the availability of qualified assessors, the time required to complete the reports, and, in some instances, the quality and variability of the reports prepared for the court. Some judges also expressed caution about engaging directly with children, citing their own training and skill level for this task. In addition, some concerns were expressed over children's potential discomfort about engaging with them and the responsibility this could place on children in the decision-making process.

## **Supervised access**

**The vast majority of victim-survivor parents reported that their children's contact with their perpetrator parent is not or was not supervised at any stage (n=293, 72.9%).**

In the absence of professional supervised access services, family members – or in some cases the victim-survivor themselves – ended up supervising the contact. These arrangements were largely inappropriate and fraught with challenges, not least the ongoing exposure of the adult victim-survivor to the perpetrator. Notwithstanding the clear risks to adult victim-survivors, nearly all participating victim-survivors expressed fears over their children's safety and/or welfare while in the care of their perpetrator parent.



**A quarter of victim-survivor parents reported that contact with their children's perpetrator parent is or was supervised (n=100, 24.9%)**

- **47.5%** of victim-survivor parents reported that there was a charge to have access supervised (n=47).
- **17.0%** of victim-survivor parents reported that they supervised the access themselves (n=17), in the survey two female victim-survivors disclosed that the terms of their DV Orders were amended to allow for this.
- **11.0%** of victim-survivor parents reported that a member of their family or a friend were supervising access (n=11).
- **16.0%** of victim-survivor parents reported access being supervised by a member of their ex-partners family (n=16)

**91.8% (n=368) of all adult victim-survivor survey respondents had concerns about their children's safety and 93.9% (n=369) had concerns about their children's welfare while on access and/or in the care of their other parent/guardian.**

## In camera rule

The in camera rule was raised as problematic across multiple data sources.<sup>21</sup> Victim-survivors responding to the survey perceived that rather than providing protection, the in camera rule compounds abuse and causes harm. There were several explanatory factors for this perception, including:

- A lack of transparency in relation to judicial decisions or oversight.
- The absence of any mechanism by which to compare or contrast judicial practice.
- The resultant silencing or 'gagging' of victim-survivors.
- The protection of judges, professionals and abusers but not victim-survivors.
- The prevention or prohibition of court accompaniment for victim-survivors by specialist DVA practitioners.
- Inconsistent access to court ordered assessment reports with some victim-survivors having limited sight of them, while others were not permitted to view them at all.

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21 Data sources included focus group interviews with a broad range of health, social care and legal professionals; individual interviews with legal practitioners, individual interviews with victim-survivors, and survey data from specialist DVA practitioners and victim-survivors.

## Intersecting factors

Although limited, this study identified a complex interplay of intersecting factors that may compound the challenges faced by diverse populations of victim-survivors when engaging with the family law system. Insights gathered from both direct experiences and the perspectives of supporting professionals revealed additional interrelated barriers, underscoring the need for further, in-depth investigation into these systemic issues.

A diverse range of intersecting factors were explored, including perspectives from migrant and minority ethnic communities, disability as it relates to adult and child victim-survivors, women with a history of substance use and addiction issues.

### **Migrant and minority ethnic communities including Traveller and Roma communities**

Issues were identified in relation to the following:

- Language proficiency issues which made understanding and communicating challenging.
- Lack of understanding about Irish family law systems and processes, in addition to other supports or services (e.g. immigration, social welfare, housing, etc).
- Being ostracised from communities/families and friends for separating from perpetrators and/or seeking remedy through the legal system.
- Isolation – a key tactic of DVA – was compounded for migrant communities who lacked local knowledge or support networks.
- Not being able to take a child out of the country without the consent of their abuser.
- Ethnic identifiers are not gathered by the courts; therefore, little is known about how many families are from minority ethnic backgrounds, including those from Traveller and Roma communities.
- Limited data suggests additional challenges and adversities for Traveller and Roma communities, such as high prevalence rates of DVA, discrimination and negative stereotyping from within agencies, services and supports.
- Further research into the experiences of adult and child victim-survivors from the Traveller and Roma communities in relation to family law processes is required.

## **Adult and child victim-survivors with a disability**

**Female victim-survivors with a disability rated their overall feeling of safety at the time of their proceedings as an average of 2.6/10 compared to an average of 3.6/10 for women without a disability, suggesting those with a disability perceived greater levels of risk compared to those who did not have a disability.**

**Female victim-survivors described how their disability was leveraged against them by perpetrators, but there was limited data gathered in relation to how disability interacted with the family law system and process. Specialist DVA practitioners raised potential issues relating to service provision and accessibility.**

**Nearly half - 47.0% - of female and male respondents to the survey indicated that they had a least one child with a learning difficulty or intellectual difficulty**

36.6% of respondents (n=144) indicated that they had at least one child with a learning difficulty or intellectual disability that had been confirmed by a professional, with an additional 10.4% who indicated this was present but not confirmed by a professional.

**Children with learning difficulties and intellectual difficulties were identified by victim-survivor parents as experiencing additional challenges in relation to their experiences of DVA.**

Victim-survivor parents believed their disabled children's experiences of DVA had negatively impacted on their wellbeing. These concerns included but not were not limited to severe anxiety, self-harm, PTSD/CPTSD, and eating disorders. Three mothers of children with this type of disability referenced DVA as a contributing factor in their child's suicide ideation, with one child reported to have died by suicide.

## **Substance-use and addiction**

**History of substance-use or addiction was found to be leveraged against female victim-survivors by perpetrators.**

Interview data from three participants found their history of drug use was used as an ongoing justification for perpetrators to question their parenting capabilities, withhold or deny contact.

## Children did not experience being heard as part of their journey through the family law system

The findings of this research raise serious questions about the capacity of key professionals to see children and young people as competent actors with agency in the family system, to understand, listen to and respect their independent views. Across the children's narratives there was limited evidence of them being recognised as rights-holders by professionals. In fact, the majority of the children interviewed provided examples of a predominantly adult-centric approach that undermined their views and opinions, often questioning their credibility as witnesses. Not being seen or heard in family law matters had implications for their safety and well-being. For **19 of the 20 children and young people** who participated in interview, the perpetrator of DVA was their father. For the remaining one participant, the perpetrator of DVA was their mother. This section will therefore primarily refer to the father-child relationship.

### 1. Not feeling safe during access with the abusive parent

*"You just don't know what he's going to do next" (Alice, 14yrs)*

A common theme arising from the children's interviews was feeling unsafe during access/contact with their father. For many children like Alice, their pre-separation experiences of fear, unpredictability, control and physical assault were a clear contributor to their feelings of not being safe. Some participating children also recalled being left alone unsupervised for long periods of time, being locked into their abusive parent's home so they could not escape and with communication with their victim-survivor parent restricted or forbidden.

The experiences of manipulation, mistrust and fear were well grounded for many of the children as their post-separation relationship with their abusive parent mirrored their pre-separation experiences, with regimes of coercive control grounded in overwhelming feelings of fear and powerlessness. For many young participants, these pre-separation experiences were punctuated with episodes of physical abuse. In fact, none of the children were able to describe a positive parent-child relationship with their abusive parent pre-separation, resulting in very mixed feelings about post-separation contact, including ambivalence, reluctance, fear, anxiety and sadness.

Post-separation, they resented interruptions to their normal weekend activities, including missing out on sporting commitments and time spent with peers, with young participants citing contact time as their fathers need for control rather than his wish to spend quality time with them. Serious accounts of physical assault were reported by some children and young people when they resisted these regimes of control by running away or simply distancing themselves, both emotionally and physically, from their abusive parent while on contact. The quality of the relationship these children had with their non-resident parent and the subsequent quality of contact time is perhaps best reflected in the fact that the majority of the young participants did not call their father 'Dad' anymore and instead either used his first name or a nickname they had for him.

Despite established evidence<sup>22</sup> correlating DVA with child safety and welfare concerns, both pre- and post-separation, **74.5%** (n=301) of victim-survivor parents believed that their child/ren's experience of living in a household where DVA was occurring was **never** taken into account in the decisions made concerning court ordered access.

Over 200 survey comments from victim-survivor parents highlighted their concerns that their child/ren were going to be subjected to further abuse or neglect while on contact. Examples given included emotional abuse, coercive control, manipulation, neglectful or unsafe parenting practices, or other risks relating to alcohol, drugs or weapons.

Concerns raised by female victim-survivors for their children's safety while on contact with their (perpetrator) father, specifically related to physical and sexual abuse, endangerment, neglect and emotional abuse.

Only **7.9%** (n=29) of **female victim-survivors** reported the outcome of their GCA proceedings as being '*I retained sole custody with no other contact with the other parent/guardian*'.<sup>23</sup>

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22 See chapter 2

23 The largest percentage of male victim-survivors reported that they were the party to have an access order in place

## 2. Experiences were discounted, disbelieved and ignored by professionals

*“Some people make it seem like they’re helping you, but they’re not.” (Ruby, 13 yrs)*

While all of the young participants had engaged with a variety of professionals including court assessors, social workers, judges and members of An Garda Síochána, the majority experience as captured in the opening quote from thirteen-year-old Ruby, was of their views not being sought meaningfully, their experiences discounted and disbelieved and their wishes ignored.

Examples given included children disclosing experiences of physical restraint and assault by their abusive parent, with that information either ignored, challenged as the truth or changed and reported instead as the acts of the victim-survivor parent. While the children stated in interview that they could not have been clearer that they did not want to spend any time with an abusive parent and gave a good rationale and evidence for that assertion, they described not feeling heard or taken seriously by professionals when contact was continued or extended.

Where child/ren were consulted (e.g. by parents/guardians and/or professionals) during the GCA proceedings post separation, **42.8%** of adult victim-survivor survey respondents stated that their child/ren’s **wishes were never reflected in the decisions** made regarding custody and access.

It is of note that nearly one quarter of responding victim-survivor parents (n=98, **23.9%**) indicated that no professionals had consulted with their children while they were involved in court proceedings about GCA.

## 3. Feeling let down by professionals they trusted.

*“Maybe I would have had a happier childhood.” (Jude, 10yrs)*

Many children told us that when their experiences were disbelieved, questioned and then over-looked, they felt let down by the people they had trusted and shared their most intimate experiences with. This led to a potent sense of disappointment and powerlessness with the impact of not being believed experienced as deeply damaging. In interview two participants disclosed suicidal ideation during their childhood.

As reflected in the opening quote from ten-year-old Jude, many young participants expressed wistful regret on the missed opportunities that

multiple professionals had to represent the truth of what these children shared with them. Instead, they experienced these professionals presenting their own interpretation of the child's views when the recommendations in the report presented to court were the opposite to what children said they wanted. While there were quite mixed views on talking directly to the judge, only two children in the sample had experienced this. One child recalled the experience as the judge trying to persuade her to maintain contact with her father and asserted that the judge was *'almost like acting like my daddy's solicitor, rather than a neutral judge'* (Maggie, 11yrs). The second child (Jude, 10yrs) told us she spoke to a judge as part of criminal proceedings against her father for his abuse of her during access. In this case, the judge ruled that no contact would happen for a period of two years.

When asked whether they believed their children were given an opportunity to express their views or provide input which was considered as part of the decision-making process: well over half of victim-survivor respondents (n=234, **56.9%**) believed that their children were not granted this opportunity.

Only **1.0%** (n=4) of respondents indicated that a judge alone had direct consultation with their child/ren during GCA.

#### 4. The assessment process was confusing and frustrating

*"His opinion was not my voice." (Ruth, 14yrs)*

In interview, the young participants consistently expressed confusion and frustration regarding their interactions with the professionals who were appointed to listen to them. Even when the eventual outcome was something they were happy with, **all twenty children and young people** participating in this research expressed disillusionment with the process, where mistrust and a deep-seated feeling of being unsupported prevailed.

Feelings of mistrust were experienced by young participants like Ruth, when their voice was not accurately represented, while others stated they did not feel prepared in any way for the assessment visit. For example, some children found it upsetting when the assessor arrived unannounced at their school, leaving them feeling they had done something wrong. Others met assessors in the assessor home, where they also experienced being terrified having to physically meet their father as part of the assessment process, with the reasons for this never explained to them. With adult victim-survivors reporting the length of time spent by the assessor with their children varying from 15-60 minutes, participating children also talked about one-off meetings with assessors, sometimes involving traveling long distances for those meetings.

## 5. Trust and trusting relationships are transformative but not possible in the current system

*"I just felt safe. Like, I just felt she could actually listen. And she would like actually talk to me, saying, like, I'm sorry this happened to you and you don't deserve this. It's not just like ticking boxes." (Anna, 18yrs)*

When children like Anna reported experiencing engaging with professionals who created a safe space and listened to what they said mattered to them, the experience was transformative. To that end, the young participants in this research were also keen to provide a range of suggestions that would improve the process for children and young people.

These included:

- Having a support worker with whom they have an on-going relationship with, present with them when speaking to a judge or assessor.
- Having the conditions created for them to build trusting relationships with adults who are involved in making decisions about their lives. This would necessitate more than one-off meetings.
- Having their views and wishes directly presented to the court without interpretation.
- A more efficient process that does not continue throughout their childhood as this creates a lot of uncertainty and upheaval to their daily lives.
- Having professionals checking in regularly with them once the contact decision has been made to make sure everything is ok.

All but one of the young participants in this present research were no longer engaging in contact with their non-resident parent at the point of interview and all reported the absence of this parent in their lives as leaving them feeling safer, more secure and happier. For the majority of children and young people however, getting to this point of safety took many years of unsafe and unwanted contact, and with many conversations with multiple professionals and over prolonged periods of time before they were finally listened to.

While meaningful participation of children – being heard – is not only central to a rights-based perspective but also to a care or welfare perspective, this process was not experienced by the children participating in this present study as participatory, inclusive or one where their views were considered and taken seriously. Conversely, when children made their views known on what the court considers 'adult' concerns such as DVA, those children risked being positioned at best as overly involved, or at worst as alienated from their abusive parent by their protective parent. The interviews with children and young people found no evidence to support alienation concerns. Rather, the majority of children cited their victim-survivor parent as a critical source of support and comfort in managing unsafe and unwanted contact.



## Conclusions and Recommendations

GREVIO<sup>24</sup> (2023) have strongly encouraged the Irish Government to ensure that ‘...all incidents of violence covered by the scope of the Istanbul Convention are taken into account and that in the exercise of any visitation or custody rights, the rights and safety of the victim and her children are safeguarded’.

This research concludes that the absence of a robust and consistent DVA lens to professional practice in the family law system, across **all** stakeholders who engage with families during this process, resulted in victim-survivors experiencing this journey as secondary victimisation. In the absence of a DVA lens to professional practice, ongoing contact with non-resident parents – primarily fathers – was presumed to be in the child’s best interest. This conclusion was reached without adequate consideration of the potential risks associated with DVA.

**The absence of a DVA lens to professional practice resulted in decisions that increased risk, compromised safety and undermined rights.**

Where custody and access decisions are being made, it is both a constitutional and legal imperative, not only that the ‘best interests’ of the child are considered paramount and independently of the rights of parents as part of the decision-making process, but furthermore, that part of that determination must require that the child has an input into that decision-making process. The evidence presented in this research on how children were seen and heard in family law matters, combined with the questionable quality of assessment reports produced for the court and the lack of regulation and oversight of assessment practice raises serious concerns.

**Specifically, where the authenticity of what has been produced for the court is subsequently brought into question for some or all of the reasons outlined throughout this report, we conclude that this could call the integrity of constitutionally mandated obligations into question.**

Importantly, having provided a comprehensive 360-degree understanding of how adult and child victim-survivors of DVA experience their journey through family law processes in GCA cases, we conclude by stressing the critical importance of a 360-degree response to the issues raised in this research. As a complex system, outcomes for the service users of that system are determined not by any one part of the system – processes, policies or practices – but by the interplay across and between these systems.

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24 Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) Baseline Evaluation Report Ireland, GREVIO/Inf(2023)22, Adopted by GREVIO on 26 October 2023, 14 November 2023, <https://rm.coe.int/grevio-s-baseline-evaluation-report-on-legislative-and-other-measures-/1680ad3feb> (Date accessed: 10/03/2025)

**None of the following recommendations are therefore optional as they are all needed if the vision of a holistic family law system as aspired to by the Family Justice Strategy is to be realised. Therefore, the responsibility for the implementation of these recommendations lies with the Department of Justice.**

With overlap also across the recommendations made by the UN Special Rapporteur on Violence Against Women and Girls, Reem Alsalem in her 2023 report, we suggest that the GREVIO (2023) recommendations provide a solid framework and useful starting point for a collaborative discussion on recommendations for policy, practice and legislative reform arising from this present research. Building on the GREVIO recommendations as set out in the sections 1-7 below, this report then presents additional recommendations (8-17) specific to the operation of family law in Ireland. Many of these recommendations are strongly echoed in recent high-profile reports of relevance to this current publication.<sup>25</sup>

## Recommendations

### **1. Compulsory training to be introduced for all professionals working in family law – including judges, legal practitioners, court staff, assessors and mediators. This training should include achieving a comprehensive understanding of the following:**

- » The dynamics and tactics of domestic violence and abuse, including; power, coercion and control.
- » The impact on both adult and child victim-survivors with an acknowledgement that living with DVA renders a child a victim in their own right.
- » The impact of DVA on victim-survivors ability to effectively participate in court proceedings.
- » The additional impacts of specific intersectional barriers.

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25 Parkes, McCaughren & Burns (2025). The Operation of the In Camera Rule in Family Law Proceedings.  
Department of Justice [https://assets.gov.ie/static/documents/The\\_Operation\\_of\\_the\\_In\\_Camera\\_Rule\\_in\\_Family\\_Law\\_Proceedings.pdf](https://assets.gov.ie/static/documents/The_Operation_of_the_In_Camera_Rule_in_Family_Law_Proceedings.pdf);  
Department of Justice (2024) Review of the Role of Expert Reports in the Family Law Process <https://assets.gov.ie/static/documents/review-of-the-role-of-expert-reports-in-the-family-law-process.pdf>;  
Family Justice Strategy Progress Report (2024) <https://assets.gov.ie/static/documents/progress-report-on-the-family-justice-strategy-2022-2025.pdf>

**2. A high-level strategy to improve co-ordination, communication and co-operation between family courts and criminal courts, as well as with specialist services and professionals that assist victims of violence and their children. The specific purpose of this strategy is as follows:**

- » To establish mechanisms so that all information relevant to the case is available on the day of a hearing. This includes information relevant to other courts (criminal courts for example, but also civil child law proceedings where applicable); school reports; medical reports etc.
- » To establish mechanisms to disincentivise perpetrators abusing the system and using the system to perpetrate further abuse.

**3. Incorporate comprehensive screening, risk-assessment and management procedures. This should include the following:**

- » A risk assessment of the physical court environment and infrastructure with particular attention to separate and secure waiting spaces and separate DVA lists.
- » A risk and evidence informed assessment of the determination of custody and visitation rights, with guidance on the processes for restricting these rights when this is necessary to guarantee the safety of the non-abusive parent and child.

**4. Evidence-informed training for all relevant professionals that consult on and/or that have decision-making responsibility for decisions on custody and visitation rights, on the complete absence of scientific grounds for “parental alienation syndrome”, and the risk of increased harm that the application of this label can have on victim-survivors and their children.**

**5. Critical attention to cases where there is a risk of children being removed from their non-abusive parent.**

**6. Provision of free supervised contact centres with careful consideration to the following:**

- » Contact centres to be operated by DVA informed and trained professionals.
- » Procedures and protocols to ensure that the transition from supervised to unsupervised contact is not an automatic process but rather is preceded by a robust risk assessment.

- 7. Integrate measures into court processes to ensure that mediation is not proposed or recommended by solicitors or experts employed by courts in proceedings dealing with DVA cases or alleged DVA cases.**

**Additional recommendations specific to the Irish family law context to include the following:**

- 8. The mandatory training recommended by GREVIO needs to address issues specific to the Irish context as follows:**

- » The current practice in Ireland that only judges can train other judges.
- » Particular attention is also needed to address over-burdened courts that render judges in those courts unavailable to attend training.
- » Training for newly appointed judges should be required to be undertaken before they sit on the bench to mitigate the challenge of their availability to attend thereafter.

- 9. Considering the Constitutional nature of the right that assessors are tasked with supporting, a radical overhaul of the assessment/expert reports process to include the following:**

- » The introduction of minimum and relevant qualifications for assessors.
- » Qualification, training, oversight and regulation of assessors comes under the regulatory remit of CORU, the Health and Social Care Regulator, as is the case for other key professionals with similar remits. Mandatory training for assessors in DVA including coercive control, and its impacts on adult and child victim-survivors.
- » Mandatory training for assessors in direct work with children relevant to ascertaining and representing the voice of the child.
- » Processes needed to ensure there is no bias towards the discredited concept of parental alienation, over appropriate screening for DVA, including coercive control.
- » Families should be furnished with a complete copy of the report.
- » All reports to be free to families with the cost of reports born by the State.

**10. Overhaul/implementation of accessible information on the Family Court systems website to include the following:**

- » Information on court processes presented in multiple languages (including sign language).
- » Information on court processes accessible through short video and audio formats.
- » Clear signposting to supports both within the family law system and as related to family law processes.

**11. Urgent reform of civil legal aid to include:**

- » Increasing the income threshold and/or introducing a graduated payments scheme for those just above the limit.
- » Incentivising legal aid work by increasing remuneration rates for solicitors taking on this work.

**12. Options for remote hearings to be available, inclusive of appropriate risk assessment of use of same.**

**13. Introduction of robust and comprehensive data collection systems with capacity to provide cross-sectional data of relevance to ongoing development of the family law system.**

**14. In response to concerns about transparency, the findings and recommendations of this present study support the recommendations of the Department of Justice commissioned research completed by Parkes et al. (2025). in relation to the in camera rule.**

**15. Legislative/policy/practice reform to address the following:**

- » Amendment to legislation or development of guidelines for the Family Law Courts so that access/custody is not automatically granted to a parent who is an alleged perpetrator of DVA. In order to ensure that contact/access is in the best interests of the child, the Court must be wholly satisfied that the child would be safe from all forms of abuse including coercive control while in the care of or unsupervised access with such parent. This includes safety from emotional abuse caused by exposure to DVA. As part of this assessment, the court must take care to ensure that the authentic voice of the child has been appropriately considered, with due weight afforded the views of the child in accordance with the child's age and maturity.

- » Addressing where guardianship is used to exercise parental consent to block children's access to diagnoses and/or treatment, therapeutic supports and processing of passports.
- » Courts to adjust access/contact arrangements where non-resident parents are not engaging with approved access.
- » Introduction of automated system to deal with the enforcement of maintenance orders.
- » Introduction of policies/processes to address and manage current practice of perpetrators cross-examining victim-survivors.
- » Use of undertakings instead of DV orders should be discouraged. Where used, the serious limitations of undertakings should be made clear to the victim-survivors.
- » Streamline policies and procedures for the use of interpreters.

**16. A comprehensive and independent review of applications for and enforcement of DV Orders to inform a process of reform if required.**

**17. Further research on male victims and minority populations.**

In conclusion, the current reform of the Family Law system presents an important opportunity to ensure that DVA is always a consideration in guardianship, custody and access cases. Its implementation should include as a guiding principle, the safety from DVA for adult and child victim-survivors in terms of both outcomes and processes. It should recognise that DVA is disproportionately represented in all family law proceedings and should therefore be a central consideration from the outset of any proceedings. The reform should be also guided by the principle that exposure to DVA constitutes child abuse and that supporting the victim-survivor parent is the best form of child protection in such cases.



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