



**FAMILIES NEED
FATHERS®**
because both parents matter

The UK's leading shared parenting charity



**BOTH PARENTS MATTER
CYMRU**

Patrons

The Rt, Hon David Blunkett MP
Dr Hamish Cameron FRCP FRCPsych
Nigel Planer

Sir James Munby
President of the Family Division,
Royal Courts of Justice
The Strand
London
WC2A 2LL

Dear Sir James

PARENTAL ALIENATION – PROPOSED PRACTICE DIRECTION

We have discussed the recognition and treatment of Parental Alienation in complex Private Law cases in our meetings with you over the past 18 months.

We have found these discussions with you most helpful and informative. We have been encouraged to discover that our understanding of the issues – particularly in complex cases involving an abuse of the Voice of the Child - has mirrored your own.

We have also appreciated the difficulty faced by the Courts in ensuring consistency of approach across England and Wales, particularly when such difficult and complex issues are before the Lay Judiciary.

We now believe that the conditions are in place for the issues to be addressed through a Practice Direction in the light of a couple of recent developments.

1. Ministry of Justice formal recognition and definition of parental alienation.

In response to a Petition to Parliament that has attracted over 12,000 signatures the Ministry of Justice has provided a workable definition of parental alienation:

'In cases where parents are separated, parental alienation refers to a situation in which one parent (usually the parent with whom the child lives) behaves in a way which creates anxiety in the child, so that it appears the child is opposed to living or spending time with the other parent.'

<https://petition.parliament.uk/petitions/164983> - Government response paragraph 2

The Ministry of Justice then carries on to highlight a number of ways in which the Family Court and Cafcass have powers and responsibilities that protect children from the emotional abuse they face as a result of Parental Alienation.

2. Statement by Anthony Douglas on behalf of Cafcass – Telegraph online 12/2/17

In an article entitled ***“Divorced parents who pit children against former partners 'guilty of abuse’”*** Anthony Douglas is reported as acknowledging that 80% of the most difficult cases that come before the Family Court involve parental alienation. He is specifically quoted as saying that ***“It’s undoubtedly a form of neglect or child abuse in terms of the impact it can have.....I think the way you treat your children after a relationship has broken up is just as powerful a public health issue as smoking or drinking.”***

<http://www.telegraph.co.uk/news/2017/02/12/divorced-parents-pit-children-against-former-partners-guilty/>

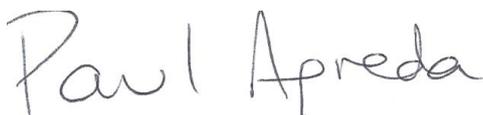
We are also aware of a number of precedents where the Higher Courts have identified alienating behaviour and parental alienation. We strongly believe that the understanding and experience of the higher Courts is an invaluable resource to all levels of the judiciary but in particular to Magistrates and Legal Advisers who predominantly see cases at FHDRA where early intervention and proper signposting to appropriate services can prevent continued abuse of the child.

Proposal

- That our charity in partnership with your office develops a working brief to address the issue of Parental Alienation in the Family Courts for consideration at the next available meeting of the Family Justice Council
- That a proposal be put forward for a sub-group of the Family Justice Council to be established to draw up detailed proposals for a Practice Direction on Parental Alienation for your consideration
- That experts in the handling and identification of Parental Alienation be invited to join the Working Group together with representatives of Cafcass / Cafcass Cymru, the Judiciary and charities that have a specific interest and expertise in supporting parents and children where Parental Alienation has been identified.

We’d be happy to discuss these issues and our specific proposals at your earliest convenience.

Regards



Paul Apreda

National Manager FNF Both Parents Matter Cymru / Trustee – Families Need Fathers