

PE2163/B: Develop guidance on child contact domestic abuse

Minister for Victims and Community Safety written submission, 29 October 2025

The Citizen Participation and Public Petitions Committee considered the above petition at a meeting on 24 September 2025, and agreed to write to the Scottish Government to clarify that:

'the Petitioner is asking for the Scottish Government to lead the development of guidance on the application of the Domestic Abuse (Scotland) Act 2018 in circumstances in which it is claimed that the child contact dispute processes are being used to abuse a parent, with the aim of helping all those involved in child contact disputes understand how best to protect the rights of those involved.'

Based on this, the Committee would like to know whether or not the Scottish Government will commit to taking forward this work. The letter containing the Committee's request was sent from the Assistant Clerk to my officials in the Family Law Unit on 2 October 2025.

I would like to thank the Committee for its clarification. While I do have sympathy with the Petitioner's situation, I can confirm that the Scottish Government is not in a position to take forward the development of guidance as asked for in the petition.

As was highlighted in [our initial response](#) for the Committee's consideration, the Scottish Government does not issue such guidance to either the courts (who are independent of government) nor Police Scotland (who make the operational decisions regarding what is and is not an offence under the [Domestic Abuse \(Scotland\) Act 2018](#)). Although the Petitioner does not specify this, these institutions would appear to be the main audiences for such guidance, based on the petition's background information.

The Scottish Government is also preparing guidance for adults and children on what it is like to go to court in family cases. This will cover areas such as the main principles of [section 11](#) of the Children (Scotland) Act 1995 (the key legislation in relation to contact, residence and [Parental Responsibilities and Rights](#)), special measures to protect vulnerable witnesses, sources of support and alternatives to court.

Beyond the information stated in our initial response, the Committee and Petitioner may also be interested to know that we plan to make regulations under [section 102 of the Courts Reform \(Scotland\) Act 2014](#) to give the courts the power to make an order in relation to a person who has behaved in a vexatious manner in civil proceedings (including child contact and residence cases). This would mean that such a person would need permission from the court before raising further specified actions. We hope this could reduce the risk of litigation being used as a way of continuing domestic abuse. The proposal to make these regulations is an action originally included in the [Family Justice Modernisation Strategy](#).

We are also taking forward the following actions as part of wider improvement work on the interface between the civil and criminal courts in the context of domestic abuse:

- Carrying out in-house research on Integrated Domestic Abuse Courts (IDACs), which hear both civil and criminal aspects of domestic abuse. We aim to publish this

research in early 2026 (building on [previous research](#) we carried out in 2019 on the effectiveness of the IDACs models in other jurisdictions) to inform the next Scottish Government and Parliament.

- Preparing a policy paper for the Scottish Civil Justice Council (who make civil court rules in Scotland) to propose court rule changes to ensure the civil courts receive information on domestic abuse at the outset of the case.

I hope the Committee finds this information to be of assistance in its consideration of the petition.

Yours sincerely,

SIOBHIAN BROWN