

# **PE2163/D: Develop guidance on child contact domestic abuse**

## **Petitioner written submission, 16 January 2026**

You may be aware that over the last few years there have been no less than 5 petitions requesting legislative change covering the same areas of dissatisfaction I have. On all the previous occasions the petitions failed to achieve anything or go anywhere because the Scottish Government can demonstrate what legislative changes it is or has proposed to take.

I would however not be in the position where I feel the need to petition the Scottish Government if any of their legislative or policy changes were of any practical use. Many of the proposal such as reform of the legal aid system is already 6 years into the planning stage with no real prospect of firm plans in the near future. I like many others only want the fair and equal opportunity to be a parent to our children that we are entitled to in law. The way the laws are applied places greater emphasis on protecting children from harm and rightly so. But in doing so it allows for abusive parents to maliciously use legal and court processes to cause harm. That harm goes mostly unrecognised, and it is for the affected person to just deal with. There is absolutely no help or support available that is any benefit to a parent denied the ability to spend time with our children. It is commonly likened to grieving for them but knowing they are alive.

The Domestic Abuse (Scotland) Act 2018 and the Children (Scotland) Act 1995 as worded appear to be fair and equal and does not prioritise one or another parent, or gender. The problem simply lies with prejudice and assumptions around who is most likely an abuser and what is best for the children. It is common amongst the support information you can find online published by sources that receive Scottish Government funding that parents seeking contact are being abusive by repeatedly going to court. It is equally valid to say that most parents should never need to go through the court process to see their children. This is where proper research and properly balanced informative guidance is most needed.

Recent data published by the House of Lords select committee looking at the child maintenance service shows that 51% of paying parents (those that do not have normal day to day care of their children) reported being a victim of domestic abuse while 46% of receiving parents (those that have day to day care of their children) reported being victims. This data would appear to show that parents regardless of where the children live are equally likely to suffer abuse from their former partner. This data appears to contradict the gender bias shown by current data published by the Scottish Government and Police Scotland on domestic abuse.

The Scottish Government has stated that it cannot interfere in police and court processes. Yet the only place I have seen any documented reasoning as to why the police and courts will not take action against abusive parents who use the family court system to continue to abuse and harm their former partner and children is

given in their own response to my petition. Contained within its family justice modernisation strategy.

The Scottish Government say in their response to you they are also preparing guidance for adults and children on what it is like to go to court in family cases. This advice is already freely available from the likes of the citizens advice service, Scottish Women's Aid, prominent family law firms, the Law Society of Scotland, etc. It is irrelevant if you have advice about what will happen in court if it is somewhere you have no desire to be but must attend if you wish to see your children. No amount of advice or prior knowledge makes the court process less stressful. Knowing how much distress it causes encourages abusive parents to use legal processes

They also say in their response that they intend 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)." There were already functions in Scottish law to achieve this but were and will continue to be an expensive option when a parent may already be struggling with legal costs. Further, as I've already stated if a parent applies to court with allegations of behaviour that may put a child at risk of harm the court must hear it, as the welfare of the child is the courts primary concern and will therefore not achieve anything for parents like myself.

In its response the Scottish Government also mentions its family justice modernisation strategy, the "Involvement of non-resident parent in health decisions relating to their child" and "Involvement of non-resident parents in education decisions"

Both these areas can be problematic as health providers and schools often request the resident parent's permission before sharing any information. Obviously if a parent is hostile to contact no permission will be given and no information is shared. Despite it being our legal right as a parent to have access to this information as far as schools, Doctors, local authorities etc are concerned they must have regard to child protection protocols which means asking parents if there are any safeguarding concerns prior to sharing information. There is also no compulsion to name the "other Parent" when making applications for school places or joining a doctors practice it can then become an onerous task trying to firstly be recognised as a child's parent with rights before you try and get any information about them.

Nothing contained within the Scottish Government's response to my petition has any substance nor will their approach make any meaningful difference to victims of abuse.

My petition has the full support of Shared Parenting Scotland and RISE Scotland. Both charities are heavily involved in promoting awareness of post separation domestic abuse and parenting rights.