

Citizen Participation and Public Petitions Committee
Wednesday 11 February 2026
4th Meeting, 2026 (Session 6)

PE2163: Develop guidance on child contact domestic abuse

Introduction

Petitioner Alistair Scott

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to work with partners to develop guidance on the interaction between child contact dispute processes and the Domestic Abuse (Scotland) Act 2018.

Webpage <https://petitions.parliament.scot/petitions/PE2163>

1. [The Committee last considered this petition at its meeting on 24 September 2025](#). At that meeting, the Committee agreed to write to the Scottish Government.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new written submissions from the Minister for Victims and Community Safety, and the Petitioner which are set out in **Annexe C**.
4. [Written submissions received prior to the Committee's last consideration can be found on the petition's webpage](#).
5. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
6. [The Scottish Government gave its initial response to the petition on 13 June 2025](#).
7. Every petition collects signatures while it remains under consideration. At the time of writing, 76 signatures have been received on this petition.

Action

8. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
February 2026

Annexe A: Summary of petition

PE2163: Develop guidance on child contact domestic abuse

Petitioner

Alastair Scott

Date Lodged

13 May 2025

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to work with partners to develop guidance on the interaction between child contact dispute processes and the Domestic Abuse (Scotland) Act 2018.

Background information

I experienced domestic abuse through child contact processes from an ex-partner but Police Scotland did not regard any of it as abuse.

Non-resident parents post-separation routinely need to fight in the courts to see their children. Abusive and controlling parents have no desire to use mediation to reach an agreement and will use malicious allegations and the court process to frustrate the non-resident parent. These parents often suffer significant mental health and financial problems as a result.

Annexe B: Extract from Official Report of last consideration of PE2163 on 24 September 2025

The Convener: PE2163, which was lodged by Alistair Scott, calls on the Scottish Parliament to urge the Scottish Government to work with partners to develop guidance on the interaction between child contact dispute processes and the Domestic Abuse (Scotland) Act 2018.

The Scottish Government's response to the petition indicates that it did not understand the main ask of the petition, stating that it is not clear towards whom such guidance would be directed, nor what it would be intended to achieve. The submission then details the routes that can be taken during child contact disputes.

The petitioner has provided a written submission outlining the concerns that led him to lodge the petition. He points out that mediation is not suitable for abusive relationships, stating that the parent seeking contact is then left with no other option but to progress matters through the courts. He also explains that contact dispute cases can be used to further abuse those parents.

The petitioner acknowledges that family courts will always be concerned with protecting a child from abuse, or possible abuse, from the person seeking contact. However, he believes that that results in a disregard of the impact that false and malicious allegations have on the parent seeking contact, and he shares the view that false and malicious allegations have a profound impact on the mental health of the abused parent.

Do members have any suggestions as to how we might proceed?

Marie McNair: I suggest that we 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, and to ask whether it would undertake such exercise.

The Convener: That seems a sensible recommendation, in light of the petitioner's further explanation of his concerns. Are colleagues content with that suggestion?

Members *indicated agreement.*

Annexe C: Written submissions

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

PE2163/C: Develop guidance on child contact domestic abuse

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

Petitioner written submission, 16 January 2026

PE2163/D: Develop guidance on child contact domestic abuse

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 proposals 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. Not 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 meaning full 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.