

Public Petitions Committee
Thursday 8 October 2026
4th Meeting, 2026 (Session 7)

PE2238: Automatically remove parental rights upon the conviction of a child sexual/domestic abuse offence

Introduction

Petitioner Lynne Steel

Petition Summary Calling on the Scottish Parliament to urge the Scottish Government to automatically remove the parental rights of individuals that are convicted of child sexual or domestic abuse offences, such rights only to be reconsidered by application.

Website <https://petitions.parliament.scot/petitions/PE2238>

1. This is a new petition that was published on 29 July 2026.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. Every petition collects signatures while it remains under consideration. At the time of writing, 1,420 signatures have been received on this petition.
4. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered.
6. The Committee has received submissions from the Scottish Government and the Petitioner which are set out in **Annexe C** of this paper.

Action

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

Clerks to the Committee
October 2026

Annexe A: Summary of petition

PE2238: Automatically remove parental rights upon the conviction of a child sexual/domestic abuse offence

Petitioner:

Lynne Steel

Date published:

29 July 2026

Petition summary:

Calling on the Scottish Parliament to urge the Scottish Government to automatically remove the parental rights of individuals that are convicted of child sexual or domestic abuse offences, such rights only to be reconsidered by application.

Previous action:

I have the support of Graeme Downie MP - articles have been published in the Scottish press and I have been interviewed on STV. I have written extensively to all stakeholders including the previous (and current) administrations. I have widespread support from other members of the Scottish Labour party. I previously corresponded with the Scottish Government on the issue.

Background information:

I am calling on the Scottish Government to tighten laws over parental access where the parent has been convicted of a child sexual or domestic abuse offence. The current legislative regime leaves the decision to the civil courts which can cause delay and distress and risk of immediate harm. The placing of an offender on the sex offenders register should mean automatic removal of parental rights. The rights and protections of children should come above the rights of the offender.

The Victims and Prisoners Bill in England and Wales aims to introduce stricter controls over the access of convicted sex offenders and domestic abusers have to their children. The Scottish Government should follow suit. If a person can be placed on the sex offenders register in the criminal court, it should also be possible to simultaneously remove parental rights preventing any immediate risk of harm only to be restored by application and approval in the civil courts.

Annexe B: SPICe Briefing



Scottish Parliament
Information Centre
Ionad Fiosrachaidh
Pàrlamaid na h-Alba

Briefing for the Public Petitions Committee on petition PE2238: Automatically remove parental rights upon the conviction of a child sexual/domestic abuse offence, lodged by Lynne Steel

Brief overview of issues raised by the petition

This petition relates to the law on 'parental responsibilities and rights' ('PRRs'), as set out in Part 1 of the [Children \(Scotland\) Act 1995](#) ('the 1995 Act'). Specifically, the petition considers the circumstances in which someone's PRRs should be automatically removed by the criminal court.

The current law in Scotland

Part 1 of the [Children \(Scotland\) Act 1995](#), as amended by the [Children \(Scotland\) Act 2020](#), provides for a range of parental responsibilities and rights ('PRRs') in respect of all children living in Scotland (under 16s in this context).

A person with the full range of PRRs can make decisions about many aspects of a child's life, from everyday matters to major decisions with long-term consequences. PRRs include the right to determine where a child lives, where the child lives with another parent or person, the right and responsibility to maintain contact with that child.

Note that, unlike [England and Wales](#), Scotland does not, [for the most part](#), have a specialist family court system. Instead, disputes under the 1995 Act are mainly dealt with by [the local sheriff court](#), which deals with a wide range of civil and criminal matters. Court procedures and the scheduling of business differ between civil and criminal cases in the sheriff courts.

At present, PRRs may be removed or varied only by an order of the sheriff court (exercising its civil law responsibilities) and following an application to it, often by a parent. In reaching its decision, [the court must apply certain key principles and consider a range of factors](#), with the welfare of the child its paramount consideration.

The law and court processes relating to PRRs in Scotland is set out in more detail in the 2024 SPICe briefing, [Parental responsibilities and rights](#).

Developments in England and Wales

England and Wales have a similar law to Scotland on 'parental responsibility', as set in the [Children Act 1989](#), as amended.

There have been developments in that legal system that are relevant to the issues raised in this petition.

Jade's law: the Victims and Prisoners Act 2024

First, there is what is known as 'Jade's law', originating with [a UK Parliament petition](#), and contained in section 18 of the [Victims and Prisoners Act 2024](#). It has not yet been brought into force, as discussed in [this recent BBC article](#). The UK Government's intention is to implement it by the end of December 2026.

Section 18 aims to ensure that, where a parent with parental responsibility is convicted of the murder or manslaughter of the child's other parent, the Crown Court (a criminal court that deals with the most serious criminal offences) makes a 'prohibited steps order' (a civil order) preventing that parent from exercising parental responsibility unless later authorised to do so by a family court.

It will be compulsory to make this order if the parent has been convicted of murder but there is more discretion if the conviction is manslaughter.

Victims and Courts Act 2026

Section 3 of the Victims and Courts Act 2026 ('the 2026 Act') (not yet in force) will restrict the parental responsibility of a parent who has been convicted of a serious sexual offence against a child (not necessarily their own child, but against any child). Section 4 of the 2026 Act restricts the parental responsibility of a parent of a child who was conceived through rape.

Again, in cases like this, the Crown Court will make a 'prohibited steps order' that suspends parental responsibility when the parent is sentenced. The details of possible subsequent procedures associated with the family court largely mirror those associated with Jade's Law.

UK Parliament Petition

Lastly, there is [a current UK Parliament petition](#), which closes for signatures on 11 September 2026, arguing for the automatic removal of parental responsibility for parents convicted of abuse.

Developments in Scotland

The 2018 Scottish Government consultation

The Scottish Government last reviewed the law on PRRs in [its 2018 consultation](#), which led to the [Children \(Scotland\) Act 2020](#).

Following the 2020 Act, decisions on whether to remove or vary a person's PRRs remain a discretionary matter for the sheriff court under family law.

However, the 2018 consultation sought views (at paras 7.117-7.120) on whether a parent convicted of a serious criminal offence should have their PRRs removed by the criminal court. This, the consultation stated, could be achieved by either:

- the criminal court being given a duty to consider the removal of PRRs when a person is convicted of certain types of offences; or

- the option of an application to the criminal court following a conviction to remove that person's PRRs.

It was not entirely clear whether the criminal court would have any discretion in relation to the first option.

Of those that responded to the relevant consultation question, 50% favoured keeping it a matter for the discretion of the civil court; 34% supported a duty on the criminal courts to consider the removal of PRRs; 7% favoured the possibility of an application to the criminal courts; and 9% wanted another option ([analysis of consultation responses](#), para 8.10.1).

Other relevant topics

More generally, at present, a policy concern expressed by some stakeholders is that sometimes a perpetrator of abuse might try to use civil court processes relating to PRRs as a way of continuing their abuse, for example, by draining a person's financial resources. The possibility of continued abuse was, for example, [the focus of a 2023 petition](#) considered by the Scottish Parliament.

Recently, there have also been a number of policy developments in Scotland aimed at improving the coordination between the civil and criminal courts in cases involving domestic abuse. These are covered in detail in the SPICe briefing, [Domestic abuse and civil law in Scotland](#) (at p 52 onwards).

Finally, given the focus of the current petition, it is worth noting that, at present in Scotland, some protective orders can be made by both the criminal and civil courts, so the two systems are not entirely separate. The main example is a 'non-harassment order' (NHO) which can be imposed in the criminal court following a conviction for certain offences, including sexual and domestic abuse offences (see [Domestic abuse and civil law in Scotland](#), pp 22-24).

Key Organisations and relevant links

- [Law Society of Scotland](#)
- [The Family Law Association](#)
- [Scottish Women's Aid](#)
- [Shared Parenting Scotland](#)
- [The Children and Young People's Commissioner Scotland](#)
- [Children First](#)
- [SPICe briefing: Parental responsibilities and rights](#)
- [SPICe briefing: Domestic abuse and civil law in Scotland](#)

Sarah Harvie-Clark
Senior Researcher
9 September 2026

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

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Annexe C: Written Submissions

PE2238/A: Automatically remove parental rights upon the conviction of a child sexual/domestic abuse offence

Scottish Government written submission, 31 August 2026

Does the Scottish Government consider the specific ask[s] of the petition to be practical or achievable? If not, please explain why.

The Scottish Government agrees that steps are needed to address the wider issues highlighted by the petition and we plan to consider this. However, in terms of the specific asks of the petition we have a number of concerns around whether these would be practical to achieve (set out in more detail below).

The petition refers to legislative changes in England and Wales, but it is important to note that we have a different legal system in Scotland and different child protection processes in place, which will inform any steps we take.

Current legislation

In Scotland, the key legislation on PRRs is Part 1 of the [Children \(Scotland\) Act 1995](#). Any person with PRRs can have some or all of them removed by the civil courts and any person who claims an interest in the child can make such an application. Decisions of this nature are based on the full circumstances of each case and the driving principle of the legislation is that the welfare of the child is the court's paramount consideration.

Current child protection processes

There are robust child protection processes in Scotland where serious offences occur, allowing social work, police and others to take action and safeguard the child. In a situation where one parent has been charged for a serious offence and a child is suffering or likely to suffer significant harm, an Inter-Agency Referral Discussion will be convened without undue delay under child protection procedures.

This multi-agency group of professionals will discuss and plan what actions to take to ensure the child's immediate safety and wellbeing, taking the child's views into account where possible.

We also have the Children's Hearings system in Scotland, which the child may already be involved in through child protection processes. Children's Hearings deal with children in need of care and protection or those involved in offending behaviour.

A Children's Hearing can't remove a person's PRRs, but it can place restrictions on parental rights for a child's safety and protection, including to regulate or stop contact with a parent or change their place of residence.

Practical considerations

Any change to the law in Scotland to automatically restrict or suspend a person's PRRs when they are convicted of serious offences would require legislative change.

Any proposal for primary legislation would be informed by further public consultation on the specific proposals, with any legislative vehicle that may be proposed to deliver any changes most likely being taken forward during the latter half of the current Parliamentary session.

There would need to be further consideration of the range of offences that could be covered and how it would be delivered in practice through the Scottish justice system. Also further consideration would be needed around whether an automatic removal of parental rights would be appropriate as opposed to a suspension or restriction.

For example, the petition refers to “domestic abuse offences”, without specifying this further. The scope of any legislative provision including all domestic abuse offences would potentially be very wide ranging, including not only statutory and common law offences, but those aggravated by domestic abuse. The complex dynamics of domestic abuse would need to be properly taken into account.

The petition refers to the Victims and Prisoners Bill in England and Wales, now the Victims and Prisoners Act 2024 (the 2024 Act). Section 18 of the [2024 Act](#) restricts “parental responsibility” where one parent is convicted of killing the other parent. The criminal court is required to make a “prohibited steps order” when sentencing to prevent the offender from exercising parental responsibility for the child. The relevant local authority must then apply to the family court to review the order within 14 days.

We note that the 2024 Act does not apply the restriction of parental responsibility to other domestic abuse offences.

The petition also refers to “child sexual offences” without specifying these further. We note that in England and Wales section 3 of the [Victims and Courts Act 2026](#) (the 2026 Act) restricts parental responsibility when a person is convicted of a serious sexual offence against a child, as specified under the Act. In addition, section 4 of the [Victims and Courts Act 2026](#) restricts parental responsibility where the child has been conceived as a result of rape. Under sections 3 and 4 of the 2026 Act, the criminal court is required to make a prohibited steps order when sentencing and the relevant local authority must then apply to the family court to review the order within 30 days.

The petition also links the removal of parental rights to the person being placed on the “sex offenders register”. Given the wide range of offending that results in someone becoming subject to Sex Offender Notification Requirements, the proportionality of tying any restriction on parental responsibilities and rights (PRRs) to SONRs would need to be taken into account, as compared to tying it to a conviction for certain specific offences.

In addition to considering what types of offences would be covered, there would need to be consideration of what the mechanism would be for any review by the civil courts of the criminal court’s initial restriction of PRRs.

Under the legislation in England and Wales the criminal court is required to make a “prohibited steps order” when sentencing to prevent the offender from exercising parental responsibility for the child. The relevant local authority must then apply to

the family court to review the order within a specified time period (14 days under the 2024 Act and 30 days under the 2026 Act).

In terms of additional costs, this would depend on the scope of any provision to restrict or suspend a convicted person's PRRs and the number of cases where that restriction/suspension would apply. There may be some additional costs for the courts if, for example, there was a need for additional court hearings. Also, if there was a role for local authorities in any eventual process, there could be additional costs for local authorities.

What, if any, action the Scottish Government is currently taking to address the issues raised by this petition and is any further action being considered that will achieve the ask[s] of this petition?

Scottish Government's current position

We recognise that cases where a parent is convicted of serious offences are deeply distressing and that it may be in a child's best interests for a convicted parent not to hold PRRs, and for these to be restricted quickly.

The Scottish Government is clear that preventative activity should be strengthened across the whole system where possible. Children and young people have the right to be protected from all forms of harm. As such better use of trauma-informed practice to reduce the risk of re-traumatisation and improve outcomes for children is being actioned across all portfolios. Prevention, early intervention and system improvement are at the center of this collective response, including how protections under the law may be further strengthened.

A key argument for changing the law to automatically suspend a parent's PRRs where there has been a serious offence committed, is to ensure that the child or children are kept safe whilst decisions relating to PRRs are made, and to move away the burden of making such an application from the victim or their family.

The Scottish Government is therefore commencing a review of the current legal position in Scotland in relation to automatic restriction or suspension of a person's PRRs when they are convicted of certain serious offences.

Previous consultation

The Scottish Government was aware of views previously supporting a change the law in Scotland to restrict a person's PRRs when they are convicted of certain serious offences.

As part of a wider family law consultation in 2018 the Scottish Government sought views on whether someone convicted of a "serious criminal offence" should have their PRRs removed by the criminal court: [Review of Part 1 of the Children \(Scotland\) Act 1995](#) (see paragraphs 7.117 to 7.120).

Views were mixed. There was some concern around whether the criminal courts are best placed to consider PRRs and hear the views of the child. The most popular response to the question was that decisions on PRRs should be made by the civil courts: [Review of Children \(Scotland\) Act 1995 consultation: analysis - gov.scot](#) (see

sections 8.10.1 to 8.10.16). The Scottish Ministers did not make any change in the law at that time.

Is there any further information the Scottish Government wish to bring to the Committee's attention, which would assist it in considering this petition?

Improving interaction between civil and criminal courts

The Scottish Government is committed to improving the interaction between the civil and criminal courts in the context of domestic abuse.

Following research published in 2023 on [Domestic Abuse and Child Contact: The Interface Between Criminal and Civil Proceedings](#), funded by the Scottish Government, we held workshops with key stakeholders and have been progressing with the following actions:

- We are finalising a paper for the Scottish Civil Justice Council on proposed court rules changes to ensure the civil courts get information on domestic abuse and safeguarding early in proceedings, so that it can be properly taken into account.
- We have consulted the Lord President and plan to make regulations under section 102 of the Courts Reform (Scotland) Act 2014 to enable the court to regulate proceedings where someone has acted in a vexatious manner in civil proceedings (e.g. raising repeated litigation as a way to further domestic abuse).

We also published an in-house literature review on [Integrated Domestic Abuse Courts \(IDACs\) and similar court models](#) in March 2026. IDACs hear both civil and criminal aspects of domestic abuse. The findings are intended to inform whether the introduction of IDACs, or a similar court model, could be feasible for Scotland, as a longer term consideration.

Domestic Homicide and Suicide Reviews

Domestic Homicide and Suicide Reviews were introduced in Scotland in April 2026. Statutory guidance was issued by the Scottish Ministers to support the Review Oversight Committee and review panels:

- [Domestic homicide and suicide reviews: statutory guidance - gov.scot](#)

Family Law Unit, Civil Law and Legal System Division

PE2238/B: Automatically remove parental rights upon the conviction of a child sexual/domestic abuse offence

Petitioner written submission, 28 September 2026

Thank you for the opportunity to provide further written evidence ahead of the Committee's consideration of Petition PE2238.

I welcome the Scottish Government's response and, in particular, its recognition that this area of law requires further attention. I also welcome the commitment to review the current legal position in Scotland and to consider options for the automatic restriction or suspension of parental responsibilities and rights (PRRs) following conviction for certain serious offences.

However, I believe it is important that the Committee continues to press for meaningful legislative change rather than allowing this issue to remain solely under review.

The purpose of my petition is straightforward: where a parent has been convicted of serious offence including child sexual abuse of any kind, the responsibility should not fall upon the protective parent or child to return to the civil courts simply to prevent the convicted offender from exercising parental rights.

The Scottish Government itself acknowledges that the current system can create delay and distress. Its response recognises that automatic restriction could allow the system to intervene swiftly to protect a child while longer-term decisions about PRRs are made.

Requiring a protective parent to repeatedly attend or participate in court proceedings can place an enormous emotional and financial burden on them. In circumstances where the protective parent has not chosen or has a choice to initiate those proceedings, being required to repeatedly prepare for hearings, provide information and evidence, engage with legal processes and anticipate what may happen next can have a profound impact on their wellbeing.

For me personally, the ongoing court process takes away from my ability to simply be a parent. The preparation, stress and anxiety leading up to hearings are mentally and physically draining, and the impact does not simply end when a hearing is over. I can be left exhausted afterwards, affecting my ability to enjoy normal family life and be the parent I want to be.

The issue is therefore not about preventing a parent from being involved in their child's life. It is about recognising the additional burden placed on the protective parent when they are repeatedly required to engage with the court system because of the actions of a parent who has been convicted of a serious offence.

I understand the Government's concern that any legislation must be carefully defined to avoid unintended consequences. However, the proposal is not that parental rights should automatically be removed following any allegation or conviction for any offence. The petition is specifically concerned with serious offences such as child sexual abuse and exploitation, where there has been a criminal conviction. The fact that legislation needs to distinguish which offences should trigger an automatic restriction or suspension should be addressed through careful drafting and consultation, rather than being a reason not to pursue the principle of legislative protection.

I therefore ask that the review specifically considers a system whereby conviction for clearly defined serious offences involving child sexual abuse would result in an automatic restriction or suspension of the offender's PRRs. This would mean that the

protective parent would not be placed in the position of having to navigate further court proceedings simply to obtain protection from the consequences of those parental rights.

Any subsequent application concerning the offender's PRRs should place the responsibility on the person whose conduct resulted in the restriction, rather than requiring the protective parent to repeatedly engage with court proceedings to secure or maintain protection.

I also ask that the review considers the impact on children as well as protective parents. The Government's response correctly recognises that children have a right to protection from harm and that trauma-informed practice is important. The legal system should therefore avoid placing children and protective parents in a position where the consequences of an offender's conviction continue to generate additional court proceedings and uncertainty.

The Scottish Government has stated that it intends to engage with organisations including Scottish Women's Aid and Rape Crisis Scotland. I welcome this and ask that the lived experience of survivors and protective parents is given significant weight when developing any proposals.

I appreciate that legislation of this nature requires consultation and careful consideration. However, the Government has now acknowledged that the issue warrants a review. I respectfully ask the Committee to continue its consideration of PE2238 and seek clear information from the Scottish Government on the scope, timescale and intended outcome of that review, including whether legislation will be brought forward.

The principle behind my petition remains unchanged: a child and the parent caring for them should not have to carry the burden of repeatedly going through court proceedings because the other parent has been convicted of a serious offence.

Where a serious conviction has occurred, the law should provide an automatic safeguard rather than requiring the protective parent to fight for that safeguard through the courts. Any future decision about contact or involvement should take account of the child's welfare and, as the child grows older, their own wishes and ability to make decisions about their relationship with the offending parent.

I believe that by the age of 16, the child should be able to make their own informed choice about whether and how they wish to have a relationship with that parent, rather than the offending parent being able to use parental rights as a basis for continuing to bring the protective parent back into legal proceedings. The focus should ultimately be on protecting the child and giving the child a voice, rather than preserving the legal rights of a parent who has been convicted of a serious offence.