

Scotland's domestic abuse information 'not adequately captured' in child contact cases, finds report

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Domestic abuse allegations and convictions of parents who have perpetrated abuse are not being adequately captured by Scottish civil

courts during child contact hearings, a new study by the Universities of Glasgow and Edinburgh Napier has found.

Researchers discovered family lawyers were heavily reliant on their clients telling them about ongoing or past domestic abuse as there is no formal mechanism for them to be informed about criminal proceedings.

The research team also found a worrying lack of awareness among those lawyers who were surveyed on how domestic abuse affects children.

Child contact orders are considered as part of civil court proceedings where a Sheriff decides whether, how much and what form of contact a non-residential parent should have with their child during the week and on holidays.

The report goes on to outline 12 recommendations calling for improved information sharing and compulsory training of legal professionals in the civil court system to help safeguard children.

Professor Michele Burman of the University of Glasgow, who was part of the research team, said, "During our interviews we saw limited awareness from lawyers of domestic abuse and its effect on children, with most equating it with [physical violence](#), rather than all the other forms it can take.

"This lack of understanding around harm may mean the child at the center of these contact orders is placed at risk by subsequent ill-informed decision making."

Co-author of the report, Professor Richard Whitecross of Edinburgh Napier University said, "While we have made important steps forward in terms of how we respond to domestic abuse, particularly in policy and criminal proceedings, little attention has been given to how it impacts on

civil law proceedings like child contact orders."

"These hearings are important for the overall well-being and safety of the child and so it is concerning to find that those involved in the decision making around child contact don't always have a full picture of what's been going on in these family's lives. Finding out a parent has been convicted of domestic abuse by chance or from a client, rather than through official channels, means there's a risk of partial or inaccurate information being conveyed which can fundamentally change the outcome of a case and compromise the child's safety."

Researchers conducted a survey and carried out interviews with lawyers to determine how their understanding of domestic abuse informs their handling of child contact cases.

The [report](#), "Domestic Abuse and Child Contact: The Interface Between Criminal and Civil Proceedings," which was commissioned by the Scottish Government, sets out 12 recommendations including compulsory enhanced training for all sheriffs, judges and legal practitioners working in the civil system on domestic [abuse](#), coercive control and the impact on children's lives.

The recommendations also call for improved flow of information around [domestic abuse](#) to all key professionals in the system and that ongoing criminal proceedings should be flagged on family court databases. Child contact proceedings should also pay greater attention to facilitating the [child](#)'s right to express their views and have those views considered by the court.

More information: Domestic Abuse and Child Contact: The Interface Between Criminal and Civil Proceedings:
[www.sccjr.ac.uk/publication/do ... d-civil-proceedings/](http://www.sccjr.ac.uk/publication/do...d-civil-proceedings/)

Provided by University of Glasgow

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