Routledge
Taylor & Francis Group

Journal of Social Welfare and Family Law

ISSN: (Print) (Online) Journal homepage: www.tandfonline.com/journals/rjsf20

‘Let’s excuse abusive men from abusing and enable sexual abuse’: child sexual abuse investigations in England’s private family courts

Elizabeth Dalgarno, Donna Bramwell, Arpana Verma & Sonja Ayeb-Karlsson

To cite this article: Elizabeth Dalgarno, Donna Bramwell, Arpana Verma & Sonja Ayeb-Karlsson (2024) ‘Let’s excuse abusive men from abusing and enable sexual abuse’: child sexual abuse investigations in England’s private family courts, Journal of Social Welfare and Family Law, 46:3, 345-365, DOI: 10.1080/09649069.2024.2382501

To link to this article: https://doi.org/10.1080/09649069.2024.2382501

Published online: 28 Aug 2024.

JOURNAL OF SOCIAL WELFARE AND FAMILY LAW
2024, VOL. 46, NO. 3, 345–365
https://doi.org/10.1080/09649069.2024.2382501

Routledge
Taylor & Francis Group

'Let's excuse abusive men from abusing and enable sexual abuse': child sexual abuse investigations in England's private family courts

Elizabeth Dalgarno[a], Donna Bramwell[b], Arpana Verma[a] and Sonja Ayeb-Karlsson[c]

[a]Department of Public Health, University of Manchester, Manchester, UK; [b]Centre for Primary Care and Health Services Research, University of Manchester, Manchester, UK; [c]Institute for Risk and Disaster Reduction, University College London, London, UK

ABSTRACT

Child Sexual Abuse (CSA) is an ongoing scourge upon society. There is minimal understanding of the experiences of mothers and children in private law family court proceedings (PLP), when CSA is reported. A qualitative study was conducted and a feminist-informed Foucauldian Discourse Analysis was applied to understand ten life-stories from within a larger sample of 45. Five themes are presented. CSA was overwhelmingly reported as being minimised, with harmful outcomes for children and mothers reported. Pro-father and 'parental alienation' narratives were a facilitator of severe harm and continued male violence to victim-survivor mothers and children. Further research into the scale and prevalence of CSA within PLP is urgently required.

KEYWORDS

Domestic abuse; family court; private law; child sexual abuse; intra-familial sexual abuse; parental alienation; human rights; women

Introduction

Of the 13 million children in England and Wales, 1 in 6 girls and 1 in 20 boys (500,000 - per year) will experience child sexual abuse (CSA) before the age of 16. In March 2020, the Office for National Statistics (ONS) estimated that 3.1 million adults in England and Wales had experienced CSA before the age of 16 (Scott 2023; The Report of the Independent Inquiry into Child Sexual Abuse, (IICSA), Jay *et al.* (2022). CSA is as common as physical child abuse and more common than '*childhood epilepsy, cancers and congenital heart disease put together*' (Gifford 2023, p1.). Those physically abused are six times more likely to suffer sexual abuse than their non-abused peers. Gifford states CSA reports emerge through child disclosure, third party 'allegations' reports, physical and behavioural indicators. Gifford advocates applying the Lamming approach of 'respectful uncertainty'; professionals should take what people say seriously, be they parents, young people or even colleagues, but then look for other information to correlate or challenge the account.

CSA is a Rape and Serious Sexual Offences (RASSO) criminal offence (Sexual Offences Act 2003). CSA offences cover a range of behaviours, including engaging in sexual activity in the presence of a child, rape of a person under 16–18 years (variable by

CONTACT Elizabeth Dalgarno elizabeth.dalgarno@manchester.ac.uk

type), incest and intra-familial sexual abuse (IFSA). Crimes of incest and intra-familial sexual abuse purport to include any sexual activity between a person and a relative. IFSA is a critically harmful experience (Brown 2020, Herman 2023), mainly perpetrated by fathers/stepfathers (Karsna and Kelly 2021).

The UK government 'Tackling Child Sexual Abuse Strategy' (Home Office 2021) emphasises the importance of the Multi-Agency Public Protection Arrangements (MAPPA) process and shared databases. The strategy highlights the UK ratification of the United Nations Convention on the Rights of the Child (UNCRC 1989) and commitment to the Lanzarote Convention, to protect children from sexual exploitation/abuse. Police reports of CSA increased by 267% between 2013 and 2020 (Jay *et al.* 2022) and yet child protection plans for CSA have fallen significantly since the early 1990s (Karsna and Kelly 2021). Conversely, prosecutions for CSA in England and Wales have more than halved from 6,394 in 2016/17 to 3,025 in 2020/21, while convictions dropped by 45% from 4,751 to 2,595 over the same period (NSPCC 2022).

Private law family court proceedings (PLP) are court cases between two or more private individuals who are trying to resolve a dispute, in the most part regarding child arrangements or financial disputes. There were 52,220 PLP in 2022 (Ministry of Justice MoJ 2022). Around 49–62% of cases contain domestic abuse allegations (DA; Barnett 2020b). It is unknown how many of these cases contain CSA allegations, owing to unavailability of this data, studies largely being retrospective with adults, and CSA being frequently underreported and estimated (Jay *et al.* 2022). Most children are likely to disclose to mothers, but many do not disclose in childhood. As such, professionals are advised to look for indicators of CSA (rather than relying on verbal disclosures from children), including behaviour of adults close to these children (CSA Centre 2019; Thiara 2020). False allegations of DA/CSA are extremely rare at around 0.01%- 2% (Trocmé and Bala 2005; Met police 2022). The research indicating children can be coerced into making false CSA claims is widely arraigned (see Mercer and Drew 2022) and so children should be validated when they disclose, to ensure thorough investigation is undertaken (Jay *et al.* 2022).

A rebuttal to CSA allegations, known as 'alienating behaviours', (a derivative of 'parental alienation' (PA) or the idea a child has been coached or 'brainwashed' by a manipulative parent to falsify abuse claims) (Children and Family Court Advisory and Support Service (Cafcass) 2023), is becoming more commonplace (Ayeb–Karlsson *et al.* 2024 *under review*; Barnett 2020a, Dalgarno *et al.* 2024b, Grey 2023, Hunter *et al.* 2020, Lapierre *et al.* 2020, Mercer and Drew 2022, Milchman 2017, Neilson 2018, Rathus 2020, Sheehy and Boyd 2020, Silberg and Dallam 2019, UNSRVAWG 2023, 2024). PA allegations silence claims of abuse and divert focus away from the perpetrators, to the victim-survivor as the source of the problem and mothers and children who report CSA within the family courts are more likely to be disbelieved and separated (Milchman 2017, Meier 2020, UNSRVAWG 2023, Dalgarno *et al.* 2024b). With a dearth of research into the management of CSA within PLP and growing trends in CSA reporting, an urgent need to identify best practice and reduce harm is needed.

Materials and methods

Foucauldian discourse analysis (FDA) focusses on power relationships expressed and regulated through language, behaviours, performances, actions and practices. Social

norms are actively constructed as are the related rules and boundaries through these processes of communicative language. People's observations and reflections (e.g. knowledge) around the actions of a collective group also create and reproduce social discourses (Foucault 2013, Willig 2017).

When people create constructions of social norms, they do so with varying degrees of power to assert their position as the 'truth'. In this sense, there are those who are in greater positions of power, whether that be due to social status, gender, age, racial or other privilege and power. In short, power usurps every interaction. Where there is power there is knowledge and vice versa. This is not a linear and static relationship. It is fluid, dynamic and transformative. Power can be resisted, and knowledge transformed, seen in examples such as the #Metoo movement, and so efforts must and should be sought to highlight power relationships and social norms. These norms pervade entrenched systemic and structural inequalities, such as within PLP (Hunter *et al.* 2020). This allows us to further understand peoples' subjectivities (what it means to people to live within these spaces and places, to internalise these cultural codes and to discover acts of resistance and how it may be possible to become an agent of change). In this sense, the repetition and reproduction of discourses which do not 'fit' and actively 'resist' the social norms available to us, are potentially emancipatory (Butler 1990).

Ethical approval was granted by the University Research Ethics Committee, University of Manchester, ethics no: 2022–13743. Details of pseudonymisation of mothers, data collection and demographics of participants is outlined elsewhere (Dalgarno *et al.* 2024b), but broadly involved two authors (ED and DB) interviewing 45 mothers with a semi-structured format to explore health support needs and out of those, 10 were selected for analysis of CSA experiences. In line with the methodology detailed above and the necessary requirement of a gendered and critical feminist lens with such topics (Azzopardi 2022), two authors (ED and DB) applied an FDA analysis to the CSA life-stories through this lens, acknowledging the analysis as feminist and value-laden. Authors independently undertook the below process, noting patterns, variability and uniqueness within and between transcripts. Independent verification was undertaken by a third author (SA-K) and regular critical feedback and discussions were exchanged during analysis, reducing confirmatory bias. This process included reading and re-reading all transcripts and paying close attention to the following:

1: noting all discursive constructions, highlighting all the ways mothers, children and court actors narrate CSA and the court actors' responses to it;
2: commenting on and noting the way this was done similarly or differently (what discourses were available to see CSA in PLP);
3: action orientation: noting the function of constructing CSA/management of it in this way, when constructions were used, for what purpose and what actors were doing;
4: positionings: noting what positions were available for the mother/children/court actors to take up and the rights and duties ascribed to them;
5: practices: noting what mothers/children/court actors could or could not say and do within these positions;
6: subjectivity: noting the subjective positions, attitudes, consequences and responses to these discourses.

Results

Table 1. summarises the key findings in relation to the above factors:

Table 1. CSA in the family courts.

Category	Non-exhaustive examples (as reported by mothers)
Discursive constructions of CSA by children/mothers and court actors	Mother/child constructions included: Rubbing, hurting, injuring, licking, gyrating, touching, groping, penetration, rape, child rape in the presence of child siblings, masturbating to pornography in the presence of a child, sexual abuse, producing child sexual abuse materials (CSAM) and uploading to internet/livestreaming CSA (with recordings submitted to the court), downloading CSAM, producing adult bondage and discipline, dominance and submission, sadism and masochism (BDSM) materials in children's bedroom and uploading/livestreaming online, covertly recording a child in their bedroom, child sex offending convictions, CSA during supervised contact sessions, paternal grandfather CSA. Court actor constructions included: CSA as PA/emotional/psychological abuse (and PA as more harmful than CSA) CSA as projection of mothers' own history of CSA (whether real or fabricated by court actors) CSA as fabricated or fabricated induced illness (FII) CSA as 'hebephilia' and 'low risk to younger children' CSA as penetration only 'inappropriate but no penetration' CSA as a 'joke' or minimised in other ways 'just a boundary violation, but not sexual abuse' - 'the innocent father' CSA as commonplace and unworthy of attention CSA only apparent if evidenced by physical forensic/police gathered evidence CSA only apparent if father is sexually gratified CSA criminal convictions as historic, irrelevant or as minimal risk
Responses of court actors	Discipline and silencing via threats of child removal and punishment via child removal (transfer residence from mother to alleged CSA father) Mothers/children discouraged from reporting to the police FC judges closing down criminal investigations Children stopped from disclosing - 'no more diary' Supervised contact for mother (predominantly in supervision centres) Supervised contact for fathers (predominantly in own home with family members) PA 'therapy' for whole family
Action orientation/ Function (what is gained or lost) and Positioning of mother/child	Othering of mothers: Frames mother as liar/alienator/harmful and not protective Responsibilises mothers 'mother is projecting her own anxiety and/or history of sexual abuse onto child' Reminds mothers/women/children of their subjugated and inferior status in society Controls, silences/removes voice and punishes mother and child Isolates mothers and children from support e.g. supportive health/social professionals/police Bolsters fathers' rights, credibility and character and reduces culpability Weakens mother/child credibility/position and responsibilises mothers and children with proving victimhood Child as 'liar'/untrustworthy/uncredible Woman as monster Mother as 'hostile/acrimonious' Mother as 'over-anxious'

(*Continued*)

Table 1. (Continued).

Category	Non-exhaustive examples (as reported by mothers)
	Mother as 'disordered' Mother positioned as the 'real' abuser via PA Shifts the court's gaze from CSA to PA Shifts the court's gaze/blame from father to mother Reduces accountability of court actors Reduces need for a fact finding/court resources Minimizes seriousness of CSA Removes rights of mother and child
Practices (what are the implications, what can mothers/children do from these positions)	Depletes mother's/child's economic and social resources via requirement for: paid supervision in contact centres, further court applications/appeals process, payment towards PA 'therapies', removal of school/GP/social worker support 'they wrote to the school and told them I was an alienator' Resistance may occur in: Continuing to advocate for child and lose child/face further punishment and reduced rights and/or reduced contact/time with the child Engage in PA 'therapy' and/or falsely confess to PA to increase chances of maintaining residency/increase contact Children prohibited from disclosing mechanisms such as diary-keeping/worry boxes or accessing therapy outside of PA sector Those who maintain CSA claims often transition into being 'fabricators' of false illness 'they said it was fabricated induced illness' and positioned as psychologically/emotionally harming children
Subjectivity (the meaning and consequences for mothers and children)	Stigmatisation, self-blame, guilt, sadness, anger, shame, fear, isolation, grief, resistance, advocacy, trauma/health responses (for mothers' health responses see Dalgarno *et al*. 2024b) Children's health/trauma responses included: Bedwetting, nightmares, self-harming/attempting/threatening suicide, suicidal ideation, feeling voiceless/silenced from disclosing, neurodiversity/autism/ADHD diagnoses, eating disorders, anorexia nervosa and obesity, educational attainment/ behavioural problems e.g. withdrawal, delayed speech (age 0–3) selective mutism (older children), convulsions/fitting, chronic digestive problems/stomach pain/nervous diarrhoea, chronic headaches and migraines, skin conditions e.g. psoriasis and eczema, hopelessness/powerlessness, low self-worth/esteem/ confidence, feels unseen and unheard by others/professionals, feelings of being judged, distrust/rejection of authority figures/ adults/professionals, confusing moral framework (belief in just world). For a detailed discussion of child-health/trauma responses see Dalgarno *et al*. (2024a)

Overview of the cases

All CSA life-stories concerned White-British mothers and children. In nine cases children and mothers reported CSA or child rape/IFSA and all resulted in some form of direct child contact with the alleged perpetrator father, even fathers who were convicted child sex offenders and even those who admitted to CSA or where there was video/digital evidence of CSA submitted to the court. Four of these mothers lost residency of their children to the alleged CSA perpetrator father and all of these transfers of residency were the result of findings of so-called PA or 'alienating behaviours'. PA was found in all the CSA cases in which it was alleged.

There was one further case where the child had not disclosed CSA, but the mother has been included in the analysis here, as this child and mother had

disclosed multiple abuses including coercive and controlling behaviours (CCB) and the father was a convicted child sex offender, having groomed the mother herself when she was a teenage schoolchild, after a process of first stalking her. These factors were known to the court but not considered as important in terms of the father posing any risk of sexual harm to the child/mother. This crime had not been previously reported to the police and yet the court professionals did not urge the mother to do so, nor report it themselves. Other fathers with convictions for CSA and whose children had reported CSA by the father, were given supervised access to their children, supervised by paternal family members. One mother expressed not knowing whether the paternal family were even aware of these convictions. Some cases resulted in unsupervised overnight stays or 50/50 shared residency. In one case, a child was repeatedly raped by the father for several years, after the mother was found to be an 'alienator' in PLP. The child was eventually placed back in the sole residency of her mother, following input from a highly specialised abuse expert. The father in this case was still afforded indirect contact with the child after the rape had been later found in PLP.

The discursive undoing of CSA harm

CSA was detailed in harrowing accounts by the mothers, who relayed what they and their children had reported and, in many cases, substantiated to the courts, as seen in Table 1. No matter what type of evidence was put forward (even subjecting a child to IFSA CSAM, livestreamed on the internet and recorded by the father as detailed above), the courts always minimised the CSA harm caused to the child and mother by the father and overemphasised the rights of fathers. In this sense, the undoing of perceived harm from CSA was simultaneously an armament of bolstering the position and rights of the father and weakening and othering the same in the child and mother:

> . . . there'd been sexual videos made of my son. My son had come home with bruises. My son had specifically said he didn't want to go to his dad's. [son] disclosed a lot of things . . . but because [father] said, 'I'm sorry . . . we were only messing around and there wasn't actually any penetration', he got away with it . . . And I've got to live with those videos in my head and they even upset the police officers . . . There was no empathy [from the family court]. There was nothing . . . Just 'fathers have rights', very, very, pro, pro, pro father. Jane[1]

Mothers were referred to repeatedly by professionals as 'alienators' or 'emotional abusers'. Investigations of CSA were repeatedly reportedly poorly investigated, both within and external to the courts, which contributed to a narrative within PLP, that the CSA did not happen. One mother was asked to bring her young daughter for a police forensic investigation of possible rape two days after it had been disclosed by the child, as their RASSO unit was not available on a weekend. By the time she had taken the child on the Monday, she was informed any forensic evidence would have been lost. Another mother described the police referring the disclosures of a young boy to social care to investigate, which was later repeatedly used in PLP to maintain the narrative the CSA had not occurred:

> '[police] didn't really do anything, they kind of left it up to social care . . . the social worker came and said, "we'll come and make sure you've got food in the fridge and a roof over your head", saw [son] . . . then they went and saw him . . . with his father and wrote a report and

> said there was nothing wrong … she completely and utterly blamed me, said I "was emotionally abusing [son]" … by this time, we'd had one [family] court case [with] a district judge [who] said "social care couldn't find any issues", and awarded my ex overnight contact every other weekend and holidays'. Sybil

The relativism of harm: male gratification as a requirement for CSA harm

On this continuum of diminished responsibility of fathers and weakened credibility of the child and mother, was the consistent construction of the 'truth' of CSA allegations qua the 'gratification' of the father. This highlighted and reinforced again the gendered and ageist power dynamics at play. Children and mothers were only afforded to have acknowledged their 'truth' in their own suffering/harm from the CSA, as positioned within the boundaries of what the act meant to the father and whether the father was 'gratified' by the CSA. Below, the father had admitted in PLP to masturbating to fetish pornography in the presence of his young son. Despite admitting gratification, the act was still separated out from the presence of the child via the concept of gratification:

> The judge … for the sexual abuse allegations, he said that "[father] was showing what he done with an open hand … I don't believe that [father] did this to get sexual gratification of doing it in front of [child]. Annabelle

This appeared to be common in PLP and highlighted the way in which CSA was simultaneously used as a construction of 'alienation', further weakening the credibility and position of the mothers/children:

> But this same social worker went out again, and again, and just had a word, all the time, while pushing it as parental alienation. Because I was "making [child] over-anxious". And because [father] said "it was accidental", and social services actually said that "they would not consider it as sexual abuse because they didn't believe it was sexually gratifying for him. Rita

Only fathers who had criminal convictions for CSA were considered as meeting the threshold for concern for risk or harm in PLP and even then, the fathers were afforded supervised overnight contact with children. The contact in these cases was always supervised by paternal family members, but with vague details surrounding how exactly they were supervised. One mother reported a breach when the father had been left alone with the child, to which the courts ordered the paternal family member supervising give an undertaking (a promise) that this would not happen again. Elsewhere, similar justifications, which acknowledged but still diminished ideas of harm or risk, were drawn upon. In one case, as the father had been convicted of downloading CSAM from the internet containing young teenagers, the judge framed this harm and risk as relative to his child's younger age:

> [psychologist] said it was hebephilia [referring to early-puberty adolescents] … the judge had said to him "you'll never [get] unsupervised contact, because the older she gets, the more risk you are to her. April

This was, however, contradictory to the information the mother had received from a social worker:

> He was convicted of indecent images of children . . . somewhere between a hundred and 200 [social worker] said to me that he had been convicted of images of teenage girls, but also there were some babies and toddlers in there. April

At times court actors argued with mothers, constructing their concerns as 'over-anxious'. Below, the Cafcass officer framed the risk and harm to the child and mother as relative to the gendered nature of the CSAM accessed by the sex-offender father. The mother was acutely aware of the potential consequences of any further advocacy for her child and resistance she may have pursued, namely the potential removal of her child:

> He . . . got five years on the sex offender's register . . . the CAFCASS officer said to me, "well, it's alright because you've got a son". I said, "excuse me, a child is a child". Straight after I got on the phone to the NSPCC and I said, "is this normal for a social worker to be making excuses for a paedophile?" and they said to me, "well, maybe you should make a complaint", but I was too scared to, because . . . if I complain . . . then they're going to take away my son . . . when I got the police disclosure back, it said that there were like two images that contained boys on them. So they weren't fully of girls, like I was told. Fiona

Conversely, male gratification was conveniently overlooked when this was relative to a father's use of adult pornography, even in the cases containing child rape. This highlights how courts persistently maintained the pro-father narrative by diminishing blame of the father. The courts in these instances viewed this pornography as a 'private matter', not 'a problem' and as 'irrelevant' to CSA/DA, and made no attempt to discuss gratification, a notable absence given the consistent keenness to embrace this narrative as pertinent to CSA in PLP in other cases:

> So, my ex-husband had the biggest collection of pornography that I had ever seen, and a lot of the titles were 'Teen', and he had used sex as a controlling mechanism within the relationship . . . This was mentioned . . . in court, and it was as if I was just being vindictive and trying to find something else wrong with him, to pin something else on him [and] there clearly 'wasn't a problem. Layla

In all these cases mothers felt there was a concerted effort to diminish the harm and risk to the child and mother and attempts to construct CSA as abuse that can be excused and forgiven, therefore enabling further harm:

> It's just . . . "let's excuse abusive men from abusing and enable sexual abuse. Magdalene

Silence is violence: closing of criminal investigations and prohibiting disclosures

All of the mothers and children were victims of DA, rape or other abuse, which they felt was also repeatedly diminished by the courts. Mothers felt court actors were actively colluding in reinforcing patriarchal violence in related jurisdictions. Two mothers reported that family court judges had closed ongoing criminal investigations into CSA and two others that court professionals had discouraged mothers and children from reporting the CSA to the police. Again, reconstructing CSA as 'alienation' and 'coaching' of a child was pivotal in this:

> . . .he raped me, held a gun to my head . . . the [family court] judge shut the police [CSA] investigation down. [son] did an ABE interview . . . where he disclosed that his father took photos of him, touched him . . . the police were like, "we're literally this close to going and arresting him and seizing all his electronic equipment, etc". We had a court date and the [family court] judge hauled the chief of police in front of him actually at the criminal court

> and shut the police investigation down and said that "he would deal with it in the family court" . . . . he then handed down a judgment which said that I "had been emotionally abusing [son] and coaching him to say that he was abused" . . . he then awarded custody to my ex. Sybil

Others reported judges ordering social services to remove findings of abuse from their reports and to replace them with findings of 'alienation'. One of these cases included the repeated rape of a child over several years, later found to be factual by the family court, emphasising that the way risk was framed could be catastrophic.

This silencing of mothers and children was widely reported. Once 'alienation' had been found in PLP, children were prohibited from even accessing the means by which they had previously disclosed CSA, for example via diaries, sessions with play therapists or by submitting to worry boxes at school. This was solidified in constraining the potential paths of resistance or support-seeking of mothers and children, when at times court orders were sent to schools, police, GPs and social services, to inform them that mother was an 'alienator', that no CSA had been found and the children were not to be afforded further opportunity to make disclosures on this basis:

> My children had accused their father of sexual abuse and he came back with parental alienation after a number of years of not mentioning it . . . they're not allowed to use any form of disclosing tool or not allowed to buy them any diaries . . . I've been told if I report further allegations then basically my ex has got a fast-track back to court for immediate change of residence . . . so they threatened me and gagged the girls effectively. Meredith

> The judge sent the fact-find to the police to say, no, no, no, she's not a survivor, okay, she's making it up". Layla

Reporting CSA as subversionary: subversion as damnation

Mothers felt they and their children were regarded with disdain in PLP for reporting CSA. The act of merely reporting CSA was treated by court actors as subversive, as an unworthy and unjustified endeavour and was persistently overshadowed by the court's pursuit of maintaining hegemonic systems of male violence. This was clear in what unfolded for mothers who persisted in their attempts to resist and advocate for their children. These, sadly, were the mothers who lost their children and the children who lost their mothers. One of these mothers, who had previously reported child rape to the court, had covertly recorded a video contact session between the father and the child, which was being supervised by a Cafcass officer. During this interaction, the father had coerced the child to engage in sexually abusive acts. The mother submitted this video evidence to the courts and described that what followed was an almost instantaneous unfolding of events designed to punish her and her child for continuing to report CSA. She was then regarded not only as an 'alienator', but as a mother who was 'disturbed' and as abusing her child via 'fabricated induced illness'. A transfer of residency to the father promptly ensued and supervised contact between the mother and child within a contact centre:

> I was recording them . . . the first Cafcass [lady] was there and she didn't stop it or intervene or anything. She sat there and watched while he manipulated our child to [description of CSA[2]] . . . Cafcass then exposed my phone number and my email address . . . at that point

> things were very nasty [they were] bombarding the court and trying to get the psychologist, you know, manipulated and ready to kind of seal the deal, as it were, and move [child]. And her father alleged fabricated induced illness [FII] personality disorder. So, now we had Parental Alienation Syndrome, mental health and an FII, which they were trying to prove against me . . . anything that was going against the trajectory was being deliberately fabricated against. Magdalene

Another mother, whose children had also been removed from her remained steadfast in her reporting, despite the courts making clear her sons would not be returned to her until she 'admitted' to being 'an alienator'. This act of resistance emphasised the limited practices available to mothers who continued advocating for their children and in this case, for other protective mothers and children:

> I don't care what they do to me, apart from the fact that I also do not want to give this damn [PA] theory any more credibility than it deserves . . . If I get forced into making that confession, it will count as a real case . . . You know, "oh look, this mum admitted to it, it obviously does exist". I bet you that judgment will be published, you know, and then that will support fathers like this, who are using it to deflect from abuse. So, I am not . . . and it's such a scary place to be in, because I know what he's going to do to me and the kids. But I can't back down on this, I can't be bullied like this. Karina

Enmeshed court actors and the de-centred child

The underlying foundations of maintaining fathers' rights to have time/connection with their children, was not simply the prevailing hegemonic violence of the court in relation to the mothers, but also as relative to the court actors themselves. The court actors were frequently reported as bound by this pro-father narrative in their regards to each other, they were in fact arguably, enmeshed with one another and these narratives. For example, if a mother reported having a 'good' and 'supportive' Cafcass officer or expert witness, these professionals were commonly either removed from the case, their evidence overlooked, or eventually pressured by the judge into submitting to their narrative that the mother was the 'problem'. Conversely, if a judge was reported as being 'good/supportive', the mothers reported Cafcass officers applying pressure to judges to support the father. In all cases, this functioned to diminish the CSA, de-centre the child and their needs, confuse and divert accountability from the court actors to victim-blame the mother, and to uphold the rights and positions of the alleged abuser fathers:

> Even the psychologist said, "there is no parental alienation". He wrote it specifically and he contradicted Cafcass, he overruled Cafcass, and guess who the judge went with? Cafcass. Jane

> The judge blasted Cafcass, and the school, and social services. . .since doing that, Cafcass have fallen into line and just recommended what the judge has said, basically. I said to her, 'you're supposed to be independent; you know, you're supposed to be for the children'. And she said, 'oh no, if the judge tells me I've got it wrong, then I've got it wrong, then I'll fall in line with whatever he says . . . I don't want to get slaughtered by the judge, again'. So, this shows that the judge has been so hostile, that even the professionals who are supposed to be independent, are just literally dropping behind him". Karina

Approaches to CSA in the family court and recommendations

The CSA reported in this paper are serious criminal allegations. We argue CSA findings should not be determined within existing PLP, which are poorly equipped in this regard and where prevailing bias against mothers and children leaves room for the most heinous of abuses to continue (UNSRVAWG 2023). Sadly, reporting and conviction rates tell us criminal justice systems are even worse at investigating CSA (NSPCC 2022). We argue specialised criminal courts are required. It is deeply concerning that PLP actors sought to intervene and close down active criminal investigations, based on the pseudoscientific belief system of 'parental alienation/alienating behaviours', which is not recognised by government or any health/medical diagnostic manual globally (Milchman *et al.* 2020, Dalgarno *et al.* 2023, 2024b). Use of PA and synonymous terms must be prohibited to protect victim-survivors (Dalgarno *et al.* 2023, 2024b, UNSRVAWG 2023, 2024). Professionals also failed to report such information to the police and discouraged victim-survivors from doing so. Mothers reported increased contact to fathers accused of adult and child rape/CSA (Webb *et al.* 2021), reflecting recent media reports, where a High Court heard the lower courts had made 'an error in law' by increasing child contact in a case where the judge failed to consider an active criminal investigation of a father accused of attempted rape and sexual assault (Parke 2024). Positively, the judge in DG v KB & Anor (Re EMP (A Child)) [2024] EWFC 12 (B) removed parental responsibility from a father who was found to have raped and abused the mother, represented by Dr Proudman. The judge concluded *'the father's continued involvement in the child's life would be, for the foreseeable future, continued court-sanctioned abuse of the mother'*. [68]. Mothers in the present study mirrored this, repeatedly relaying they felt they were being subjected to court-sanctioned abuse and trauma (Dalgarno *et al.* 2023, 2024b).

Attention should be given urgently to the normative framing of CSA qua the sexual gratification of the alleged abuser. Whilst nuance is important, it is too reductive, linear and static an approach to frame CSA under this umbrella. If a terrorist detonates a bomb but is not gratified in doing so, he is still a terrorist. The absurdity of intended sexual gratification in CSA was compounded in our findings and yet this underpins the crime of engaging in sexual activity in the presence of a child in the Sexual Offences Act (2003). It seems PLP actors had some awareness of this criminal legislation, due to their propensity to repeatedly cite sexual gratification as a measure of CSA harm. Drawing upon those laws led to erroneous insights, and it was clear fathers who engaged in CSA were fully aware of and in fact at times admitted to engaging in it with their children and yet still gained access to those children. The discourses of 'innocent fathers' and the notion that a 'sorry' from the father is enough to reassure the court that their children will now be safe from future harm, is the most egregious of findings. It is a stark reminder that the courts remain dangerously quick to reassert paternal privilege (Collier 2006). Worse still, permission for children and their mothers to feel, embody or find meaning or 'truth' in the harm from the CSA began and ended with the admission or 'proof' of fathers' gratification. This means the subjective experiences of CSA harm to children and their mothers in PLP lies, always, within the boundaries defined by and upheld by abusive fathers, court actors, and broader patriarchal norms.

Other questions remain in terms of defining CSA. For example, the father who would record himself performing BDSM sex acts on himself in his child's bedroom, in the absence of the child, prompts us to consider whether this should be considered a form of CSA. These images were also uploaded to the internet. A child's bedroom should arguably be considered their safe space, whether they are in it or not and we would argue this highlights a harmful boundary violation (and for adult sexual gratification), which would not ordinarily be considered as a form of CSA under current legislation. We argue The Sexual Offences Act (2003) must consider the notion of the use of a child's personal and private space in defining criminality. The viewing of pornography by children is harmful (Online Safety Act 2024) and so adults viewing it in the presence of a child and engagement in masturbation, regardless of whether gratification can be evidenced in relation to the child's presence, requires legislative refinement. We suggest this can be best achieved via a child-centred lens in terms of the harms and trauma they are subjected to, as opposed to these boundaries being defined so narrowly through the perpetrator gaze. The majority of abuse perpetrated is purposeful and contingent on imbalances of power and control (Stark 2009), so the reliance on sexual gratification as a benchmark for harm must be eradicated in order to emancipate victim-survivors.

Additionally, there are known links between physical abuse and CSA (Gifford 2023) and evidence CSA risk increases post parental-separation/divorce (Brown, 2020). However, further attention is urgently required to address the continued use of the reductive physical incident model within and beyond social services (Jay *et al.* 2022), which is archaic and requires alignment to the current CCB and DA linked statutory guidance (Home Office 2022, 2023). Links between gendered violence, DA/CCB and pornography are clear (DeKeseredy 2021). Almost 90% of adult pornography contains violence against women or children and there is increasing understanding qua CSA and pornography use (Bridges *et al.* 2010, Jay *et al.* 2022, National Police Chiefs Council 2024). Moreover, recidivism in sex offenders is a serious concern, with some studies citing younger males (18–24) demonstrating recidivism at a rate of 80% (with age 25–39 at a rate of 43%) (Smethurst *et al.* 2021). In the Silberg and Dallam (2019) study, 88% of children transferred to live with their alleged abuser or forced into unsupervised contact, reported new abusive incidents afterwards. Salter *et al.* (2024) reported parental figures (typically fathers) are a key producer of CSAM and are often involved in '*networks of offenders who engage in organized, sadistic . . . '* abuse (p.1), reifying insights that IFSA continues to be overlooked by care systems, with multiple negative impacts on children's health and well-being (Dalgarno *et al.* 2024a, Karsna and Kelly, 2021, Scott 2023, Vera-Grey 2023). The fact that CSA figures in England and Wales are at the highest level in history, is not merely a reflection of better reporting systems, but a call to acknowledge predatory behavioural patterns and the urgent action required to protect child-victims in PLP, adhering to the UK Tackling CSA Strategy (2021) and UNCRC commitment to uphold their rights for protection. This includes protection from all forms of physical or mental violence, injury, abuse or maltreatment, including CSA (Article 19) and for their wishes and feelings to be heard (Article 12) (UNCRC 1989, Scott 2023). The notion in PLP that the child will be safe with such fathers is a dangerous approach which must immediately cease.

A large meta-analysis indicated that facilitation of child disclosures of CSA rests upon opportunity and needing to disclose (Brennan and McElvaney 2020), yet our findings

indicate these links were not understood in PLP and opportunities to safeguard children frequently missed. Importantly, when courts believe CSA has occurred (approximately 2% of the time), they are less likely to transfer the child to live with the abusive father (Meier 2020), yet believing is uncommon, as we know raising CSA and physical abuse in PLP increases the chance of a child being separated from their mother by 2.5 times, known as the 'CSA penalty' (Meier and Dickson 2017, Meier 2020, Dalgarno *et al.* 2024b).

Nonlinearity is a real aspect of human systems, relationships and CSA. The current approach of measuring harm and risk of CSA we found here to be stringent, linear and almost impossible to evidence (Brown 2022; Meier 2020). For mothers, this required evidence of gratification and a criminal conviction at minimum to achieve an order for supervised contact in PLP. Conversely, the approach of measuring harm from the counter allegations of so-called PA and child removal from allegedly emotionally abusive mothers casts a wide net, having much lower thresholds in terms of 'evidence' required in the eyes of the courts (Hunter *et al.* 2020, Dalgarno *et al.* 2023, 2024b, Ayeb-Karlsson *et al.* 2024). Anything and everything can be deemed as 'alienation', despite the fact this 'evidence' should not be deemed scientifically reliable (Zaccour 2018, Mercer and Drew 2022, Dalgarno *et al.* 2024b, Meier 2009). Cafcass (2023) continues to use this harmful framework of 'alienating behaviours', despite the UK government rejecting the framework on no less than three occasions (Dalgarno *et al.* 2023, Home Office 2023). Clearly, decision making is not nuanced or safe enough and fathers' rights, the pro-contact approach and presumption of parental involvement (Barnett 2014, Kaganas 2018, Birchall and Choudhry 2022) are consistently prioritised above the rights of the child and mother to be free from harm (UNCRC 1989).

Many of the fathers had a history/pattern of sexually abusing others. All had allegedly abused the mothers and children, yet these histories were deemed 'historic' or 'irrelevant' in PLP, despite it being known it is essential to identify signs and indicators of abusive behaviours in adults around these children (CSA Centre 2021). Fathers' actions and behaviours were repeatedly minimised and made invisible if harmful. For mothers, there was no such grace shown in PLP. To the courts, the mothers were all-blameworthy and all responsibilised, reproducing the violent gendered power-dynamics that permeate our society. Children are co-victims with their mothers (Callaghan *et al.* 2018, Katz 2022) and considered victims in their own right, not merely witnesses, when subjected to DA and post-separation abuse (DA Act 2021, Spearman *et al.* 2023). This re-victimisation and flagrant abuse of children and mothers' human rights represents an additional form of abuse; court and perpetrator induced trauma (CPIT), which must cease (Dalgarno *et al.* 2023, 2024b). CSA is consistently underpinned by patterns and tactics of coercive control (Katz and Field 2022). Identification of these patterns were often lost within and between PLP and broader systems. This requires urgent attention.

The contact at all costs approach remains and must cease (Barnett 2014, Dalgarno *et al.* 2024b, UNSRAWG 2024). It appears there are no bounds to how far a father may abuse his child, as the child will always be deemed as *his* and within his reach. It is apparent that children's needs, wishes and feelings are even then still considered as a projection of the mother's 'anxieties' or as 'alienation' (Grey 2023). We argue a child centric and abuse/trauma-informed expertise (DAC 2023; Scott 2023) will embrace and centre the wishes and feelings of these children, who may be too often being coerced by

the courts into a destiny of continued contact with the person who has raped/abused them and/or their mother.

Societal debates indicate growing awareness. A clause was sought to amend the Criminal Justice Bill, to ensure the suspension of parental rights to convicted child sex offenders and yet was rejected on the grounds it was an extra 'punishment' to these offenders (Burke 2024)[3]. Family members were instead urged to seek prohibited steps orders via civil courts, essentially being responsibilised to seek and pay for their own protection from these offenders, highlighting the ageist and sexist power imbalances prevalent in society. This emphasises another contradictory normative position. On the one hand, government deem the child and mother victims as empowered, capable and responsibilised to seek their own protection. On the other hand, evidence reminds us, children and women have much less social power and are actively disempowered societally and in PLP (Barnett 2014, 2020b, 2020a, Hunter *et al.* 2020, Birchall and Choudhry 2022, Dalgarno *et al.* 2023, 2024b, Grey 2023). Children specifically, are seen as deficient, incapable and incomplete in relation to adults (Fricker 2007, Burroughs and Tollefsen 2016). Children subjected to CSA, are faced with harmful '*testimonial injustice and receive less epistemic credibility than they deserve*' (Burroughs and Tollefsen 2016, p. 359). This was particularly evident in our findings, where the voice of the child was actively silenced. Children being unheard is evident across England and Wales, although may improve via the new practice direction (PD36Z) and pathfinder pilots (Hargreaves *et al.* 2024). It is then, effectively an act not just of state sanctioned abuse, but of state gaslighting, to proclaim against the broad evidence on what we argue is systemic entrapment and abuse, that children and mothers are capable of being seen and heard as credible and protected within PLP and are responsibilised for achieving this. This institutional betrayal and epistemic injustice can harm a child's development and traumatise them, sometimes for a lifetime, as can be seen in the present study in the children who were self-harming, withdrawing and more (Table 1) (Fricker 2007, Smith and Freyd 2014, Herman 2023, Taylor and Shrive 2023, Dalgarno *et al.* 2024a).

The lens of ageism to the harms and rights of the child in PLP and consideration of children as an oppressed class, requires further consideration. The Children Act (1989) purports to be predicated on the notion that the welfare of the child is paramount and yet children and their mothers are repeatedly faced with numerous hurdles even to be believed, highlighting the maintenance of patriarchal violence. Further attempts have been recently sought via proposed amendments put forward in the Victims and Prisoners Bill to curtail the rights of access of convicted sex-offenders to their children (see above, HoL 2024). More broadly, as Rape Crisis *et al.* (2023c) and others have noted, rape is the only crime in which direct focus in the investigation is on the victim rather than the suspect, which is mirrored in PLP.

It appears ironic that in neighbouring Public Law family courts, it is repeatedly reported that social workers are over-zealous in managing CSA risk (Azzopardi 2022), but upon looking more closely, it is clearly rather another setting where mothers are responsibilised for harm to their children. The three-planet model emphasised the 'no-win' situation protective mothers are left in, where they are tossed between settings which either blame them for staying with perpetrators or blame them for leaving (Hester 2011). We argue these systems are functioning exactly as intended, to maintain the zeitgeist of the perceived threat of and demonisation of single motherhood (Collier 2006, Smart

2013). We must challenge these hypocritical discourses surrounding public and private law approaches to CSA and the persistent value-laden emphasis on mothers and under-emphasis on fathers, as these discourses of risk acquire power from dominant ideologies of individualism, morality, and blame in public and private law spheres (Azzopardi 2022). The DARVO (Freyd 1997) strategies laden in the family courts are '*formulating CSA as a consequence of maternal inadequacies wrongly*' (Azzopardi 2022, 1631) and shifting the gaze away from perpetrators and the power imbalances endemic in our society.

The actions mothers are blamed for in public law – i.e. not protecting children from CSA offender fathers, maintaining contact with these fathers, not reporting these fathers' behaviours to the police and so on – are all those we see enacted by PLP professionals. In PLP however, professionals are not held accountable when harm is caused. Clear lines of accountability are urgent necessities, if we are to protect children (Jay *et al.* 2022). Professionals will soon be required to legally report suspected CSA (Home Office 2024), but this still negates the broader systemic issues at hand and does not give detail on how this will work in PLP. It also only applies to regulated professionals, which is problematic given the numerous unregulated PA professionals working in PLP (Dalgarno *et al.* 2024a *in preparation*).

Mothers and children are repeatedly referred to as 'enmeshed' when they are protective towards each other (Silberg and Dallam 2019). Presently, they were positioned as fabricators of CSA, especially when PA was raised. This harks back to the grandfather of PA, Gardner (1987) who wrote '*in custody litigation . . . the vast majority of children who profess sexual abuse are fabricators*' (p. 274). Unfounded rumours of mental health problems/attempts to pathologise mothers were repeatedly drawn upon (Silberg and Dallam 2019, Gutowski and Goodman 2020, Dalgarno *et al.* 2024b). Critiques of so-called fabricated induced illness (FII) aka Munchausen Syndrome by Proxy (MSbP) are widely available, namely that MSbP and FII fail to meet the Daubert test (admissibility of expert testimony) and yet frequently result in child removal from mothers (Clements *et al.* 2023, Wrenall 2007). Concerningly, their use is still endorsed by the NHS (2024) and were apparent in the present study. We argue, it was the professionals and abusive fathers who fabricate the narratives of 'alienating behaviours'. It is they who were 'enmeshed' with their pro-PA, anti-child, anti-mother, victim-blaming, pro-abuser and pro-father discourses, which involved triangulating other professionals and settings against the mother and child, completely negating the rights and needs of the children and their mothers. In one case, a child was only 'saved' by a highly specialised DA professional, but this was after an incredible amount of harm had been caused. If the specialist expertise of this professional had been included in this and other cases at the outset, it is arguable that we would not have seen here in these cases, a trail of destruction in the lives of these children and mothers who are victim-survivors. The enmeshment of professionals with each other reminds us of how power usurps every interaction and its fluid and dynamic nature. A judge may proclaim to have the final say 'this is my court' but can relinquish this power and rationalise blame elsewhere if the requirement emerges and vice versa. This is a stark reminder in a society built on risk management, but devoid of clear consequence and accountability, it becomes a spectacle of finger-

pointing, blame and self-preservation (Dalgarno *et al*. 2023b). It is both professionals and families who are caught in this web, but ultimately, it is victimised women and children who are being subjected to immense harm and professionals who remain immune and unaccountable, with their health and lives intact.

There is a clear need for the recommendations made within IICSA (Jay *et al*. 2022) and the 'Tackling Child Sexual Abuse Strategy' (2021) to be implemented. The commitment to police management of sex offenders cannot be achieved if the PLP continues to interfere with criminal investigations. Thorough investigation of cross-jurisdiction malfeasance is needed. The IICSA (2022) has repeatedly highlighted ongoing concerns that many institutions, including family courts, show a '*lack of focus and rigour in the responses*' to CSA victims (p.158). The lack of joined approaches both within and external to the family courts remains evident. Multiple groups and advocates have long called for efforts to be made to make Sexual Assault Referral Centre (SARC) frameworks, specialist CSA training for all professionals and facilities more available, albeit independently, to the police and family courts, as they provide strong protocols for the management of CSA and higher satisfaction levels for victim-survivors (Ailes 2020, Rape *et al*. 2023c, Scott 2023).

Conclusion

Much existing CSA research is retrospective with adult survivors and so further prospective cohort studies into the harms to children and mothers are immediately required. The persistent negligence towards the safety of children and mothers harmed by CSA in the family courts requires urgent, integrated responses. DA/CCB/CSA/trauma-informed specialist expertise must be drawn upon in these cases. Accountability and immunity for court and related professionals must be reconsidered urgently. The use of 'alienating behaviours' and synonymous terms and frameworks must be prohibited from use in PLP, if victim-survivors are to stand any chance of receiving a full and supportive investigation into CSA.

Notes

1. Mothers' names have been pseudonymised twice over to prevent jigsaw identification.
2. The CSA described has been redacted to protect the child and mother and to prevent potential voyeurism of predators.
3. As of 10th May 2024, government announced convicted child rapists will have their parental rights suspended by the criminal courts via the Criminal Justice Bill. This builds on Jade's Law, introduced through the Victims and Prisoners Bill currently progressing through the Lords, which applies an automatic suspension of parental responsibility in cases where a perpetrator has killed a partner or ex-partner with whom they share children (Ministry of Justice 2024). However, as of May 22nd, parliament was dissolved and a general election announced, meaning the criminal justice bill has failed to pass at this time (Waxman 2024).

Acknowledgments

This study was supported by UK Research and Innovation (UKRI) Participatory Research Fund, SHERA core Research Group and Expert by Experience Group, and an advisory group: Dr Emma Katz, Dr Adrienne Barnett, Dr Saira Khan, Holly Covington, Dr Sonja Ayeb-Karlsson, Nikki Dhillon-Keane, Dr Rachael Grey, Hannah King and Natalie Page.

We thank the brave participant mothers who shared their experiences for this study.

Disclosure statement

Three of the authors are voluntary members of SHERA Research Group, a global research collective which explores the health, social, human rights and economic impacts of domestic abuse/violence on women and children. No financial reward is received for this work.

Funding

This study was supported by a grant from the UK Research and Innovation (UKRI) Participatory Research Fund. The findings remain the responsibility of the research team.

References

Ailes, E., 2020. 'Outdated family-court rape views need addressing'. https://www.bbc.co.uk/news/uk-51548274. [Accessed 20 Feb 2024].

Ayeb-Karlsson, S.*et al.* 2024 'The mothers that are in silence are kept without their children. the mothers are dying in silence': outlining experiences and harm of the brazilian parental alienation law (lei 12318/2010) in the context of domestic violence under review *Disasters*. 48(2). doi:10.1111/disa.12614.

Azzopardi, C., 2022. Gendered attributions of blame and failure to protect in child welfare responses to sexual abuse: a feminist critical discourse analysis. *Violence Against Women*, 28 (6–7), 1631–1658. doi:10.1177/10778012211024263.

Barnett, A., 2014. Contact at all costs: domestic violence and children's welfare. *Child & Fam LQ*, 26, 439.

Barnett, A., 2020a. Domestic abuse and private law children cases. Available from: https://assets.publishing.service.gov.uk/media/5ef3dd32d3bf7f7142efc034/domestic-abuse-private-law-children-cases-literature-review.pdf.Accessed 20 Sep 2023

Barnett, A., 2020b. A genealogy of hostility: parental alienation in england and wales. *The journal of social welfare & family law*, 42(1), 18–29. doi:10.1080/09649069.2019.1701921.

Birchall, J. and Choudhry, S., 2022. 'I was punished for telling the truth': how allegations of parental alienation are used to silence, sideline and disempower survivors of domestic abuse in family law proceedings. *Journal of gender-based violence*, 6(1), 115–131. doi:10.1332/239868021X16287966471815.

Brennan, E. and McElvaney, R., 2020. What helps children tell? A Qualitative meta-analysis of child sexual abuse disclosure. *Child Abuse Review*, 29(2), 97–113. doi:10.1002/car.2617.

Bridges, A.J., *et al.* 2010. Aggression And sexual behavior in best-selling pornography videos: A content analysis update. *Violence against women*, 16(10), 1065–1085. doi:10.1177/1077801210382866.

Brown, T., 2020. *Child abuse and family law: understanding the issues facing human service and legal professionals*. London: Routledge.

Burke, D., 2024. Letting paedophile dads keep custody of kids is 'state sanctioned child abuse', MPs Told. https://www.mirror.co.uk/news/politics/letting-paedophile-dads-keep-custody-32001149. [Accessed 30 Jan 2024].

Burroughs, M.D. and Tollefsen, D., 2016. Learning to listen: epistemic injustice and the child. *Episteme*, 13(3), 359–377. doi:10.1017/epi.2015.64.

Butler, J., 1990. *Gender trouble: feminism and the subversion of identity*. London: Routledge.

Callaghan, J.E., *et al.* 2018. Beyond "witnessing": children's experiences of coercive control in domestic violence and abuse. *Journal of interpersonal violence*, 33(10), 1551–1581. doi:10.1177/0886260515618946.

Children and Family Court Advisory and Support Service (Cafcass), 2023. *Indicators of child resistance/refusal to spending time with a parent such as alienating behaviours*. Available from: https://www.cafcass.gov.uk/professionals/our-resources-professionals/child-impact-assessment-framework-ciaf/indicators-child-resistance/refusal-spending-time-parent-such-alienating-behaviours. [Accessed 20 Sep 2023].

Clements, L., *et al.* 2023. *The prevalence and impact of allegations off abricated or induced illness (FII)*. https://cerebra.org.uk/wp-content/uploads/2023/11/FII-Final-report-2023-Nov-01.pdf. Accessed 20 Feb 2024.

Collier, R. and Sheldon, S., 2006. *Fathers' rights activism and law reform in comparative perspective*. Portland, OR: Hart.

CSA Centre, 2019. Key Messages from Research on Identifying and Responding to Disclosures of Child Sexual Abuse. https://www.csacentre.org.uk/research-resources/key-messages/disclosures-csa/.

Dalgarno, E., *et al.* 2023. 'Swim, swim and die at the beach': family court and perpetrator induced trauma (cpit) experiences of mothers in Brazil. *The Journal of social welfare & family law*, 46(1), 11–38. doi:10.1080/09649069.2023.2285136.

Dalgarno, E., *et al.* 2024a. Mothers' Reports of child health experiences in England's private Law Family Court Proceedings *(under review)*

Dalgarno, E., *et al.* 2024b. Health-related experiences of family court and domestic abuse in england: a looming public health crisis. *Journal of family trauma, child custody & child development*, 1–28. doi:10.1080/26904586.2024.2307609.

Dalgarno, E. Page, N. 2023b. *Abused children: a political 'hot potatoto be disbelieved and separated'*. https://www.shera-research.com/latest-news/abused-children-a-political-hot-potato. [Accessed 14 May 2024].

DeKeseredy, W.S., 2021. Image-based sexual abuse: social and legal implications. *Current addiction reports*, 8, 330–335. 2 doi:10.1007/s40429-021-00363-x.

Domestic Abuse Act, 2021. https://www.legislation.gov.uk/ukpga/2021/17/contents.

Domestic Abuse Commissioner, 2023. The Family Court and Domestic Abuse: Achieving Cultural Change. London: Ministry of Justice. https://domesticabusecommissioner.uk/reports/ .

Foucault, M., 2013. *Archaeology of knowledge*. London: Routledge.

Freyd, J.J., 1997. Violations of power, adaptive blindness, and betrayal trauma theory. *Feminism & psychology*, 7, 22–32. 1 doi:10.1177/0959353597071004.

Fricker, M., 2007. *Epistemic injustice: power and the ethics of knowing*. Oxford: Oxford University Press.

Gardner, R.A., 1987. *The parental alienation syndrome and the differentiation between fabricated and genuine child sex abuse*. (274). Cresskill, NJ: Creative Therapeutics.

Gifford, J., 2023. Is it child sexual abuse? A general paediatrician's guide. *Paediatrics and child health*, 33(1), 1–5. doi:10.1016/j.paed.2022.10.006.

Grey, R., 2023. "Catastrophic": A qualitative exploration of survivors' experiences of expert instruction in private law child arrangements proceedings. *The journal of social welfare & family law*, 45(4), 344–362. doi:10.1080/09649069.2023.2281832.

Gutowski, E. and Goodman, L.A., 2020. "Like I'm invisible": ipv survivor-mothers' perceptions of seeking child custody through the family court system. *Journal of family violence*, 35(5), 441–457. doi:10.1007/s10896-019-00063-1.

Hargreaves, C., *et al.* (2024). Uncovering private family law: how often do we hear the voice of the child? nuffield family justice observatory. available at: uncovering private family law: how often do we hear the voice of the child? (Nuffieldfjo.Org.uk). [Accessed 21 Feb 2024].

Herman, J., 2023. *Truth and repair: how trauma survivors envision justice*. London: Hachette UK.

Hester, M., 2011. The Three planet model: towards an understanding of contradictions in approaches to women and children's safety in contexts of domestic violence. *British journal of social work*, 41(5), 837–853. doi:10.1093/bjsw/bcr095.

Home Office, 2021. *Tackling child sexual abuse strategy*. https://assets.publishing.service.gov.uk/media/605c82328fa8f545dca2c643/Tackling_Child_Sexual_Abuse_Strategy_2021.pdf. [Accessed 20 Oct 2023].

Home Office, 2022. Statutory Guidance domestic abuse act. https://www.gov.uk/government/consultations/domestic-abuse-act-statutory-guidance/domestic-abuse-draft-statutory-guidance-framework. [Accessed 20 Oct 2023].
Home Office, 2023. Controlling or coercive behaviour: statutory guidance framework. https://www.gov.uk/government/publications/controlling-or-coercive-behaviour-statutory-guidance-framework. [Accessed 20 Oct 2023].
Home Office, 2023. Domestic Abuse Act 2021 Statutory Guidance Consultation: Government Response (Accessible). https://www.gov.uk/government/consultations/domestic-abuse-actstatutory-guidance/outcome/domestic-abuse-act-2021-statutoryguidance-consultation-government-response-accessible .
Home Office, 2024. *Tougher Laws to protect children from sexual abuse*. https://www.gov.uk/government/news/tougher-laws-to-protect-children-from-sexual-abuse. [Accessed 21 Feb 2024].
House of Lords, 2024. Victims and prisoners bill. Amendments]. https://bills.parliament.uk/publications/53856/documents/4336. [Accessed 20 Feb 2024].
Hunter, R., Burton, M., and Trinder, L., 2020. *Assessing risk of harm to children and parents in private law children cases*. London: Ministry of Justice.
Jay A. *et al*. 2022. The report of the independent inquiry into child sexual abuse. London: Independent Inquiry into Child Sexual Abuse. https://www.iicsa.org.uk/final-report.html. [Accessed 20 Oct 2023].
Kaganas, F., 2018. Parental involvement: a discretionary presumption. *Legal studies*, 38(4), 549–570. doi:10.1017/lst.2018.16.
Karsna, K. and Kelly, L. 2021 The Scale and nature of child sexual abuse: review of evidence barkingside: centre of expertise on child sexual abuse. *Journal of forensic and legal medicine*, 78. doi:10.1016/j.jflm.2020.102112.
Katz, C. and Field, N., 2022. Unspoken: Child–perpetrator dynamic in the context of intrafamilial child sexual abuse. *Journal of interpersonal violence*, 37(5–6), NP3585–NP3604. doi:10.1177/0886260520943723.
Katz, E., 2022. *Coercive control in children's and mothers' lives*. New York: Oxford University Press.
Lapierre, S., *et al*. 2020. The Legitimization and institutionalization of 'parental alienation' in the province of quebec. *The journal of social welfare & family law*, 42(1), 30–44. doi:10.1080/09649069.2019.1701922.
Meier, J.S., 2009. A Historical Perspective on Parental Alienation Syndrome and Parental Alienation. *Journal of Child Custody*, 6 (3–4), 232–257. doi:10.1080/15379410903084681.
Meier, J.S., 2020. US Child custody outcomes in cases involving parental alienation and abuse allegations: what do the data show? *The journal of social welfare & family law*, 42(1), 92–105 doi:10.1080/09649069.2020.1701941.
Meier, J.S. and Dickson, S., 2017. Mapping Gender: shedding empirical light on family courts' treatment of cases involving abuse and alienation. *SSRN electronic journal*, 35, 311. doi:10.2139/ssrn.2999906.
Mercer, J. and Drew, M. eds. 2022. *Challenging parental alienation: new directions for professionals and parents*. London: Routledge.
Milchman, M.S., 2017. Misogynistic cultural argument in parental alienation versus child sexual abuse cases. *Journal of child custody*, 14(4), 211–233. doi:10.1080/15379418.2017.1416722.
Milchman, M.S., Geffner, R., and Meier, J.S., 2020. Ideology and rhetoric replace science and reason in some parental alienation literature and advocacy: a critique. *Family court review*, 58 (2), 340–361. doi:10.1111/fcre.12476.
Ministry of Justice, 2022. *Courts Data family court*. https://data.justice.gov.uk/courts/family-courts/. [Accessed 20 Oct 2023].
Ministry of Justice, 2024. Child Rapists to Automatically Have Parental Responsibility Stripped. https://www.gov.uk/government/news/child-rapists-to-automatically-haveparental-responsibility-stripped.

National Police Chiefs Council, 2024. Child sexual abuse and exploitation analysis launched. https://news.npcc.police.uk/releases/vkpp-launch-national-analysis-of-police-recorded-child-sexual-abuse-and-exploitation-csae-crimes-report-2022. [Accessed 20 Jan 2024].
Neilson, L., 2018. *Child best interests or parental rights?The freda centre for research on violence against women and children*. Vancouver.
NHS, 2023. Overview - Fabricated or Induced Illness. https://www.nhs.uk/mental-health/conditions/fabricated-orinduced-illness/overview/.
NSPCC, 2022. *Child sexual abuse prosecutions and convictions roughly halve in 4 years*. https://www.nspcc.org.uk/about-us/news-opinion/2022/child-sexual-abuse-prosecutions-convictions-halve/. [Accessed 20 Oct 2023].
Online Safety Act, 2023. https://www.legislation.gov.uk/ukpga/2023/50 .
Parke, C., 2024. Family Court Judge 'Granted Father Increased Access to Children During Sexual Assault Investigation. https://www.independent.co.uk/news/uk/crime/family-court-judge-appealchildren-b2496797.html.
Police, M., 2022. False Allegations in Domestic Violent Cases from 2018 to 2021. https://www.met.police.uk/foi-ai/metropolitan-police/d/february-2022/falseallegations-in-domestic-violent-cases-from-2018-to-2021/ .
Rape, C., *et al*. 2023c. Joint Submission to the Victims and Prisoners Bill. https://www.parallelparliament.co.uk/bills/2022-23/victimsandprisoners .
Rathus, Z., 2020. A history of the use of the concept of parental alienation in the australian family law system: contradictions, collisions and their consequences. *The Journal of social welfare & family law*, 42(1), 5–17. doi:10.1080/09649069.2019.1701920.
Salter, M. and Wong, T., 2024. Parental Production of Child Sexual Abuse Material: A Critical Review. *Trauma, Violence & Abuse*, 25 (3), 1826–1837. doi:10.1177/15248380231195891.
Scott, S., 2023. Key messages from research on intra-familial child sexual abuse. centre of expertise on child sexual abuse. Barkingside: Centre of expertise on child sexual abuse.
Sexual Offences Act, 2003. https://www.legislation.gov.uk/ukpga/2003/42/section/11.
Sheehy, E. and Boyd, S.B., 2020. Penalizing women's fear: intimate partner violence and parental alienation in canadian child custody cases. *The journal of social welfare & family law*, 42(1), 80–91. doi:10.1080/09649069.2020.1701940.
Silberg, J. and Dallam, S., 2019. Abusers gaining custody in family courts: a case series of over turned decisions. *Journal of child custody*, 16(2), 140–169. doi:10.1080/15379418.2019.1613204.
Smart, C., 2013. Deconstructing motherhood. *In*: Elizabeth Bortolaia Silva, eds. Good enough mothering? London: Routledge, 37–57.
Smethurst, A.J., Bamford, J., and Tully, R.J., 2021. A systematic review of recidivism rates of older adult male sex offenders. *Applied psychology in criminal justice*, 16(1), 24–51.
Smith, C.P. and Freyd, J.J. (2014). Institutional betrayal. *The American psychologist*, 69(6), 575–587. doi:10.1037/a0037564.
Spearman, K.J., Hardesty, J.L., and Campbell, J., 2023. Post-separation abuse: a concept analysis. *Journal of advanced nursing*, 79(4), 1225–1246. doi:10.1111/jan.15310.
Stark, E., 2009. *Coercive control: the entrapment of women in personal life*. Oxford: Oxford University Press.
Taylor, J. and Shrive, J., 2023. *Indicative trauma impact manual*. London: VictimFocus.
Thiara, R., 2020. Child sexual abuse allegations and response of family courts briefing.
Trocmé, N. and Bala, N., 2005. False allegations of abuse and neglect when parents separate. *Child abuse and neglect*, 29(12), 1333–1345. doi:10.1016/j.chiabu.2004.06.016.
UN, 1989. *The united nations convention on the rights of the child*. https://www.unicef.org.uk/wp-content/uploads/2016/08/unicef-convention-rights-child-uncrc.pdf. [Accessed 20 Oct 2023].
UN Special Rapporteur on Violence Against Women and Girls (UNSRVAWG), 2023a. *Custody, Violence Against Women and Violence Against Children*. https://undocs.org/Home/Mobile?FinalSymbol=A/HRC/53/36&Language=E&DeviceType=Desktop&LangRequested=False. [Accessed 20 Sep 2023].
UN Special Rapporteur on violence against women and girls (UNSRVAWG), 2024. Official visit to the united kingdom of great britain and northern ireland 12 - 21 feb 2024 summary of

preliminary findings and observations. https://www.ohchr.org/sites/default/files/documents/issues/women/sr/statements/20240221-eom-statement-uk-sr-vawg.pdf. [Accessed 22 February 2024].

Vera-Grey, F., 2023. Key messages from research on the impacts of child sexual abuse. Barkingside: Centre of expertise on child sexual abuse.

Waxman, C., 2024. *London's victims' commissioner on the victims and prisoners Act 2024*. https://www.london.gov.uk/londons-victims-commissioner-victims-and-prisoners-act-2024. [Accessed 24 June 2024].

Webb, N., *et al.* 2021. Allegations of child sexual abuse: an empirical analysis of published judgements from the family court of Australia 2012–2019. *The australian journal of social issues*, 56(3), 322–343. doi:10.1002/ajs4.171.

Willig, C., 2017. Interpretation in qualitative research. *The SAGE handbook of qualitative research in psychology*, 2, 274–288.

Wrennall, L., 2007. Munchausen Syndrome by Proxy/Fabricated and Induced Illness: Does the Diagnosis Serve Economic Vested Interests, Rather Than the Interests of Children? *Medical Hypotheses*, 68 (5), 960–966.

Zaccour, S., 2018. Parental alienation in quebec custody litigation. *Les Cahiers de droit*, 59(4), 1073–1111. doi:10.7202/1055264ar.