

Evidence to the Public Accounts Committee - Improving family court services for children by Legal Action for Women, Women Against Rape and Disabled Mothers' Rights Campaign

Who we are

Legal Action for Women started the [Support Not Separation](#) (SNS) Coalition in 2017. SNS Includes organisations of single mothers, women of colour, women with disabilities, rape/domestic abuse survivors, breastfeeding advocates, psycho- therapists, men and social workers. We defend mothers and children against unwarranted separation and the devaluing of the mother-child relationship. We are in contact with hundreds of mothers and other primary carers, and children, family law professionals, organisations and concerned individuals.

We run monthly self-help meetings where mothers share their experiences and a number of organisations contribute their expertise. They are: All African Women's Group, English Collective of Prostitutes, Global Women's Strike (GWS), Women of Colour GWS, Single Mothers' Self Defence, WinVisible (women with visible and invisible disabilities) and Women Against Rape.

[Women Against Rape \(WAR\)](#) is also a member organisation of SNS. It has been particularly involved in documenting victims' experiences of "parental alienation" and this was at the forefront of its lobbying work on the Domestic Abuse Act. Since 1976 WAR has taken up thousands of individual cases, setting a number of legal firsts. It campaigns for justice, asylum, protection and compensation, and has won changes in the law such as getting rape in marriage recognised as a crime.

[The Disabled Mothers' Rights Campaign \(DMRC\)](#), co-ordinated by WinVisible brings disabled mothers together to defend our right to have and to keep our children. We campaign to stop the cruelty and discrimination we face from social services and the family courts which use mothers' requests for the council support we are entitled to, as an excuse to label us "unfit" and take our children from us, and for improvements in maternity care for disabled mothers. Disabled women are three times more likely to suffer domestic violence, than non-disabled women ([ONS](#)), and face added barriers against being able to leave. DMRC is part of the SNS coalition.

Together we have worked for decades with thousands of mothers fighting to keep their children (Legal Action for Women was founded in 1982). In the last 10 years a growing movement of mothers, especially single mothers, struggling to protect our children from violent fathers has exposed a family court system which backs these violent men rather than the victims of their domestic and/or child abuse. We are also exposing the discriminatory assumption that disability is harmful to children. The mothers we work with have had extensive contact with multiple CAFCASS officers across England and Wales both in private and public law cases.

Our Evidence

Our evidence on improving family court services for children focuses on the role of Children's and Family Court Advisory and Support Service (CAFCASS), which is supposed to look after the interests of children whose parents are going through family court proceedings in England. CAFCASS was [last examined](#) in 2010 when the Committee determined it was not fit for purpose. However, the Committee notes that in 2024 CAFCASS was [rated outstanding](#) by Ofsted. We [challenge](#) Ofsted's findings – it has shown itself not to be fit for purpose as it has repeatedly [failed to protect](#) children taken by the state who suffered neglect, abuse and worse in privatised residential children's homes.

We point the Committee to the thousands of people who have had direct experience with CAFCASS and do **NOT** rate them 'outstanding' – see for example [Trustpilot](#) where almost 1500 people have given it a one-star rating, and a [March 2024 research paper](#) documenting families' experiences of CAFCASS.

Improving family court services for children cannot be separated from the urgent need to overhaul how the child welfare system and family courts treat mothers, who are almost always children's primary carers and their main protectors. The sexism, racism, class and disability discrimination routinely faced by mothers invariably impact the well-being of children. We urge the Public Accounts Committee to urgently consider what measures are needed to reduce the numbers of children going through family courts every year, and to begin with prioritising support for mothers, especially single mother families, rather than continuing to pour money into monitoring and removing children. Please see our Recommendations (Point 9) which include changes in legislation needed to drastically reduce the numbers of children who come before family courts and improve the outcomes for those who do.

Our own [research](#) shows that of mothers in contact with Children's Services, through Child In Need and Child Protection, and in family court, **the overwhelming majority (94%) are single mothers (mostly living in poverty). At least 76% report domestic violence. In 30% of cases children are living with the abusive father; 14% have children in foster care, and 10% had children adopted without their consent. 44% are women of colour and/or immigrant women who face both sexism and racism; 44% have mental health issues and 19% have a physical disability and this was used against them**

The experience of mothers we work with is reflected in the experiences of their children. For example, **children in the [poorest areas are 10 times more likely to be taken into care](#). Children of colour have much higher rates** of Child In Need (CIN), Child Protection Plan (CPP) and Children Looked After (CLA) than white children. One study showed that **4.52%** of Black children, and **4.22%** of mixed heritage children experienced care by age 9 – compared to **1.64%** of white children. **Children with [disabilities are also more likely to be in care](#)** than non-disabled children – **32%** – and shockingly, **36%** of [care leavers](#) describe themselves as being disabled.

Taking children from mothers and families who love them, and breaking the unique bond between mother and child (which begins in the womb), **causes life-long trauma. Protecting that bond should be a major consideration in all proceedings regarding the welfare of children.** Yet, family court decisions routinely ignore, dismiss or downplay the damage caused by wrenching children from their mothers in order to force them into contact with violent fathers or to take them into care, which is often followed, especially for babies, by forced adoption.

We draw attention to the following issues which must be addressed in order to improve children's experiences of family courts.

1. Domestic Violence
2. "Parental Alienation" or "alienating behaviours"
3. Presumption of contact/voice of the child
4. CAFCASS & the fathers' lobby
5. Use of unregulated experts
6. Disability
7. Children in "care"
8. The financial cost
9. Recommendations

1.Domestic Violence

In order to improve services to children, family courts must urgently overhaul their response to domestic violence. Despite 70-90% of family court cases involving domestic abuse, only 1% of court orders result in no contact. The Ministry of Justice's investigation [Assessing Risk of Harm to Children and Parents in Private Law Children Cases](#) published in 2020 comprehensively documented the dire state of the family justice system and the experiences of victims of domestic abuse (mothers and children alike) within the court process. The report refers to an overwhelming "pro-contact culture" (based on the presumption of parental involvement) which often leads to courts making orders for face-to-face contact between a child and the perpetrator of abuse that are unsafe and place both the child and the mother at risk of harm. It also describes sexism, racism and class prejudice as barriers women face in raising domestic violence – we would add, disability discrimination.

Thousands of mothers end up in family court after leaving violent partners because they are trying to protect children from unwanted or unsupervised contact with abusive fathers. CAFCASS (and other professionals in family court) have for many years refused to recognise that women are overwhelmingly the victims of domestic violence and men are the perpetrators. [1 in 4 women](#) have been raped or sexually assaulted since the age of 16 whilst **1 in 6 children** have been sexually abused. Analysis by the police found that there were [115,000 recorded cases of child sexual](#) abuse in 2023. **Two to three women every week are murdered by a partner or ex**, often despite police involvement. [One in six homicides](#) in England and Wales are linked to domestic abuse, and the estimated number of female victims of domestic violence aged 16+ in England and Wales, year ending March 2023 was **1,377,000**. Over **900** victims of domestic violence in England [commit suicide](#) each year – fear of further violence and having children removed are leading causes.

The real scandal is that rape has been practically decriminalised, with a conviction rate of under **1%**, and cases that take an average of two years to reach court. This has a knock-on effect on family courts, which have for too long ignored or over-ridden established rape and domestic violence laws, long fought for in criminal courts. A single judge, often heavily influenced by CAFCASS, has the power to rule on whether they believe a mother's testimony of violence – they often decide to reject it, on the "balance of probability", and accuse the mother of lying despite evidence to the contrary.

Contact with violent men endangers children and mothers, causing physical and psychological harm, even death. The [Sunday Mirror](#) documented **69 children killed** (2004-2020), **78% by fathers with a history of violence** (domestic and sexual) **who had been known to police, children's services, family courts**. And a [BBC investigation](#) found **five mothers died** – some taking their own lives and one having a heart attack after contact was given to violent fathers.

All this evidence is routinely ignored in family court, including by CAFCASS which continues to disregard the fact that **domestic violence is a gendered crime** (as defined by CEDAW) and makes a point of saying that men can be victims too, rather than recognising the evidence that **the overwhelming majority of perpetrators of domestic abuse are men, and that the perpetrators of most male victims are men**.

The cost of living crisis, profiteering landlords, welfare cuts and zero hours contracts have impoverished mothers, especially single mothers. Their children are particularly targeted for removal when ["neglect"](#) (which is the single biggest category of child protection plans) is conflated with poverty. This has forced many mothers to stay with or go back to abusive men in order to protect their children from hunger and homelessness. Such financial dependence on a man's wage is an open invitation for men to abuse their power over women and children. The Domestic Abuse Act 2021 recognises both economic abuse and coercive control often used by men to dominate their partner, along with rape and other sexual violence.

The family courts' approach has traditionally reinforced men's abuse of power, but as a result of the growing strength of the mothers' movement for change, CAFCASS has been forced to [acknowledge](#) their shortcomings. Finally, **earlier this year they issued their revised [Domestic Abuse Practice Policy](#) which went some way towards recognising their refusal to pay appropriate attention to children's views**, particularly when they said they did not want to spend time or live with an abusive parent.

CAFCASS' [Domestic Abuse Practice Policy](#) contains no references to parents with a disability. This again ignores the evidence [Disabled mothers](#) are more than twice as likely to suffer domestic abuse than non-disabled mothers, and more likely to stay with abusive partners as it is more difficult to leave. They are **twice as likely to attempt suicide** as their abuse is more severe and frequent.

2. "Parental alienation" or "alienating behaviours"

"She [[Cafcass officer](#)] told me actually, in the garden that if I didn't agree to contact, the judge would make a decision that I wouldn't like, and that was her threat to me on a change of residency...I was constantly accused of parental alienation..."

[Studies](#) have shown that over the past decade **abusive fathers routinely accuse mothers in family court of "alienating" their children when mothers report domestic or child abuse** in order to maintain their control over women and children. These allegations become the sole focus of courts and professionals, including CAFCASS, when making decisions about children.

"Parental alienation" (referred to from now on as PA) was invented by a discredited [US psychiatrist](#) who promoted paedophilia – a fact which seems to be constantly ignored by those who perpetuate its use. Together with other women's organisations and individuals, in particular Women Against Rape, we successfully challenged the inclusion of PA as a form of domestic abuse during the passage of the [Domestic Abuse Act](#) and its inclusion in the Act's [Statutory Guidance](#). PA has been rejected by a number of countries, including Scotland, Spain and Italy and by the [World Health Organisation](#) and the [United Nations](#). It is the product of a growing unregulated industry born of misogyny in family courts that seeks to reinstate men's power over women and children – any father, even those with a history of violence, seem to be preferred over women as heads of household.

As a result of the movement of mothers and greater recognition that PA is junk science, the recent [Family Justice Council Guidance](#) debunked the myth that there is a diagnosable "syndrome" of parental alienation, and reiterated that it is not comparable to domestic violence which is a crime. It is therefore unacceptable that CAFCASS now refers to "alienating behaviours" which may well turn out to be "parental alienation" by another name.

3. Presumption of contact / Voice of the child

In 2014, following strong lobbying by fathers' organisations which deny domestic violence, the ["presumption of contact"](#) – that children need a relationship with both parents – was incorporated into the Children Act. This has **encouraged fathers to use the family courts to insist on contact with children, regardless of how much time/caring they had spent with the children previously, and whether or not they had been violent to the mother and/or the children.**

A child's right to participate in decisions being made about them and the importance of considering their wishes and feelings when making decisions is acknowledged in legislation and guidance, including section 1 of the Children Act 1989, Article 12 of the United Nations Convention on the Rights of the Child, and Article 8 of the European Convention on Human Rights. Yet recent research from [Nuffield Family Justice Observatory](#) suggests that, **of the 67,000 children involved, around half did not have an**

opportunity to formally voice their wishes and feelings or be involved in decisions that could potentially be life changing. For **two-fifths** of children aged 10 to 13 in England, and a greater proportion of older teenagers, there was no indication that they had formally participated in proceedings.

CAFCASS is supposed to be the “voice of the child” but in our experience only “listens” when a child wants contact with their father while it routinely ignores a child who does not want contact. In the latter case, mothers are held responsible for the child’s views, and accusations of “parental alienation” or “alienating behaviours” are used to dismiss the child’s stated views. As a result, **children who are terrified of their father** and do not want any relationship with them **are being forced to see them** or even live with them. If they refuse, CAFCASS officers too often recommend they be put into foster care, separated from siblings and/or given to other family members – punishment to force them into contact with a man they are scared of. As the [London Victims Commissioner](#) said: this is **“state sanctioned child abuse”**.

Compounding the bias against mothers inherent in the “pro-contact culture” identified in the [Harm Report](#) and the failure to listen to children’s voices, CAFCASS reports are often based only on very short meetings with the children, sometimes lasting no more than half an hour. *“A therapist who gave evidence said that in several cases: “Cafcass workers and social workers have **seemed to regard it as their role to persuade the child to agree to contact with their father, irrespective of the father’s behaviour** (this includes cases where the father has been convicted of offences related to domestic abuse) and of the stated wishes of the child.”* The Report also found that CAFCASS reports **did not reflect women’s accounts and concerns** of abuse, minimising the abuse or not even mentioning it in their reports, and focusing instead on promoting contact.

4. CAFCASS & the fathers’ lobby

Research by [Dr Adrienne Barnett](#) shows a resurgence since 2013 of misogynist fathers’ groups, especially Families Need Fathers (FNF). They have repeatedly attacked mothers accusing them of making “false allegations” of domestic abuse as a “motorway to legal aid” and, against all the evidence, that “there is widespread abuse of men and boys in the context of the family courts.” Despite their blatant misogyny, **CAFCASS has worryingly close links with groups like FNF**, whose undue influence on their policy is abundantly clear: they are **“stakeholders”** of CAFCASS and are also on the Advisory Board of the [Review of the Presumption of Parental Involvement](#).

We have protested since 2017 about the regular attendance of CAFCASS senior officers at FNF’s [Annual Conferences](#). Last year a CAFCASS senior social worker spoke alongside two “experts” in PA, and the **President of the family court, whose close connection to FNF is also deeply worrying**. Later the President of Family Court ruled against a mother and in favour of an [unregulated PA expert](#) with whom he had spoken on a FNF platform alongside CAFCASS, a clear conflict of interest.

5. Use of unregulated experts

The courts currently use unregulated experts who are not registered with the Health and Care Professions Council (HCPC). A significant feature of recent case law is the increasing number of PA “experts” who are unregulated, yet play a key role in the use of PA allegations in family courts. The effect of such experts can be to make the father’s case almost unanswerable ([Birchall and Choudhry, 2018](#)). Some of the same “experts” sit on regulatory or consultative boards reviewing CAFCASS and family court procedures, leading to judgements biased against mothers.

These “experts” may recommend therapy for the mother and/or child, then offer to provide that therapy, often for a substantial fee. If children or their mothers reject the prescribed therapy the [children can be removed](#) from their mothers and denied contact for months

until they comply. CAFCASS usually agrees with the “experts” and in doing so, causes immense [harm to children](#) by separating them from their mothers. **It is deeply shocking that the [lifelong trauma of separating mothers and babies](#) does not appear in any CAFCASS policies or training.**

6. Disability

We worked with [Channel 5](#) News which in January 2023, documented the discrimination disabled mothers face in family court (see [video](#)). Shockingly, they found that parents with a learning disability are **54 times more likely to have their children taken into care** and those with physical disabilities are not much less. This confirms our experience of the discrimination and hostility faced by disabled mothers including from CAFCASS which too often sees disability as harmful to children. **Instead of insisting, in the best interests of the child, that support to the mother should be prioritised under Section 17 Children Act and Section 12 Care Act** (assessing the needs of the family), **CAFCASS is more likely to recommend removal of the children.** Tragically if they are very young this is likely to **lead to forced adoption** when the mother has not even harmed her child.

CAFCASS (and social workers) also use allegations of [Fabricated Induced Illness \(FII\)](#) to remove children from their mothers. As with PA there is no accepted definition of FII and allegations of FII are inherently discriminatory: disabled parents (who are also more likely to be living in poverty) appear to be **four times more likely** to face FII allegations than non-disabled parents. Often these [allegations](#) are started by professionals, teachers, doctors or social workers after parents have made complaints about the lack of support for their children. CAFCASS usually agrees [without even listening to the mothers](#). We participated in [Channel 5's second report](#) on mothers accused of FII – in all cases CAFCASS had failed to listen to either the mother or the child.

There is a worrying trend for organisations such as CAFCASS to invent terminology that is subsequently taken up by the court. Most recently, if a disabled mother needs “too much” help to care for her children, they claim this amounts to [“substitute parenting”](#) and recommend that children are removed - with no regard for children’s attachment to their mother regardless of disability. There is no research into where this term originated or any clear guidance on its use.

Unlike the national guidance concerning the assessment of disabled adults [there is no requirement](#) that those assessing the needs of disabled children have any disability related expertise, skills or experience. In the absence of such training, CAFCASS officials base their “evidence” on their own opinions which can result in disabled children being removed and institutionalised in privatised care homes where they are too often [neglected and/or abused](#). Research suggests **disabled children are more likely to be “looked after” than non-disabled children: 5.7%** of disabled children in the general population are looked after whilst this applies to only 0.6% of the child population as a whole ([Poverty & Social Exclusion in the UK, Gordon et al, 2000](#)). Other studies also find that disabled children are more likely to be over represented within the looked after system and suggest this is because they may remain in care for longer ([Permanence and Stability for Looked After Children](#) Cleaver, 2000).

7. Children in “care”

There has been a 102% increase in the [numbers of children in “care”](#) over the past 12 years. [The Public Law Working Group](#), with whom CAFCASS works, are concerned by the significant regional variation in the use of care proceedings, judicial approach to case management, and the nature of orders made at the conclusion of proceedings. They were particularly concerned about the **inappropriate numbers** in some areas of children subject to care orders especially **in the poorest communities**.

There are over **83,630 children in “care”** in England with an estimated **107,043 children in care across the UK**. [Recent research](#) shows that as many as **one in four** children in England will be referred to social care services before they turn 18. Over **4.3 million children live in poverty** and that number rises year on year, made worse by the two-child benefit cap and the overall benefit cap. The [poorest families](#) have an average income **57% below the poverty line**, with this gap increasing by almost two-thirds over the past 25 years. Families cannot afford to meet their most basic physical needs to stay housed, clothed and fed, and increasing numbers are forced to use food banks. **10,000 children** entered the care system for reasons linked to poverty in the five-year period from 2015-2020 according to a [Lancet peer-reviewed study](#).

It is widely acknowledged that [outcomes for care leavers](#) are disastrous: they are over ten times more likely than their peers not to be in education, employment or training (NEET) by 21; when they leave care, **50% will be in the criminal justice system** by age 21; **25% will end up in prison**; **50% have mental distress**; **70% die prematurely** and are **20 times more likely to die by age 25**.

The Children's Bill's Parliamentary Committee (22 January 2025) was told that every year local authority **budgets allocated to S17 to support families have been reduced by 50% whilst budgets for S47 for “child protection” have more than doubled**. This means that when families ask for support, they are most likely to be told that no help is available for cost reasons and to be pushed into “child protection” where they are at increased risk of having their children taken from them. **It is urgent for S17 spending on support to be made a statutory duty (like S47 spending is) instead of being optional and therefore least likely to be implemented. Spending on supporting children's right to family life, especially with their mother, must be prioritised over spending on child removal.** If Section 17 support was mandatory CAFCASS would not be allowed to order the removal of children into care except for the most extreme cases. The extortionate amount of money spent on keeping children in (usually privatised) “care” would be dramatically reduced.

The seven-year [Independent Inquiry into Child Sexual Abuse](#) (IICSA) found that disabled children in care suffered the most sexual abuse. It is particularly distressing that young disabled people in particular are put into in psychiatric units, or institutions, often in solitary confinement where they are raped and abused. The use of [Deprivation of Liberty Orders](#) has risen by **462%** since 2023. Disabled children are locked up in isolation in extreme conditions as a way of control which is neither therapeutic or humane. Of [12,000 children missing from care in one year](#), 56% were from semi-independent accommodation, children's homes or secure units, yet CAFCASS and other professionals have nothing to say about this neglect of vulnerable children. Shockingly, they have even less to say about the [450 children in “care” who died](#) in the decade to 2021.

8. The financial cost

The National Audit Office (NAO) report [‘Improving Family Court Services for Children’](#) highlighted that *the government does not know how much it is spending on family justice* – though the NAO estimates it was more than [£1.8bn in 2023-24](#). The financial burden of lengthy care proceedings results in less and less money spent on actually supporting children and families to remain together. The [Children's Charities Coalition](#) – which includes Action for Children, Barnardo's, the Children's Society, National Children's Bureau and the NSPCC – said **council spending on early intervention services had dropped by more than £2 billion, or 42%**, since 2010-11, whilst in just one year council **spending on Children Looked After has increased by 15.7%**. The [market study](#) into children's social care provision, completed by the Competition and Markets Authority in 2022 – due to concerns about placement provision and cost – found that large providers earned economic **profits of £18,400 to £29,000 per child on average and £29m to £45m**

in aggregate. This profiteering from children's (and their mothers) misery is completely unacceptable and must be stopped. It is also [bankrupting councils](#).

9. Recommendations

- **Abolish “presumption of contact” from Children Act 1989.**
- **Prohibit unsupervised contact whenever there has been paternal domestic abuse** or the father has been violent to the mother and/or the children.
- **End all reference to “parental alienation” or “alienating behaviours”** in CAFCASS guidance and policy documents.
- **Review all CAFCASS cases where allegations of “parental alienation” or “alienating behaviours”** has been cited against mothers.
- **End the use of so-called PA/AB “experts”**, regulated or not.
- **Stop forcing children into unwanted and harmful contact.** Insist that **CAFCASS listen to and act on a child's reasons for wanting no contact** with a father accused of violence.
- **Remove misogynist fathers' organisations from the CAFCASS board.**
- **End the use of allegations of FII to remove children.**
- **Stop claiming that support to disabled mothers amounts to “substitute parenting”.**
- **Stop taking children on the basis of “neglect” conflated with poverty** – “neglect” is the single biggest category of child protection plans (see [Nuffield Foundation](#)). There is already legislation in California forbidding poverty being used as neglect to take children, and a Special Committee in Philadelphia proposes that neglect should be removed from the law.
- **Stop taking children into “care” because of domestic violence. Support mothers so they can escape and keep their children.**
- **End the use of predicted “future emotional harm”** which enables social workers' prejudices and manipulation to justify taking children who are not being harmed by loving mums.
- **End forced adoptions** which have lifelong consequences for both children and mothers.
- **Reinstate legal aid** for all family law cases including any appeals.
- The **discrimination** that results in [so many children](#) (including immigrant children taken because their parents have no recourse to public funds) taken into “care” **must be acknowledged and ended.** Other discrimination against mothers who have grown up “in care” or are [sex workers](#) must also be acknowledged and ended.
- **End the discrimination in the Working Together document** which assumes all parents need safeguarding referrals, and results in mothers in poverty or asking for help due to their own or their children's disability being treated as having harmed their children. “Child protection” must be separated from “child in need”.
- **Recognise that the harm caused to children by separation from mother and siblings**, and by being uprooted from all that is familiar, **invariably outweighs the**

difficulties children may face within their families, the majority of which could be overcome with proper financial and practical support.

- **Make Section 17 of The Children's Act mandatory and provide the support families ask for**, rather than what social workers decide is appropriate, which invariably means intrusive and degrading monitoring and prejudicial judgements. Strengthen communities by providing cash and services, not by adding layers of professionals whose priority is intervention, not support
- **Follow the lead set by [Dr Andy Bilson](#) in the 1970s** which showed that when social workers were allocated money to help families rather than to take children into care – up to **70% fewer children were taken**. Look at [Neath Port Talbot](#) which is also prioritising support successfully.
- **Remove privatisation from children's services** to end the profit motive – obscene profits made by private providers/agencies for fostering, residential children's homes, adoption, etc., are feeding the "child protection" industry which wrecks the lives of children and families and bankrupts local authorities.
- **Give mothers and other primary carers a Care Income** so that the work mothers do caring for children is financially recognised and no mother can be accused of neglect because she is poor. This would protect mothers and children from professionals abusing their powers and acting as if they know best. **Children do not belong to the state but with their families**. Foster carers receive between £400 and £600 a week – **why not mothers whose caring work would prevent the institutionalisation of children and avoid lifelong trauma?**

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