



UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE CHILD

REPOSE TO THE COMBINED FIFTH AND SIXTH PERIODIC REPORTS

SUBMITTED BY IRELAND 2022

SUBMISSION BY ALIENATED CHILDREN FIRST (ACF)

“ACF provide peer to peer support and advocacy for parents and child victims of parental alienation through lobbying on their behalf and producing and promoting support materials for child care, legal, health, education and other professionals and families to assist with awareness to tackle this form of child abuse and intimate partner violence.

Our objectives are that the policy, principles and supports will be put in place to address this form of child abuse and give it the importance it requires and that the victims deserve.

Professionals and policy makers need to be properly informed and qualified to recognize and deal with this form of abuse and to support courts in ensuring the genuine, authentic and unmanipulated ‘voice of the child’ and true best interests of the child is central to all family law proceedings and related matters, including policy and procedures of statutory bodies and NGOs.

The children of Ireland deserve their rights be protected to the best of our abilities. The European Court of Human Rights has reminded states of their “positive obligations” to protect rights in cases of parental alienation.

ACF recognize that Ireland, and in particular the Department of Justice, have in the last two years taken substantial steps recognizing and researching parental alienation. However this progress is very recent and Ireland is significantly behind other states in supporting such victims and as yet has implemented no legislation, policies or procedures to recognize, deal with and support such victims.

This submission asks that we take this opportunity to include measures to protect children’s welfare and rights in family separation, particularly high conflict separation, and focuses particularly on how to address the plight of child and parent victims of parental alienation.”

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**Alienated Children First (formerly Alienated Person Support APS),
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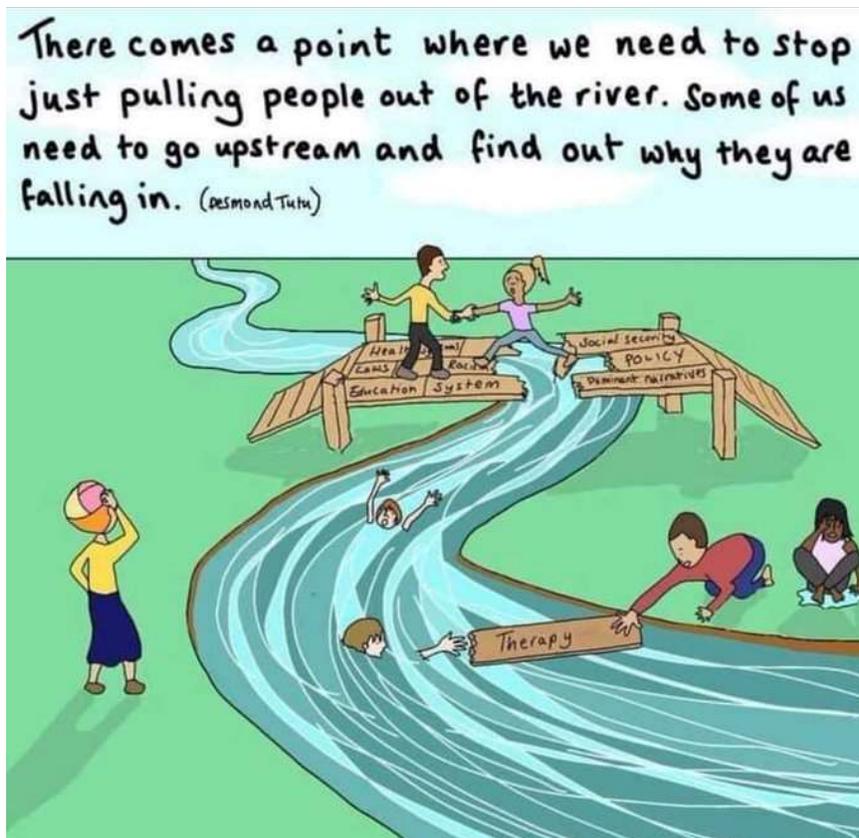
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1. Overview and Introduction

- 1.1. ACF make this representation as the NGO victims support organisation on behalf of parent and child victims of parental alienation. ACF made a submission to the reporting process in June 2020¹ and has made efforts to be included in other joint civic society partners. ACF has made submissions to the Department of Justice on the Family Court Bill² and the Parental Alienation Open Consultation³. ACF recognize and commend the Department of Justice for shifting from previous government positions of not dealing with the issue of parental alienation to, in 2021, the commission of research on other jurisdictions approach⁴ and in 2022 running an Open Consultation on Parental Alienation⁵. ACF's dismay at the ongoing delays in publishing the results of the research is shared by other NGOs in their submissions to the consultation process. We trust that Ireland will expedite publication and measures to deal with parental alienation to protect the welfare of children (and their families) dealing with the issue.
- 1.2. To date ACF have engaged with the Department of Justice, Department of Children, Equality, Disability and Youth, Tusla, The Office of the Ombudsman for Children, the HSE and NGO's including Children's Rights Alliance, One Family, Men's Aid, international groups including the Parental Alienation Study Group and others.
- 1.3. ACF currently receive zero funding from government or human rights bodies or any other child protection statutory bodies or NGO's, have no staff and are completely volunteer run.

¹ "Parental Alienation Submission to UN Committee on Rights of the Child by ACF Ireland", June 2020 <https://alienated.ie/parental-alienation-uncrc-childrens-rights-ireland/>

² "Submission to Joint Committee on Justice on General Scheme of the Family Court Bill", February 2021, <https://alienated.ie/submission-joint-committee-justice-family-court-bill/>

³ "Submission to the Department of Justice Open Consultation on Parental Alienation", June 2022, <https://alienated.ie/submission-department-justice-ireland-parental-alienation/>

⁴ Department of Justice, "Request for Tender for Research Services Approaches to the Concept of Parental Alienation in Other Jurisdictions", May 2021, <https://www.justice.ie/en/JELR/RFT-Approaches-to-the-concept-of-parental-alienation-in-other-jurisdictions.pdf/Files/RFT-Approaches-to-the-concept-of-parental-alienation-in-other-jurisdictions.pdf>

⁵ Department of Justice, "Open Consultation on Parental Alienation", June 2022, [https://www.justice.ie/en/JELR/Pages/Parental Alienation Consultation](https://www.justice.ie/en/JELR/Pages/Parental%20Alienation%20Consultation)

- 1.4. ACF have requested invitation to the pre-session and January 2023 session and intend to be represented by a suitable candidate with legal and human rights qualifications.
- 1.5. The Department of Justice has recognized that parental alienation has been cited in Irish court cases many times over the past ten years, and that the European Court of Human Rights has cited jurisprudence that states have “positive obligations” to protect the family rights of children and families from parental alienation under the European Convention of Human Rights. Such jurisprudence is incorporated into Irish law (unlike the UNCRC) under the European Convention on Human Rights Act 2003⁶.
- 1.6. ACF notes that the lack of formal reporting of cases in Circuit and District Courts means that only a small percentage of family law cases which arrive in the superior courts are reported. Thus court reporting in Ireland is only recording the “tip of the iceberg” on cases of children in high conflict separations. ACF have cited previously (with permission) the research published in the Irish Journal of Family Law, of Drs. O’Shea and Conneely on observing in the Circuit and District Court⁷ and their observation of a significant percentage of cases with “contact failure” both “justified” which they described as “estrangement” and “unjustified” which they identified with parental alienation.
- 1.7. ACF recognizes significant progress in children’s rights by the State in recent years in Constitutional Amendment, particularly Article 42A and legislative changes including Children First Act 2015, Children and Family Relationships

⁶ European Convention on Human Rights Act 2003

<https://www.irishstatutebook.ie/eli/2003/act/20/enacted/en/print>

⁷ “Custody & Access in District Court”, O’Shea & Conneely, Irish Journal of Family Law 2021, 24(4), 84-92. Drs Conneely and O’Shea carried out research observing family law cases in the District Court in 2017-2019 with consent from the Minister for Justice and Equality under regulation 2 (b) S.I. 337 of 2005. The researchers presented interim findings at a conference in May 2019, where they found that 37% of cases before the court where the dispute was in relation to access, involved parental estrangement or parental alienation. The researchers defined parental estrangement as “where there is conflict between the parents and the family law system contributes to the breakdown of the relationship between one parent and a child” and this presented in 13% of the cases where access was an issue. The researchers defined parental alienation as “where there is significant conflict between parents and the child is encouraged by one parent to align to that parent and reject the other” which presented in 24% of the cases where access was an issue. Reference including two important Irish High Court cases where parental alienation was cited.”

Act 2015 and Family Mediation Act 2017 addressing the significant issues of children's rights in family law in Ireland and the State's positive obligations under the United Nations Convention on the Rights of the Child⁸ and the European Convention on Human Rights in particular Article 8⁹. ACF ask what empirical evidence is collected on the strategy, policies and procedures of the constitution and legislative elements are in place to address the issue particularly in the area of children affected by high conflict separations? The 2019 regulations for Section 32¹⁰ writers are very vague and do not require that a psychologist, social worker or regulated professional dealing with specific issues such as parental alienation is required to have any CPD, training or qualifications in dealing with the difficulties associated with specific conditions such as parental alienation and there is little or no metrics in place to measure empirical evidence of the effectiveness of these provisions. Similarly legal professionals have few opportunities for CPD and other support materials in dealing with the issue. Without this the balance the manipulated voice of the child may be accepted over the authentic voice of the child and the best interests of the child and the experts and the court may unwittingly facilitate the alienation.

⁸ The June 2020 ACF / APS submission to the current UNCRC Reporting on Ireland in 2021 and the UNCRC's response to Ireland with "List of Issues prior to submission of the combined fifth and sixth report of Ireland" 3rd November 2020 both accessible here <http://alienated.ie/parental-alienation-uncrc-childrens-rights-ireland/>

⁹ European Court of Human Rights "Guide of European Convention of Human Rights – Article 8" https://www.echr.coe.int/documents/guide_art_8_eng.pdf

¹⁰ S.I. No. 587/2018 - Guardianship of Infants Act 1964 (Child's Views Expert) Regulations 2018 <https://www.irishstatutebook.ie/eli/2018/si/587/made/en/print>

1.8. Of particular note is the difference in approach by Tusla¹¹ and its counterparts in other jurisdictions, such as Cafcass¹² in the UK, do not include parental alienation within their definition of child abuse or psychological abuse. ACF ask what metrics are in place to report concerns of children at risk in high conflict separations, including psychological abuse and /or parental alienation and the outcomes of any Tusla assessments of such cases? This lack of definitions and guidelines are a significant roadblock for a Tusla engagement model or training for their personnel on parental alienation. Thus mild or medium cases of parental which could be addressed by early intervention, such as Section 19 Supervision Orders under the Child Care Act 1991, are missed and can progress to severe abuse before they even come to court. This can be disastrous for the welfare of the children and parents affected. Incorporation of parental alienation in the Tusla Handbook and related policies and procedures and an engagement model allowing early structured intervention and cooperation with the court is in the best interests of all concerned. This would be a very efficient and rapid way for state agencies to engage with the issue without the need for legislation.

1.9. ACF asks what steps the State will take to promote awareness and implementation of its obligations under the Constitution, the UNCRC and the ECHR at levels of government, legislative, statutory body, courts and legal system levels in the general scheme of Family Law Bill, future legislation and

¹¹ Tusla, “Child Protection and Welfare – Definitions of Child Abuse – Emotional Abuse”, “Emotional abuse is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a caregiver and a child. Once-off and occasional difficulties between a parent/carer and child are not considered emotional abuse. Abuse occurs when a child’s basic need for attention, affection, approval, consistency and security are not met, due to incapacity or indifference from their parent or caregiver. Emotional abuse can also occur when adults responsible for taking care of children are unaware of and unable (for a range of reasons) to meet their children’s emotional and developmental needs. Emotional abuse is not easy to recognise because the effects are not easily seen.

A reasonable concern for the child’s welfare would exist when the behaviour becomes typical of the relationship between the child and the parent or carer. Emotional abuse may be seen in some of the following ways:Ongoing family conflicts and family violence.....It should be noted that no one indicator is conclusive evidence of emotional abuse. Emotional abuse is more likely to impact negatively on a child where it is persistent over time and where there is a lack of other protective factors.” <https://www.tusla.ie/services/child-protection-welfare/definitions-of-child-abuse/>

¹² Child and Family Court Advisory Service “Alienating behaviours - What are alienating behaviours?” <https://www.cafcass.gov.uk/grown-ups/parents-and-carers/divorce-and-separation/what-to-expect-from-cafcass/alienating-behaviours/>

policy and procedure changes to protect the rights of children and their extended family including child siblings, cousins and other relatives, affected by Parental Alienation abuse in all its forms.

2. Specific comments on the Ireland Report

New Developments, Reply to paragraph 1(a) of list of issues

- 2.1. paragraph 7 – has the government considered the potential efficiencies to Tusla funding by dealing with parental alienation cases at an early stage such as by Child Care Act 1991 Section 19 Supervision Orders¹³ before cases are allowed to develop to very costly (in welfare and monetary impact) stage such as demonstrated by the High Court 2021¹⁴ case citing parental alienation where Tusla were funding multiple legal teams for several parties as well as guardian ad litem, foster, social worker and other costs.
- 2.2. Paragraph 8 – is the government aware, and what plans does it have to correct, that children involved in parental alienation are not included in the Children First protections in the absence of definition or threshold in the Tusla and other statutory bodies.

New Developments, Reply to paragraph 1(b) of list of issues

- 2.3. Paragraph 13 – is the government aware, and what plans does it have to address, that there is no funding currently for helplines or other supports for victims of parental alienation (although Men's Aid¹⁵ and One Family¹⁶ do provide some ancillary support as part of their larger activities and both have highlighted the issue in their submissions to the Department of Justice Open Consultation on Parental Alienation).
- 2.4. Paragraph 16 – is the government aware, and what plans does it have to address, that despite specific instruction from the President of the District

¹³ Child Care Act 1991 Section 19 Supervision Order

<https://www.irishstatutebook.ie/eli/1991/act/17/section/19/enacted/en/html>

¹⁴ Mary Carolyn "High Court will have to intervene in dispute between father and Tusla, says judge Children told school they did not want to return to father after short term foster care", Irish Times, Dublin, July 2021 <https://www.irishtimes.com/news/crime-and-law/courts/high-court/high-court-will-have-to-intervene-in-dispute-between-father-and-tusla-says-judge-1.4621595> and "Father claims children in foster care with no legal basis

Tusla argues it is in 'impossible' position as children are refusing to return to man's care", Irish Times, Dublin, July 2021 <https://www.irishtimes.com/news/crime-and-law/courts/high-court/father-claims-children-in-foster-care-with-no-legal-basis-1.4615890>

¹⁵ Men's Aid, "Submission to the Department of Justice Parental Alienation", June 2022, <https://www.mensaid.ie/wp-content/uploads/2022/06/Mens-Aid-Submission-to-DoJ-on-Parental-Alienation.pdf>

¹⁶ One Family, "Submission to the Department of Justice Parental Alienation", June 2022, https://onefamily.ie/wp-content/uploads/2022/06/One-Family-Submission-on-Parental-Alienation_final.pdf

Court¹⁷, Tusla, the Department of Justice and others that child access arrangements were to be respected during Covid restrictions, that many violations occurred and that as legal aid is restricted that significant numbers of children and parents were affected by unauthorized curtailment of court ordered arrangements? Does the government have any statistics on this or any plans to instruct courts that there should be a rebuttable presumption that access arrangements are returned to pre-Covid levels without the need for parents to resort to further legal costs and delays in a backlogged court system.

New Developments, Reply to paragraph 1(c) of list of issues

2.5. Paragraph 21 – what provisions will the government take to incorporate the findings of the Department of Justice’s 2021 research and the 2022 open consultation on parental alienation into the Family Court Bill; to allow agencies such as Tusla, the HSE, the Gardai and other statutory bodies to engage with child and parent victims of parental alienation and the courts in a joined up manner, without being severely restricted by the strictures of the in camera rule, the absence of implementation of regulatory policies to protect children from parental alienation, and the frequent absence of enforcement orders with regards to protecting child rights from access violations and the effects on children of being used in high conflict separations?

2.6. Paragraph 21 – what metrics are available and what statistics will be collected on registration of children’s custody and access to measure the effectiveness of children’s custody and access arrangements and protection of their rights to same.

2.7. Paragraph 21 – what metrics are available and what statistics will be collected and reported on children’s rights of custody and access regarding gender of parenting arrangements and orders in order to measure and evaluate protection from gender bias in family court. Research by O’Shea

¹⁷ Courts Service, “District Court - Family Law matters - Statement of the President of the District Court”, January 2021, <https://www.courts.ie/news/district-court-family-law-matters-statement-president-district-court>

and Conneely¹⁸ suggest that even where court orders on custody are joint “prime custody” or “residential parent” and “access parent” “access applications” are 90-95% gendered. What information is available / will be recorded to ensure children’s parenting arrangements are not the subject of gender bias and reflect the gender equality goals in wider society?

¹⁸ O’ Shea, Conneely and Dempsey “Custody and Access in the District Court”, Irish Journal of Family Law 2021, 24(4), 84-92, “The overwhelming majority of applications for access were brought by fathers (93.5 per cent), with one application by a mother and the remainder brought by grandparents. The types of applications for access were: seeking access orders in 29.9 per cent; seeking a variation to existing access orders in 35.1 per cent; seeking enforcement where access orders were breached in 33.8 per cent, of which summonses were issued in 10.4 per cent of those cases.”

Rights Under the Convention, Reply to paragraph 3(a) to (c) of list of issues

2.8. Paragraph 27 – what metrics and statistics are available on the exercise of the “child’s views to be heard in court” particularly in family law? Research by O’Shea and Conneely reported to the Joint Committee on Justice and Equality¹⁹ and others suggest that this is very rarely exercised for a number of reasons, including reluctance of individual judges for many reasons including lack of specific training, and lack of guardian ad litem and cost of access to justice through the Section 32²⁰ reporting route. What positive measures will the government put in place to ensure that the “voice of the child” being heard will be the norm rather than the exception and that specifically qualified and trained professionals will be available to ensure that this is the “authentic” voice of the child and protected from manipulation such as by an alienating parent.

2.9. What timelines and specific resources and commitments are there to this process and what interim child protection measures and regulations short of legislation is this government considering (for example the inclusion of children suffering parental alienation within the psychological abuse categories by Tusla in the social worker Handbook²¹), allowing for training, engagement modelling and early intervention such as by way of Supervision Orders under Section 19 of the Child Care Act 1991 (currently under review).

¹⁹ Dr. Roisin O’Shea “Joint Committee on Justice and Equality díospóireacht”, 6 March 2019 “First of all, our constitutional situation is not quite in keeping with the UN convention. Under that convention, children in this State have a right for their views to be heard if they wish their views to be heard and not if we can ascertain them. It does not relate to the capacity of the child but to his or her desire for his or her views to be heard. A sanction note has already been sent to Ireland stating we are not compliant with the convention. The issue is in respect of how we hear the voice of the child. I brought ten Canadian judges to a conference here chaired by Mr. Justice McKechnie in 2010. There were also four American judges and a couple from New Zealand.

The Canadian judges, in particular, were shocked that Irish judges were hearing the views of the child without appropriate training. Judges in Canada are required to have continuous professional training every year on how to hear the voice of the child, how to know if there is estrangement and how to know if there is parental alienation and coaching going on. The judges I interviewed often stated they were parents. That is not the answer. Being a parent does not make a person best placed to hear the views of a child and the complexity that may be involved.”

https://www.oireachtas.ie/ga/debates/debate/joint_committee_on_justice_and_equality/2019-03-06/3/

²⁰ Section 32 (10) of the Guardianship of Infants Act 1964 and S.I. No. 587/2018 - Guardianship of Infants Act 1964 (Child's Views Expert) Regulations 2018

²¹ Tusla Child Protection and Welfare Practice Handbook 2,

https://www.tusla.ie/uploads/content/Tusla_Child_Protection_Handbook2.pdf

2.10. Paragraph 29 - What measures will government take to include reporting of children affected by parental alienation by bringing this within the threshold of reporting, as the current lack of definition is preventing intervention in many cases due to lack of definitions and engagement processes or any “consistent approach” for such child victims. The current experience of ACF is results vary considerably according to geography and the personal experience of the professionals and is very different from the comforting words of the Minister for Justice and selected published judgments.

2.11. Paragraph 30 – While many of the measures in this Act and their commencement are welcome, due to concerns on the lack of implementation reporting, particularly around “parentage”, custody and access rights for children in high conflict separations, ACF ask what measures will the government put in place for reporting on such implementation and to ensure consistency of application? ACF specifically draw attention to protection of children’s rights of access to parents and extended family, and the previously mentioned issues of access to justice due to the costs of repeated applications (often without / not qualifying for legal aid) for repeated breaches of custody / access arrangements. ACF experience is that the Section 60 Enforcement Orders²² are not applied for on legal advice due to judges view that criminal sanction for a parent for breach is not in the best interests of the child, but then neither is lack of consequences for breach which risks encouraging or rewarding alienating parents and risks protecting the child’s access being abandoned by the targeted parent due to futility and costs of repeated applications for restoration.

²² Children and Family Relationships Act 2015, Section 60 – Enforcement Orders
<https://www.irishstatutebook.ie/eli/2015/act/9/section/60/enacted/en/html>

Rights Under the Convention, Comprehensive policy, strategy and co-ordination Reply to paragraphs 4(a) to (c) of list of issues

- 2.12. Paragraph 31 – ACF ask what steps will be made to include children in separation, particularly high conflict separation, in policy frameworks regarding protecting mental health of children, having regard to the mental and physical health poorer outcomes associated with parental alienation, as these children are not effectively included in current policy and practices.
- 2.13. Paragraph 34 – ACF asks if the government will consider children in high conflict separations and at risk of parental alienation in the “marginalised groups” due to the well-researched and documented poorer outcomes for such children in terms of education, mental health, substance abuse, suicide, relationships etc. and to enable their access to support services including Tusla and particularly HSE mental health services.
- 2.14. Paragraph 37 – ACF note that historically the DCEDIY has referred victims and support NGOs in parental alienation to the Department of Justice who undertook the as yet unpublished 2021 research and the 2022 public consultation on parental alienation. What is the process for the results of this Department of Justice work to be reflected for “child protection, welfare, prevention and early intervention” in the responsibilities of the DCEDIY?
- 2.15. Paragraph 40 and 43 – although HSE, Tusla and Gardai (and often doctors, schools and teachers) are often involved in protection and supporting children (and parents) involved in high conflict separations including parental alienation, is the government aware that such agencies have no joined up policies in the cases of children at risk due to lack of definitions, policies and procedures, “joint working protocols and engagement” as specified previously. Children with welfare issues or at risk of parental alienation are effectively excluded from these “special protection measures” and the safety protocols of the Children First reporting. ACF ask what measures will be taken to ensure that children at such risk are included in these policies and procedures?

Reply to paragraphs 5(a) to (c) of list of issues

- 2.16. Paragraph 46 – ACF ask what funding / service is allocated to supporting child victims of high conflict separations and at risk of or suffering from parental alienation? ACF experience is that the only funding for this issue to date was €25,000 to produce 2021 research on the concept but that this research is as yet unpublished. Does the government appreciate that ACF experience that Tusla, HSE, CAMHS or other support services or NGOs receive no funding for child welfare in high conflict separations and parental alienation under this heading.
- 2.17. Paragraph 47 & 48 – ACF ask what data is collected and / or evaluated by government and agencies regarding the impact of family separation on children (bearing in mind that legislation for divorce is relatively recent in Ireland and the constitutional amendment of Article 42A Children and the resulting legislation have virtually all occurred in the past seven years) and the targeting of resources accordingly? NGOs supporting children and families in such situations, such as One Family, report the impact on the welfare of children from separation and ACF would highlight the more serious impact on children from high conflict separations and parental alienation, the lack of support services for such children as highlighted above and the access to justice issues of such child given the limitations of services such as legal aid and guardian ad litem.
- 2.18. Paragraph 59 – ACF ask, based on points previously raised above, what data is collected on children in separated families, children protected by custody and access court orders (including enforcement orders) and children affected by breaches of such orders and affected by high conflict separations including welfare issues such as parental alienation? ACF note the Committee’s request in the List of Issues was
- “Please inform the Committee about the measures taken to: (a)
Improve the collection and quality of data, disaggregated by relevant factors, on the implementation of the Convention, including on: (i)

children who are victims of violence, sexual exploitation and abuse, and bullying;”²³

As the letters from the Ministers and the Chief Social Worker of Tusla in the final sections of this document refer individual requests on parental alienation to legislation on abuse and bullying ACF ask that the state’s response in this paragraph should include disaggregated data on parental alienation under these topics. We note that currently such cases are usually refused by Tusla due to the lack of definition and threshold and so there is a lack of such data currently available to meet the List of Issues paragraph (b) on the topic of parental alienation.

Best interests of the child - Reply to paragraph 11

2.19. Paragraph 100-102 ACF ask, based on the points raised above, what measures will be implemented to ensure the “best interests of the child” and the authentic and unmanipulated “voice of the child” will be protected and represented for children involved in high conflict separations including parental alienation. ACF note the letter included in the last section of this document from the Chief Social Worker of Tusla and many incidents, despite Tusla informing targeting parents and others raising children at risk issues of the “best interests paramountcy”, that parental alienation cases did not meet the threshold for Tusla intervention. ACF also note the state’s mention of the Mental Health (Amendment) Bill which may also not address the issue due to the current lack of legal definition of parental alienation as a child welfare or child psychological abuse issue.

Right to life, survival and development - Reply to paragraph 12

2.20. Paragraph 103 – ACF ask what metrics are collected and steps taken to address suicide risks (of both children and parents) associated with high conflict family separation and parental alienation. ACF understand that

²³ Convention of the Rights of the Child, “List of issues prior to submission of the combined fifth and sixth reports of Ireland”, CRC/C/IRL/QPR/5-6 para 6, page 2

despite international research on increased risk to child and parent of mental health issues and suicide, data is not current correlated on this in Ireland and the risk is not addressed through HSE, CAMHS and Tusla as covered above.

Respect for the views of the child - Reply to paragraph 13(a) - (c)

2.21. Paragraphs 108-111 and 113. ACF asks what data is collected on the views of the child being considered in family law in general and high conflict and parental alienation cases in particular and what steps are being taken to measure if this is being effectively implemented? ACF understands, and has covered elsewhere, that costs and delays in Section 32 reports and the (often understandable) reluctance of some or many judges to hear children in court and the lack of specialist knowledge on Section 32 writers, mean these views are rarely heard in such cases and that where such views are heard the expertise is not always available to ensure that an optimal outcome incorporates the best interests of the child to family life including shared parenting. This is despite the constitutional and legislative protections cited in the state's response.

2.22. Paragraphs 114-115. ACF asks if the National Strategy on Children's and Young People's Participation in Decision-Making 2015 of the 2019 review of the strategy include any feedback from children involved in family separation, court protocols and court reporters of the same and the policies, procedures and engagement of Tusla, HSE and CAMHS and how such feedback will be incorporated. ACF ask what plans the government has to include the experience of this cohort in developing solutions for their situation based on the more recent parental research and open consultation by the Department of Justice.

Violence against children: Freedom of the child from all forms of violence, including abuse, neglect, and sexual exploitation and abuse- Reply to paragraph 18(a) - (c)

2.23. Paragraph 141 & 144 – As outlined elsewhere, ACF ask what steps the government will take to include parental alienation within the psychological abuse definitions of Tusla and others that would bring it within the Children First legislation and how this will be reflected with the Children First Guidance 2017.

2.24. Paragraph 143 & 145 – ACF ask what metrics are collected to ensure that the Victims of Crime Act 2017 and the Domestic Violence Act 2018 are implemented effectively including the protection of children in cases of

parental alienation and breaches of custody and access orders and the authentic views of children are represented in court.

- 2.25. Paragraph 145 & 146 - ACF ask what steps are planned on parental alienation included as a factor in domestic violence orders as psychological abuse and coercive control.
- 2.26. Paragraph 148 – ACF asks what steps are planned to include risk assessments of children in high conflict separations and parental alienation? Currently the lack of Tusla definitions sets the bar so high that ACF understand that the vast majority of children in such situations have their file closed as “no risk” after Tusla assessments. As ACF have pointed out above, if Tusla adopted a model closer to that of Cafcass in the UK then the early intervention by the more efficient and lighter touch Section 19 Supervision Orders under the Child Care Act 1991 could be of considerable benefit to all involved, particularly the children.
- 2.27. Paragraph 151 – ACF point out that as above and particularly paragraph 151, children affected by parental alienation are almost always excluded from early intervention despite Tusla and HSE intervention.
- 2.28. Paragraph 156 – ACF point out that schools are often in the front line in parental alienation cases and ask what supports and materials will be available to school staff as referrals to Tusla by school staff usually result in inaction as per the above paragraphs.

Family environment, including adoption Reply to paragraph 20(a)

- 2.29. Paragraph 170 & 172 - ACF ask if there are any plans for judicial training specifically in parental alienation, widely recognised as complex and often counter-intuitive, similar to specialised judicial parental alienation training provided in other jurisdictions.

Mental Health Reply to Paragraph 25(a) – (c)

- 2.30. Paragraph 239-246 – ACF note the “recognition of the importance of early intervention” and ask what steps will be taken based on the Department of Justice research and open consultation on parental alienation to include the mental health issues associated with this into the wider mental health policies, supports and training?

3. Conclusion

Ireland has made significant first steps in addressing the issue and supporting child victims of parental alienation through the research commissioned in 2021 and the consultation process in 2022 by the Department of Justice.

However as far as ACF are aware, no implementation steps have been taken and Tusla and legal professionals have no effective guidelines to work on. Courts and individual judges are having to act on their own discretion without formal guidelines or training. Child professionals supporting courts have no guidelines on parental alienation and the (authentic) voice of the child is very rarely heard in court either directly or indirectly.

There is little or no funding through NGOs, HSE or Tusla for child support services dealing with parental alienation. ACF note that the significant costs of Tusla funding multiple legal teams in one High Court case²⁴ citing severe parental alienation could have funding many early interventions if the protocols were in place. The absence of mechanisms and procedures to register custody and access arrangements and their implementation or breaches means that no statutory body is even trying to measure the problem and the solution is left to parents grappling with non-joined up agencies through expensive private law applications in a court system which is overloaded and backlogged.

Court lists were often over crowded and backlogged before Covid which has made a bad situation worse. This means that family law cases concerning children's rights are often long delayed and are decided in very short time and that the voice of the child is rarely heard and even where it is, the constitutional right is limited by the cost required to have an "expert" represent it. Many of these points are made by the Government's Special Rapporteur for Child Protection, Professor O'Mahony in his presentation to the Oireachtas Committee on Justice and Equality²⁵.

²⁴ Mary Carolyn, "High Court will have to intervene in dispute between father and Tusla, says judge", Irish Times Dublin, June 2021, <https://www.irishtimes.com/news/crime-and-law/courts/high-court/high-court-will-have-to-intervene-in-dispute-between-father-and-tusla-says-judge-1.4621595>

²⁵ Professor O'Mahony, "Opening Statement to Oireachtas Committee on Justice and Equality", February 2019, https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint_committee_on_justice_and_equality/submissions/2019/2019-02-20_opening-statement-dr-conor-o-mahony-senior-lecturer-in-constitutional-and-child-law-school-of-law-university-college-cork_en.pdf

There are concrete and positive measures that the government could take quickly which would have a significant positive impact for children in this situation.

- Firstly the inclusion of parental alienation within the definitions of psychological child abuse in the Tusla Handbook would allow for a Tusla engagement model and training for social worker who are already dealing with this issue
- Secondly the requirement under the statutory instrument for child experts reporting to the court under Section 32 orders to have specific training in the issues they are reporting, such as parental alienation (but not limited to it including others such as or anorexia or severe anxiety)
- Thirdly the extension of material already being presented at legal conferences and legal publication on parental alienation to be reviewed and formalised into guidelines for legal professionals including solicitors, barristers and judges (and similar for HSE and CAMHS professionals dealing with children and families affected).
- Metrics and data collection on custody and access arrangements and their enforcement (or not) particularly for children in high conflict separations so that supports can be planned and implemented to protect the welfare of children in these situations.

All of these steps require no legislation. ACF have already mentioned that the state and particularly Tusla, are dealing with hidden costs of these cases and that such costs could be far more effectively deployed to early intervention and prevention. We note that high conflict separation cases involving parental alienation consume a disproportionate time in court and healthcare as well as the cost to society of dealing with the long term mental health issues inflicted on alienated children later in life.

This is not a high cost solution for a few. This is a situation where a reallocation and reorganisation could have a significant beneficial effect on the lives of many children and their extended families.

ACF thank the Committee for this chance to submit and we trust that the momentum of the good work of the Department of Justice in 2021 and 2022 will continue into implementing positive solutions and we look forward to being part of the solution for the benefit of our children.

4. Irish cases citing Parental Alienation (there are many more unreported)

A.McN. v M.McN [2021] IEHC 556

SH v JC [2020] IEHC 686

S.H. v J.C. [2020] IEHC 686

R.R. v S.R. [2019] IEHC 925

CG v BG [2019] IEHC 15

B.B. -v- Z.S. [2018] IHEC 15

S.S. v K.A [2018] IEHC 795

S.S. v K.A. [2018] IEHC 795

A.M.Q. v K.J. [2017] IEHC 342

C.J. v Judge Seamus Hughes [2016] IEHC 157

A.B. v C.D. [2014] IEHC 450

L.D -v- C.D [2012] IEHC 582

AB v CD [2011] IEHC 543

“Judge describes case as ‘parental alienation’” Law Society Gazette²⁶

“Parents are being ‘eradicated from the lives of their children for no good reason’
There is no policy in Ireland to define, detect or resolve parental alienation”, Irish
Times²⁷

²⁶ “Judge describes case as ‘parental alienation’” Law Society Gazette, Dublin, April 2020
<https://www.lawsociety.ie/gazette/top-stories/2020/04-april/judge-describes-case-as-parental-alienation>

²⁷ “Parents are being ‘eradicated from the lives of their children for no good reason’ There is no policy in Ireland to define, detect or resolve parental alienation”, Irish Times, Dublin, July 2019,
<https://www.irishtimes.com/life-and-style/health-family/parenting/parents-are-being-eradicated-from-the-lives-of-their-children-for-no-good-reason-1.3947575>

Mary Carolyn “High Court will have to intervene in dispute between father and Tusla, says judge. Children told school they did not want to return to father after short term foster care”, Irish Times²⁸

“Father claims children in foster care with no legal basis Tusla argues it is in ‘impossible’ position as children are refusing to return to man’s care”, Irish Times²⁹

‘My ex-wife wants to hurt me. I don’t know if I’ll see my kids over Christmas’, Irish Examiner³⁰

“Judge dismissive of mother’s ‘cowardly allegations; in access case” Laois Nationalist³¹

²⁸ Mary Carolyn “High Court will have to intervene in dispute between father and Tusla, says judge Children told school they did not want to return to father after short term foster care”, Irish Times, Dublin, July 2021 <https://www.irishtimes.com/news/crime-and-law/courts/high-court/high-court-will-have-to-intervene-in-dispute-between-father-and-tusla-says-judge-1.4621595>

²⁹ “Father claims children in foster care with no legal basis Tusla argues it is in ‘impossible’ position as children are refusing to return to man’s care”, Irish Times, Dublin, July 2021 <https://www.irishtimes.com/news/crime-and-law/courts/high-court/father-claims-children-in-foster-care-with-no-legal-basis-1.4615890>

³⁰ Richard Hogan ‘My ex-wife wants to hurt me. I don’t know if I’ll see my kids over Christmas’, Irish Examiner 2020, <https://www.irishexaminer.com/lifestyle/relationships/arid-40187673.html>

³¹ “Judge dismissive of mother’s ‘cowardly allegations; in access case” Laois Nationalist, January 2022 <https://laois-nationalist.ie/2022/01/22/judge-dismissive-of-mothers-cowardly-allegations-in-access-case/>

5. Ministers' Letters Exhibit [author's note – these were all to mothers]

From: Ministers Office <no-reply@cloud.gov.ie>

Date: Thu 21 Jan 2021, 10:33 a.m.

Subject: DJE-MO-[Redacted for Privacy],

To: [Redacted for Privacy]

Minister's Reference: DJE-MO-[Redacted for Privacy],

Dear [Redacted for Privacy],

Thank you for correspondence to the Minister for Justice, Ms. Helen McEntee T.D regarding parental alienation. The Minister has asked me to reply on her behalf. I would like to apologise for the delay in issuing this reply.

The Minister is aware of the concerns that have been raised in relation to parental alienation as an issue. This is a complex area and in order to better inform further discussion, the Minister intends to arrange for research to be carried out by the Department next year.

In the meantime, there have been a number of recent actions by the Department across the area of family justice.

A Family Justice Oversight Group has been established by the Department, and this group will agree a high-level vision and key medium and longer-term objectives for the development of a national family justice system in parallel with the establishment of a dedicated Family Court structure as envisaged by the forthcoming Family Court Bill.

A Family Court Bill is currently being drafted following approval of the General Scheme of the Bill by Government. The Family Court Bill, the enactment of which is a commitment in the Programme for Government, will be a key element in the development of a more efficient and user-friendly family court system that puts families at the centre of its activities, provides access to specialist supports and encourages the use of alternative dispute resolution in family law proceedings. The development of sensible, comprehensive and sensitive family law procedures, particularly for vulnerable families, will be central to the new system. In the preparation of the General Scheme of the Family Court Bill, account has been taken of the Report of the Joint Oireachtas Committee on Justice and Equality which published its Report on Reform of the Family Law System just a year ago.

While there is no specific legislative provision regarding parental alienation in Irish family law, section 246 of the Children Act 2001 does provide for an offence of frightening,

bullying or threatening a child in a manner likely to cause unnecessary suffering or injury to the child's physical, mental or emotional health or wellbeing. There are also legislative provisions in place to deal with child welfare particularly regarding the relationship between a child and his/her parents or guardians, providing the framework for a legal response to a wide spectrum of child welfare issues.

The Children and Family Relationships Act 2015 inserted a new Part V into the Guardianship of Infants Act 1964 which sets down the factors and circumstances that the court shall have regard to when determining what is in the best interests of the child. These factors include the benefit to the child of having a meaningful relationship with each of his or her parents. Section 11D of the 1964 Act obliges the court in proceedings under section 11 to consider whether the child's best interests would be served by maintaining personal relations and direct contact with each of his or her parents on a regular basis. Section 25 of the 1964 Act also requires the court, as it thinks appropriate and practicable, to take into account the child's wishes in custody and access matters, having regard to the age and understanding of the child.

Section 12A of the 1964 Act (inserted by section 58 of the Children and Family Relationships Act 2015) provides that in making any order under the Act, the court may impose such conditions as it considers to be necessary in the best interests of the child. It is a matter for the courts when making orders under the 1964 Act in relation to matters such as the guardianship, custody or upbringing of, or access to, a child to consider whether or not any conditions should be attached to such orders.

There has also been an amendment to family law legislation to assist parents who need to return to court because the other parent has breached a court order in relation to custody of or access to a child. Section 56 of the Children and Family Relationships Act 2015 inserted a new section 18A into the Guardianship of Infants Act 1964 and this provides that where a parent or guardian of a child has been granted custody of or access to the child under the 1964 Act, but he or she has been unreasonably denied such custody or access by another guardian or parent, that person may apply to court for an enforcement order.

I wish you well and hope the above information is of some assistance.

Yours sincerely,

Patrick McCabe

Private Secretary to the Minister for Justice

An Roinn Dlí agus Cirt Department of Justice

51 Faiche Stiabhna, Baile Átha Cliath 2, D02 HK52 51 St Stephen's Green, Dublin 2, D02
HK52

From: Minister Rabbitte Office <minister_rabbitte@health.gov.ie>

Date: 16/02/2021 11:49 (GMT+00:00)

To: [redacted for privacy]

Subject: FW: DJE-MO-[Redacted for Privacy], Ref: LD5[Redacted for Privacy],

16 February 2021

[redacted for privacy]

Dear [redacted for privacy]

Anne Rabbitte T.D., Minister for Disabilities has asked me to refer to your recent letter concerning Parental Alienation.

Minister Rabbitte had enquiries made with her colleague, Ms Helen McEntee TD, Minister for Justice and a reply has been received. I attach below a copy of this reply for your attention.

I hope that this information will be of some assistance to you.

Yours sincerely

Adrian McLaughlin

Private Secretary

Lavinia Davis

Minister Anne Rabbitte's Office

Minister for Disabilities

An Roinn Sláinte Department of Health

Bloc 1, Plaza Miesach, 50 - 58 Sráid Bhagóid Íochtarach, Baile Átha Cliath, D02 XW14

Block 1, Miesian Plaza, 50 - 58 Lower Baggot Street, Dublin, D02 XW14

From: Ministers Office <no-reply@cloud.gov.ie>

Sent: Friday 12 February 2021 18:20

To: Minister Rabbitte Office <minister_rabbitte@health.gov.ie>

Subject: DJE-MO-[Redacted for Privacy],

Minister Anne Rabbitte T.D.
minister_rabbitte@health.gov.ie

12th February 2021

Minister's Reference: DJE-MO-[Redacted for Privacy],

Dear Minister Rabbitte,

I am writing to you concerning your correspondence on behalf of your constituent, [redacted for privacy], regarding Parental Alienation.

First and foremost, I appreciate the significant distress that family separation and those engaged in family court proceedings can experience - such as the traumatic and stressful situation that the constituent describes.

I am aware of the concerns that have been raised in relation to parental alienation as an issue. This is a complex area and in order to better inform further discussion, I intend to arrange for research to be carried out by my Department this year.

Changing the legislation is not the only option. There may be appropriate interventions that need to be done at an earlier stage to deal with behaviours. The best interests of the child will of course be paramount in any considerations.

In the meantime, there have been a number of recent actions by my Department across the area of family justice.

A Family Justice Oversight Group has been established by my Department, and this group will agree a high-level vision and key medium and longer-term objectives for the development of a national family justice system in parallel with the establishment of a dedicated Family Court structure as envisaged by the forthcoming Family Court Bill. The Group comprises officials from my Department, the Department of Children and Youth Affairs, the Courts Service, the Legal Aid Board as well as nominees of the Chief Justice from the High Court, Circuit Court and District Court.

A Family Court Bill is currently being drafted following approval of the General Scheme of the Bill by Government. The Family Court Bill, the enactment of which is a commitment in the Programme for Government, will be a key element in the development of a more efficient and user-friendly family court system that puts families at the centre of its activities, provides access to specialist supports and encourages the use of alternative dispute resolution in family law proceedings. The development of sensible, comprehensive and sensitive family law

procedures, particularly for vulnerable families, will be central to the new system. In the preparation of the General Scheme of the Family Court Bill, account has been taken of the Report of the Joint Oireachtas Committee on Justice and Equality which published its Report on Reform of the Family Law System just a year ago.

While there is no specific legislative provision regarding parental alienation in Irish family law, section 246 of the Children Act 2001 does provide for an offence of frightening, bullying or threatening a child in a manner likely to cause unnecessary suffering or injury to the child's physical, mental or emotional health or wellbeing. There are also legislative provisions in place to deal with child welfare particularly regarding the relationship between a child and his/her parents or guardians, providing the framework for a legal response to a wide spectrum of child welfare issues.

However, as I have said, further research is to be carried out by my Department. The Department's Research and Data Analytics Unit is in the process of planning a research project, to be undertaken this year, which will examine the international approaches to parental alienation in order to inform thinking on whether any new policy or legislative responses are required in this jurisdiction.

The Children and Family Relationships Act 2015 inserted a new Part V into the Guardianship of Infants Act 1964 which sets down the factors and circumstances that the court shall have regard to when determining what is in the best interests of the child. These factors include the benefit to the child of having a meaningful relationship with each of his or her parents. Section 11D of the 1964 Act obliges the court in proceedings under section 11 to consider whether the child's best interests would be served by maintaining personal relations and direct contact with each of his or her parents on a regular basis. Section 25 of the 1964 Act also requires the court, as it thinks appropriate and practicable, to take into account the child's wishes in custody and access matters, having regard to the age and understanding of the child.

Section 12A of the 1964 Act (inserted by section 58 of the Children and Family Relationships Act 2015) provides that in making any order under the Act, the court may impose such conditions as it considers to be necessary in the best interests of the child. It is a matter for the courts when making orders under the 1964 Act in relation to matters such as the guardianship, custody or upbringing of, or access to, a child to consider whether or not any conditions should be attached to such orders.

There has also been an amendment to family law legislation to assist parents who need to return to court because the other parent has breached a court order in relation to custody of or access to a child. Section 56 of the Children and Family Relationships Act 2015 inserted a new section 18A into the Guardianship of Infants Act 1964 and this provides that where a parent or guardian of a child has been granted custody of or access to the child under the 1964 Act, but he or she has been unreasonably denied such custody or access by another guardian or parent, that person may apply to court for an enforcement order.

As Minister I have no role in the making of court orders in relation to custody, access or maintenance. This is a function of the courts, which are, subject to the Constitution and the law, independent in the performance of their functions.

I trust the above information is of some assistance.

Yours sincerely,

Helen McEntee T.D.

Minister for Justice

An Roinn Dlí agus Cirt

Department of Justice

51 Faiche Stiabhna, Baile Átha Cliath 2, D02 HK52

51 St Stephen's Green, Dublin 2, D02 HK52

From: Bernard Durkan <Bernard.Durkan@oireachtas.ie>

Date: 12/01/2021 14:44 (GMT+00:00)

To: [Redacted for Privacy]

Subject: Representation for [Redacted for Privacy]

Dear [Redacted for Privacy],

I enclose herewith correspondence received in response to representations made on your behalf.

If and when further information is to hand I shall be in touch with you again. But failing further response within a reasonable period, you might remind me so that a satisfactory conclusion can be reached.

Yours sincerely,

Bernard J. Durkan T.D.

4th January 2021

Deputy Bernard Durkan T.D.

Bernard.Durkan@oireachtas.ie

Dear Deputy Durkan,

Thank you for your email concerning parental alienation on behalf of Ms [Redacted for Privacy].

Under the Child Care Act 1991, the Child and Family Agency, Tusla, is the statutory body with responsibility to promote the welfare of children who are not receiving adequate care and protection. Tusla assesses all child welfare and protection concerns that are reported to it.

The Children First Act 2015, which was fully commenced in December 2017, provides for a number of key child protection measures. These include awareness raising,

providing for mandatory reporting of child protection concerns by certain categories of persons and improving safeguarding arrangements in organisations providing services to children. The Act operates alongside the non-statutory obligations provided for in Children First: National Guidance for the Protection and Welfare of Children 2017, which sets out how all reasonable concerns about a child should be reported to Tusla. The Act recognises that a child's welfare includes their emotional welfare while the Guidance sets out definitions of abuse, including emotional abuse, and signs for its recognition.

Referrals to Tusla regarding the possible harm to a child from a parent are assessed in line with Tusla's policies, procedures and best practice. Tusla has advised that its child protection and welfare assessment considers any past harm and any future danger to a child as a result of complicating factors in a child's environment. These factors include any parental behaviour that is deemed to have a negative impact on a child resulting in them being seriously harmed, including the behaviours that would indicate emotional abuse. Tusla also considers any strengths and existing safety present for the child in the context of the harm and then works collaboratively with parents, professionals and others to create effective safety for the child into the future.

However, parental alienation is a very challenging and complex issue. It generally arises in situations of extreme inter-parental conflict, which can result in children withdrawing from one parent without the other parent deliberately directing them to do so, but as a response to the conflict. Mediation can sometimes offer parents an opportunity to work through issues arising.

Tusla social work staff are supported in their professional and evidence informed assessments by access to an online evidence informed toolkit that provides detailed up-to-date research and recommended interventions on key areas such as attachment, critical analysis and thinking, child development, the impact of abuse, separation and loss and parenting capacity. Tusla also provides all staff with access to an entire research centre <https://www.tusla.ie/research/> with relevant current research and publications relevant to child protection and welfare practice. In addition to

regular professional supervision, this ensures staff are supported in maintaining their expertise in an ongoing and supportive learning environment.

Tusla works collaboratively with child and adult mental health services, the Courts and other therapeutic services in respect of any relevant matters referred to it, including in relation to necessary interventions to support the safety and wellbeing of a child.

As you are aware, the Programme for Government contains a commitment to enact a Family Court Bill. The Family Court Bill will be a key element in the development of a more efficient and user-friendly family court system that puts families at the centre of its activities, provides access to specialist supports and encourages the use of alternative dispute resolution in family law proceedings. The Department of Justice has recently established the Family Justice Oversight Group. This Group will agree a high-level vision and key medium and longer-term objectives for the development of a national family justice system, in parallel with the establishment of a dedicated Family Court structure, as envisaged by the forthcoming Family Court Bill. The Department of Children, Equality, Disability, Integration and Youth is represented on the Oversight Group.

I hope that this information is helpful to you.

Yours sincerely

Roderic O’Gorman TD

Minister for Children, Equality Disability, Integration & Youth

Beartas ríomhphoist an Oireachtais agus séanadh. oireachtas.ie/ga/email-policy/

Oireachtas email policy and disclaimer. oireachtas.ie/en/email-policy/

From Tusla to [Name redacted for privacy]

Further to your representations to Minister Roderic O’Gorman TD, the Department has requested that Tusla respond directly to you on the issues of parental alienation, psychological manipulation of children and coercive control of children.

These issues are complex areas and are encompassed in the Tusla child protection assessment in the understanding of emotional abuse. Emotional abuse is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a caregiver and a child. Once-off and occasional difficulties between a parent/carer and child are not considered emotional abuse. Abuse occurs when a child’s basic need for attention, affection, approval, consistency and security are not met, due to incapacity or indifference from their parent or caregiver. Emotional abuse can also occur when adults responsible for taking care of children are unaware of and unable (for a range of reasons) to meet their children’s emotional and developmental needs. Emotional abuse is not easy to recognise because the effects are not easily seen.

A reasonable concern for the child’s welfare would exist when the behaviour becomes typical of the relationship between the child and the parent or carer. Emotional abuse may be seen in some of the following ways:

- Rejection
 - Lack of comfort and love
 - Lack of attachment
 - Lack of proper stimulation (e.g. fun and play)
 - Lack of continuity of care (e.g. frequent moves, particularly unplanned)
- Continuous lack of praise and encouragement
- Persistent criticism, sarcasm, hostility or blaming of the child
 - Bullying

- Conditional parenting in which care or affection of a child depends on his or her behaviours or actions
 - Extreme overprotectiveness
 - Inappropriate non-physical punishment (e.g. locking child in bedroom)
- Ongoing family conflicts and family violence
- Seriously inappropriate expectations of a child relative to his/her age and stage of development

When a report is made to Tusla child protection services, an assessment is made regarding whether this report reaches the threshold for harm based on the evidence available and the impact on the child. Where harm due to emotional abuse or other abuse is suspected, the child protection and welfare services engage with the child and family subject to the report and provide for the safety of this child through working with the child and family. Where harm is not established a referral may be made to an agency suitable to deal with significant welfare issues that arise or a referral may be made to a Meitheal response through the local Child and Family Support Network.

I note that other responses point to mediation and, in this scenario, there is a mediation service in the courts where many of these disputes arise and are heard. There is no 'mediation' service in Tusla but many of our responses include elements of mediation. In other international responses, separate agencies have been established that have been very effective in addressing issues using approaches such as mediation combined with the power of the court. Such responses have made it clear to parents that a recommendation of the mediator will be given significant weight in any future court process. One such example is CAFCAS in Wales and they have a very useful website. I'm aware that future family law proposals in this country do not at this stage include this important step.

There is significant information available online on Tusla.ie regarding emotional abuse and how we deal with these issues. The child protection and welfare

handbook also addresses these issues. We are also renewing again with the current evidence how we may need to reflect this fully and evidence can be mixed on this issue.

[Redacted for Privacy],

Chief Social Worker Tusla