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By The Baroness Meyer CBE, Founder of Action Against Abduction

ALIENATION, ABDUCTION AND THE DOMESTIC ABUSE ACT 2021

The Baroness Meyer CBE, Founder of Action Against Abduction

Most children suffer greatly from their parents' separation, but when their parents start arguing about money and contact arrangements, the children find themselves in an impossible situation. Most children do not understand what is happening, or why. The only thing they realise is that there is a state of war between the two people they love and need most. Things are made even worse when children become involved in litigation between their parents. This is the moment when children will be most vulnerable to being used as pawns against the other parent.

Under the concept of the 'best interests of the child' and the concept of shared care, courts will tend to centre on evaluating parenting capacity. Where automatic residency to the mother no longer applies, fathers find themselves (rightly or wrongly) with greater opportunity to gain the status of the primary carer. As a result, in high-conflict cases, each parent will seek to provide compelling evidence of serious deficiencies in the other parent. As accusation and counter-accusations fly, court welfare officers, child-protection officers, psychologists, family mediators and social workers are brought in to evaluate the child's views and establish what is in his or her 'best interests.' This is the moment when it seems even more vital for the child to say the 'right thing' when interviewed.

Under normal circumstances, a child's opinion should be taken seriously, but in high-conflict cases, children, especially young ones, will find themselves caught in a loyalty conflict between their parents, often forced to choose between mother and father. Then, if one of their parents begins the process of denigrating the other parent, they are further confused, distressed and anxious. Children may be told that the other parent no longer loves them, or that they will not be able to take care of them. The child may be made to feel guilty, or, worse still, asked to support false allegations against a parent.

In some cases, the psychological pressure on the child is so severe that he/she will display an implacable hostility towards the other parent and refuse all forms of contact, often expressing only negative feelings towards that parent. This can happen in a matter of months.

I need not tell you how harrowing such an experience is for the victim-parent. Just imagine having your child rejecting you for no obvious reason; hearing your child telling you that he never wants to see you again; being physically rejected as if you had suddenly transformed into a monster. The heartbreak, the incomprehension and the feeling of injustice are all-consuming.

To read this article in full please contact nagalro@nagalro.com