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Private Family Law and Child Sexual Abuse: A Research Report

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Executive summary

In this report we share findings and recommendations from our research into private family law proceedings where there were allegations of child sexual abuse (CSA). [The Harm Report](#) assessed the risk of harm to parents and children in private law children cases. The report called for further research, including gathering data from children to understand how they are being heard and how children's voices are impacting proceedings. Very little evidence has been gathered specifically looking at the voice of the child in cases where there are CSA allegations. By hearing directly from people who experienced the family court as children, this research responds to the need to build the limited evidence base on children's experiences of these proceedings. We also conducted focus groups with professionals to explore their experiences of CSA cases in private family law cases. The research makes the following recommendations:

- **Recommendation 1: There should be a legal presumption that children should participate directly in proceedings.**
- **Recommendation 2: The President of the Family Division should update guidance to encourage all judges to offer meetings with children in private family law proceedings.**
- **Recommendation 3: The Ministry of Justice, in conjunction with relevant bodies, should review and enhance trauma-informed training for child welfare and legal professionals.**
- **Recommendation 4: The Ministry of Justice should commission research directly with children to explore how they would like to participate and be heard.**
- **Recommendation 5: The judiciary should produce clear, trauma-informed and child-friendly communication with children about the role of their evidence.**
- **Recommendation 6: The judge in individual cases should provide clear, trauma-informed and child-friendly information about the reasons for any judicial decision.**
- **Recommendation 7: Cafcass should provide clear, trauma-informed and child-friendly communication with children about the role of their evidence in advance of being asked for their views.**
- **Recommendation 8: Where a child has made allegations of abuse against a parent, the Family Procedure Rules Committee should amend the Family Procedure Rules to make it clear that the child should be made a party and have access to funded independent representation.**
- **Recommendation 9: The Ministry of Justice should monitor the practice and implementation of judges writing judgments for children.**
- **Recommendation 10: The Ministry of Justice should incorporate explicit monitoring and analysis of CSA cases as part of the evaluation of Child Focused Courts.**
- **Recommendation 11: Child Focused Courts should incorporate specialist support services alongside court proceedings where CSA allegations have been raised (similar to the domestic abuse services model).**
- **Recommendation 12: Cafcass should hold a repository of fact-finding judgments to strengthen the evidential base for judges in making decisions in private law CSA (and other) cases.**



- **Recommendation 13: Cafcass should ensure (and the Ministry of Justice should fund) the provision of a single and familiar point of contact for the child throughout proceedings.**
- **Recommendation 14: Cafcass should ensure that spaces where children are engaged are child-friendly and age-appropriate.**

1. Background

Private family law proceedings concerning children are those where there is a disagreement between parents (or sometimes other family members) about the child. Cases are usually brought under s 8 Children Act 1989 and require an analysis of the child's best interests, with the child's welfare the paramount consideration. Typically, these cases will involve questions around arrangements for the child, such as where the child should live and with whom they should spend time. It is within this context that this research seeks to contribute to the evidence base by hearing directly from people who experienced private family proceedings as children, specifically where allegations of child sexual abuse (CSA) were raised.¹ It also explores these findings with professionals who have direct experience of CSA cases in private family law.

Calls for reform of private family law in recent years culminated in the 'Harm Report', which highlighted the need to protect adult and child victim-survivors of domestic and sexual abuse.² The report called for further research in many areas, including in relation to 'how children's voices are being heard and taken into account in family court proceedings'.³ There has been growing recognition that 'children are not directly consulted in private law cases involving domestic and child abuse, and that those whose views are elicited often go unheard'.⁴ Despite the publication of the Harm Report in 2020, there remains very little data regarding CSA allegations in private family law. Some recent research has engaged with mothers,⁵ but there remains a significant lack of data from people with lived experience of proceedings as children.

One of the key changes to private family law following the Harm Report was the piloting of a new 'Pathfinder' courts model, which aimed to support a move away from the adversarial nature of private family law proceedings to a more problem-solving approach.⁶ The apparent success of this pilot has led to a planned national roll out of 'Child Focused Courts' with the aim of improving the experiences of victim-survivors of domestic abuse and achieving 'swifter justice' for children in family disputes.⁷ To this end, a key change within the Pathfinder model is engagement with children at an earlier stage in proceedings, facilitated by Cafcass/Cafcass Cymru (Children and Family Court Advisory and Support Service) or local authorities

¹ We use the term 'allegations' where referring to reports and evidence of CSA generally, but where we refer to specific individuals, we use the term 'disclosure'.

² Hunter R, Burton M and Trinder L, *Assessing Risk of Harm to Children and Parents in Private Law Children Cases: Final Report* (Ministry of Justice 2020) available at: https://assets.publishing.service.gov.uk/media/5ef3dcade90e075c4e144bfd/assessing-risk-harm-children-parents-pl-childrens-cases-report_.pdf.

³ Ibid, 186.

⁴ Hunter et al., n2, 82.

⁵ Dalgarno E, Bramwell D, Verma A and Ayeb-Karlsson S, "'Let's Excuse Abusive Men from Abusing and Enable Sexual Abuse": Child Sexual Abuse Investigations in England's Private Family Courts' (2024) 46(3) *Journal of Social Welfare and Family Law*, 345. See also Hayton L et al., 'Child Sexual Abuse and Family Court Proceedings' (2025) *Family Law*, 41.

⁶ Domestic Abuse Commissioner, (2024), 'How Private Law Pathfinder Pilots Are Addressing Domestic Abuse Survivors' Experiences of the Family Court Process' available at: <https://www.domesticabusecommissioner.uk/blogs/how-private-law-pathfinder-pilots-are-addressing-domestic-abuse-survivors-experiences-of-the-family-court-process/>; Barlow C, Richardson Foster H, Scollay C, Dunk E, Hargreaves P, Barter C, Davies C, McDonald-Heffernan C and Carter S, *Private Law Pathfinder Pilot: Understanding the Experience of Children and Families* (2026) available at: https://assets.publishing.service.gov.uk/media/695544d06a4ea67a402a839c/Private_Law_Pathfinder_Pilot.pdf.

⁷ Ministry of Justice and HMCTS Press Release, (2026), 'Children to get swifter justice as new family court approach expands nationally', available at: <https://www.gov.uk/government/news/children-to-get-swifter-justice-as-new-family-court-approach-expands-nationally>.

producing a 'Child Impact Report'. To date, evidence on the participatory benefits of the Pathfinder model has been mixed.⁸ Moreover, the pathfinder model and Child Focused Courts have, so far at least, placed little to no focus on CSA allegations, despite the seriousness of such allegations and prevalence of CSA in society.⁹ Of course, CSA is a crime and ought to be dealt with as such. Yet we know there are many challenges in securing justice for children impacted by CSA through the criminal justice system,¹⁰ and sexual and domestic abuse is not within the exclusive domain of the criminal courts.

The perceived problems of responding to CSA in private family law have been well documented.¹¹ Some of the challenges arise from the nature of CSA disclosures: sexual abuse of children within families is hidden and associated with trauma, fear, shame, anxiety, behavioural dysregulation, and long-term damage to children's sense of safety in family and intimate relationships.¹² Most perpetrators of CSA are fathers and step-fathers.¹³ As a consequence, most disclosures within private family law proceedings involve alleged perpetrators who are parents, step-parents or father figures, and the harm is, therefore, not only a sexual crime but also relational: the child may experience abuse as a betrayal by someone who should have provided care and protection.¹⁴ This makes private family court decision-making especially important. The court is not dealing with an abstract allegation, but with decisions about with whom the child should live and spend time, and the court is having to navigate complex welfare considerations in circumstances where the alleged source of harm may remain present in the child's life if findings of sexual abuse are not made. The consequences of getting CSA cases wrong in private family law can be devastating.

It is believed that CSA allegations in private law proceedings typically appear alongside other allegations of abuse, including coercive control, post-separation conflict and fear, along with competing parental accounts.¹⁵ This means that the court is often required to make decisions in conditions of uncertainty. If the allegation is wrongly minimised by the court, the child may be returned to an unsafe setting. If an allegation is wrongly accepted, the accused parent may suffer grave consequences for their reputation, relationship with their children and family life more broadly. One of the problems is therefore how a family justice system can protect children from serious harm while also maintaining fair evidential processes and decision-making for all parties. As will be set out in this report, it appears the latter concerns have often outweighed the protection of children.

Another concern in responding to CSA is that CSA can be difficult for the courts to recognise because it does not always appear in forms that legal processes are comfortable handling. Children may not disclose abuse clearly, promptly or consistently. Their accounts may be fragmented, or expressed through fear, avoidance, behavioural change or distress, rather than through a coherent verbal narrative. Very young children may lack the language and

⁸ Barlow et al, n6.

⁹ Karsna, K. and Kelly, L, 'The Scale and nature of child sexual abuse: review of evidence' (2021), available at: <https://www.csacentre.org.uk/app/uploads/2023/09/Scale-and-nature-review-of-evidence-2021.pdf>; NSPCC, 'Child sexual abuse prosecutions and convictions roughly halve in 4 years' (2022), available at: <https://www.nspcc.org.uk/about-us/news-opinion/2022/child-sexual-abuse-prosecutions-convictions-halve/>; Independent Inquiry into Child Sexual Abuse, *Final Report* (2022), available at: https://webarchive.nationalarchives.gov.uk/ukgwa/20221215051709/https://www.iicsa.org.uk/key-documents/31216/view/report-independent-inquiry-into-child-sexual-abuse-october-2022_0.pdf.

¹⁰ NSPCC, n9 and IICSA, n9.

¹¹ IICSA, n9; Dalgarno et al., n5; Taggart, D and Stubley, J (eds), *Talking about Non-Recent Child Sexual Abuse: Survivor, Clinician and Researcher Perspectives* (Routledge, 2026).

¹² Webb, N et al., 'Allegations of Child Sexual Abuse: An Empirical Analysis of Published Judgments from the Family Court of Australia 2012–2019' (2021) 56 *Australian Journal of Social Issues* 322, 323.

¹³ Karsna and Kelly, n9.

¹⁴ Webb et al., n12, 323–24; Foote, W, 'Responses to Allegations of Child Sexual Abuse in Family Court Hearings', (2010) 9 *Women in Welfare Education* 63, 65.

¹⁵ Hunter et al., n2, 19, 43, 49; Allison Rogers Quinlan, 'Sexual Violence and Family Courts in England and Wales', (2024) 46(4) *Journal of Social Welfare and Family Law* 556, 558.

developmental capacity to describe what has happened in precise terms. Trauma, grooming, shame and secrecy may further affect how abuse is communicated.¹⁶ Yet the absence of a neat form of disclosure should not be treated as the absence of abuse. A related problem that can be seen in the literature is that uncertainty on behalf of the child or others may be interpreted through the lens of suspicion of the person raising the concern, most often the mother. In private law disputes, CSA allegations can be absorbed into a narrative of parental conflict or described within the frame of ‘alienating behaviours’, where attention shifts from the alleged perpetrator’s conduct to whether the reporting parent has exaggerated, contaminated or manufactured the allegation.¹⁷ This framing is dangerous because it can convert evidential uncertainty into a credibility attack on the protective parent. It also risks treating an unproven allegation as though it were equivalent to a false allegation. The available evidence does not support treating uncertainty as proof of fabrication. Existing research distinguishes between allegations that are likely to be true, allegations that are genuinely but mistakenly made, and allegations that are deliberately misleading.¹⁸

Children’s participation also remains a central difficulty in private family law generally and in CSA cases specifically. In principle, children’s welfare is the organising concern of private family law. In practice, children’s experiences may be filtered through adults, including parents, experts, welfare professionals and judicial summaries. Formal representation does not necessarily mean that the child has been meaningfully heard. This is particularly troubling in CSA cases, where the child’s fear, silence, inconsistency or fragmented communication may be among the most important parts of the evidential picture.¹⁹ The problem is therefore not only whether courts hear children, but whether they are equipped to understand the forms in which children communicate harm, and whether the spaces through which the family courts facilitate children’s participation are, in fact, child-friendly, trauma-informed and developmentally appropriate.

There are evidential challenges for CSA cases in the family justice system: courts do not investigate abuse directly and thus have to rely on material gathered by others, including the police, local authorities, medical professionals and child protection agencies, often under different institutional priorities and timeframes. Investigations may be incomplete, delayed or inconsistent, and judges may not have access to full information on which to make a decision. CSA may leave little physical evidence, medical indicators may be equivocal, and some behaviours associated with abuse may overlap with the effects of family breakdown or separation distress.²⁰ Gendered assumptions run through these difficulties. CSA allegations in private law proceedings commonly involve male alleged perpetrators and female protective parents, but gender matters beyond those roles. Mothers who persist in raising concerns may be characterised as hostile, obsessive, emotionally unstable or alienating. Fathers, by contrast, may be read as calm, reasonable or unfairly excluded. ‘Parental alienation’ allegations can then become more visible to the court than the original abuse concern, particularly where alienation

¹⁶ Parkinson, P, ‘Family Law and Parent-Child Contact: Assessing the Risk of Sexual Abuse’, (1999) 23 *Melbourne University Law Review* 345, 351; Foote, W, ‘How Children’s Voices Were Heard “Above the Din” in Family Court Proceedings in Cases Where There Were Allegations of Child Sexual Abuse: The Importance of Judicial Orientation and Professional Evidence in the Discernment of the Child’s Voice’ (2011) 4 *Child Indicators Research* 707, 711, 721; Thiara, R, *Child Sexual Abuse Allegations and Response of Family Courts* (University of Warwick, 2020), 8.

¹⁷ Dalgarno et al., n5.

¹⁸ Thiara, n16, 5–8; Foote, n16, 709–10; Webb et al., n12, 324–25; Parkinson, P, ‘Findings of Unacceptable Risk: A Comment on Webb et al.’s Analysis of Child Sexual Abuse Allegations in the Family Court of Australia’ (2021) 56(3) *Australian Journal of Social Issues* 344, 345–46.

¹⁹ Foote, n16, 708–11, 721.

²⁰ Higgins, D, ‘“Sex, Lies and Videotapes”: Gathering and Assessing Evidence of Child Abuse in Family Law Cases’ (2010) 17(3) *Psychiatry, Psychology and Law* 398, 399–400; Baker, E, ‘Assessing and Managing Allegations of Child Sexual Abuse: An Australian Perspective’ (1997) 35(3) *Family and Conciliation Courts Review* 293, 293–94; Parkinson, n16, 347; Neoh, J and Mellor, D, ‘Professional Issues Related to Allegations and Assessment of Child Sexual Abuse in the Context of Family Court Litigation’ (2009) 16(2) *Psychiatry, Psychology and Law* 303, 303–04, 312.



appears easier to evidence than sexual abuse.²¹ This can redirect the case away from the child's safety and towards the mother's conduct through victim-blaming narratives and gender bias.²² The role of 'alienating behaviours' is explored in more detail below.

Overall, the context to private family law proceedings and CSA cases is one of uncertainty. There is little evidence regarding the frequency of allegations, fact-finding judgments, outcomes of proceedings, who is involved in cases, children's long-term wellbeing, overlap with other forms of abuse and children's experiences of proceedings. These are all problems more generally within private family law but the paucity of evidence in relation to CSA in particular is surprising given both the significance of the harm and the widespread prevalence of CSA in society. This research seeks to make a contribution to improving understanding of these cases and we hope that our approach encourages others, both researchers and professionals, to conduct further work to increase transparency and understanding in this area.

²¹ Thiara, n16, 5–7; Death, J, Ferguson, C and Burgess, K, 'Parental Alienation, Coaching and the Best Interests of the Child: Allegations of Child Sexual Abuse in the Family Court of Australia' (2019) 94 *Child Abuse & Neglect* 104045, 6–8; Goldfarb, D et al., 'International Comparison of Family Court Professionals' Perceptions of Parental Alienation and Child Sexual Abuse Allegations' (2019) 2 *International Journal on Child Maltreatment: Research, Policy and Practice* 323, 324–26, 339; Quinlan, n15, 568–69.

²² Hayton, L, Quinlan, A and Sayer, H, (2026), *Scratching the Surface: Victim-Blaming and Bias in Family Court Judgments*, available at: <https://righttoequality.org/wp-content/uploads/2026/06/Scratching-the-Surface-Report.pdf>.

2. Methods

The aim of this research was to understand children’s experiences of private family law proceedings where there were allegations of CSA. Two methods were adopted: narrative research with people who had made disclosures of CSA as children within private family law proceedings; and focus groups with legal and child welfare professionals who had experience of working on cases involving CSA allegations.

Narrative research

Narrative research is well-suited to research aiming to ‘collect people’s own stories’.²³ It has been used in similar contexts to this research, for example to explore experiences of domestic abuse.²⁴ Five participants were recruited through gatekeeping organisations due to the sensitive and potentially distressing nature of the research subject matter. Participants, their family members or organisational contacts contacted the researchers to indicate the person’s willingness to be interviewed (or in some cases gave consent for their details to be shared), and the participants were then provided with the participant information sheet and consent form. Participants who contacted us in this way were offered the opportunity to speak to the researchers before the interview and three participants chose to do this. We also shared a document about support services available to the participants, noting that we would encourage them to have a supporter in mind who they can speak to after the interview, if required.

Three participants took part in an interview and two provided written diaries. Interviews were conducted online (n=1) or in person (n=2), dependent on the individual’s preference, and written diaries were shared by email (n=1) and by post (n=1). Dr Lindsey undertook all of the interviews and managed all of the contact with participants. A general template was given to the participants completing written diaries with suggestions of matters they might want to address, but it was made clear that the participants were free to provide their accounts without restriction. Interviews were audio recorded and transcribed by the researcher. Each transcript was then shared with the relevant participant for any comments and to ensure it accurately reflected the participant’s communication. Further detail about each of the participants is contained in Table 1 below. In this report, we sometimes refer to these participants as ‘experts by experience’ to make clear where we are discussing their contributions contrasted with professional participant contributions.

Table 1: Participants who experienced family court as children

Participant pseudonym	Length of interview	Type of participation in research	Age at participation	Age at time of case in family court	Sex	Outcome of case (where described by participant)
Rachel	102 minutes	Face to face interview	18	6-7	F	Ongoing contact with father (perpetrator of abuse)

²³ Anderson C and Kirkpatrick S, ‘Narrative Interviewing’ (2016) 38(3) *International Journal of Clinical Pharmacy* 631.

²⁴ Spruin E, Alleyne E and Papadaki I, ‘Domestic Abuse Victims’ Perceptions of Abuse and Support: A Narrative Study’ (2015) 1(1) *Journal of Criminological Research, Policy and Practice* 19.

Poppy	78 minutes	Face to face interview	18	6	F	No contact with father (perpetrator of abuse)
Marie	38 minutes	Online interview	In her 30s	9-13	F	Ongoing contact with father (perpetrator abuse against half sisters)
Jude	N/A	Written diary	14	8-12	M	Ongoing contact with father but residence remained with mother
Tara	N/A	Written diary	15	10	F	Unknown

There are several limitations to this study. Firstly, reliance on reflective accounts of past experiences inevitably cannot claim to represent the whole truth of the case; participant reflections are reinterpreted and reconstructed as part of the process of giving a narrative account and various factors shape how those experiences are perceived. Secondly, the sample for this research is small and we do not make claims to generalisability; these research findings only reflect the experiences of our participants and their specific time of passing through the family justice system. However, this is mitigated by the use of focus groups with professionals who had extensive experiences of CSA cases in private family law, and the synergies between the accounts of the experts by experience and professionals are strong. Finally, the experiences of the participants who gave narrative accounts in this research pre-date the Pathfinder pilot and thus do not encompass the ways in which private family law has, and is, changing in light of the rollout of Child Focused Courts. However, we note that our professional focus group participants did not describe any radical, or even meaningful, change within the family justice system in responding to CSA in recent years.

Focus groups

Two focus groups were held, with a total of ten participants (six in Focus Group 1 and four in Focus Group 2). Focus Group 1 lasted for 75 minutes and Focus Group 2 lasted for 74 minutes (excluding the time taken to introduce the focus group and obtain consent to participate). Further professional and demographic information about each participant is contained in Table 2 below.

Focus Group 1 was conducted by Dr Lindsey alone and Focus Group Two was co-facilitated with Dr Harwood. As these were elite focus groups, there was very minimal input by the facilitators, except to guide the discussion at times and to prompt for follow up insights. Participants were recruited through purposive snowball sampling, based both on existing contacts of the researchers as well as analysis of the websites of law firms and chambers for those with experience of, and expertise in, private family law cases involving CSA allegations.

Table 2: Focus group participants

Participant descriptor	Focus group number	Profession	Sex	Location
Solicitor 1	1	Solicitor	F	South West



Solicitor 2	1	Solicitor	F	South East
Child welfare professional 1	1	Children's counsellor	F	South East
Child welfare professional 2	1	Independent Sexual Violence Advocate	F	South East
Child welfare professional 3	1	Independent Sexual Violence Advocate	F	South East
Child welfare professional 4	1	Children's therapist	F	South East
Retired judge	2	Judge	Anonymised	South
Solicitor 3	2	Solicitor	F	South East
Solicitor 4	2	Solicitor	F	South East
Barrister	2	Barrister	M	South

3. Key Findings

In this section we summarise the key findings from this research and provide indicative quotes which give insights into participant framings which led to these findings.

3.1. Failure to hear the child and failure to believe the child when disclosing abuse

The experts by experience did not feel that they were heard or believed when they disclosed abuse and their direct expression of views through the court process was limited:

'I had Cafcass guardian but I don't feel I was listened to. A court appointed psychologist who I met once, I'd didn't like him. We had a lot of social workers, I didn't feel that they heard me.' Jude

*'If you were able to speak to the judge in the family court case, is there anything you would say?
I don't know. Why didn't you listen to me and what I was saying happened to me?'* Tara

Rachel's recollection was that professionals told her she was lying:

'how can you sit there and say that a 6-year-old is lying about being abused or sexually abused?' Rachel

This, and other narratives in the research, highlighted that CSA allegations are not always believed, which is also reflected across the literature on CSA, with many reasons given, including unwillingness to believe sexual abuse exists and discomfort with the topic.²⁵ There are specific problems with evidence gathering in CSA cases in private family law. For example, those working in private family law do not directly gather physical evidence of abuse and so rely on witness testimony, which has a tendency to be discounted when coming from the child or protective parent. The legal system prefers clear, unambiguous evidence, gathered through an adversarial process, contrasted with what we know about how child sexual abuse disclosures are made.²⁶ While these reasons may explain some of the challenges, they do not justify the failure to hear or believe children. A similar feeling was expressed by Poppy:

²⁵ Hunter et al., n2, 72-75; IICSA, n9, 64-65.

²⁶ IICSA, n9.

'Like no one's believing me what's the point, I'll just carry on going back to what's been happening and let someone else who's more deserving, another child have this support and voice and be heard rather than me because they're obviously not believing me, so it's not worth their [the family court's] time.' Poppy

Despite not feeling that she was believed, the outcome of Poppy's case was that she did not have contact with her biological father. She explained that she did not see him again after an interaction (discussed further below) at a contact centre. It is therefore entirely possible that Poppy was heard and was believed. However, Poppy's (and Rachel's) *feeling* that she was not believed is important because it highlights how she did not understand if, or how, her views influenced proceedings, and this affected her ongoing reflections on her experience as an adolescent and then into adulthood.

3.2. Family justice processes causing trauma

Involvement in private family law proceedings was described in traumatic ways by several participants:

'I was like, "The actual sexual abuse doesn't bother me anymore. It's the whole Family Court thing that fucked me off after". I was like, "It doesn't make any sense". How can I be abused by someone, get sent to their house, get abused even more, and apparently it's my mum's fault?' Rachel

'it's a massive trauma in itself and the court system and that whole process is another trauma, so a lot of it's kind of smooshed into one big thing of emotion and numbness' Poppy

The adversarial nature of proceedings was particularly criticised by professionals, who felt that the binary approach to assessment of harm in CSA cases could be traumatic for children because if no findings of abuse could be made due to evidential difficulties, then children would continue to have unsafe contact with perpetrators of abuse:

'if I cannot go as far as saying that the threshold is crossed, that child is left with the burden of having made an allegation and then being placed back into a place of great danger. And when we're looking at the binary system, that for me is a real flaw.' Retired judge, Focus Group 2

Concerns were also raised by professionals about minimisation of harm in private law proceedings, which is also referenced in the literature.²⁷

'in private law proceedings, there's a minimisation of harm in general. So, I think child sexual abuse and domestic abuse, I think there's a sort of sense of a hierarchy between public law proceedings where there are "real meaty issues" and "dangers for children". And [the perception is] that's where the courts should be using their time.' Solicitor 3, Focus Group 2

The spaces used in the family justice system could also cause trauma. This was particularly identified by Poppy who explained that even though school was a safe space, she did not always feel this way when it was used as part of the family court process:

'I literally felt like I couldn't trust anyone like, yeah, I felt so unsafe at school, even though it was a really, it was a safe space. But there was one time when he [father] randomly showed up on the school premises. And that but that was arranged with the court, I think, or something to again test my reaction. It was all a test to see how I would react if I saw him. So I would just get jump scared all the ... So I would always be scared when, you know teachers would come into the class and be like can we have [Poppy], please, someone's here for her and I'm like who the hell was here for me and there was no warning. There's no warning and then he would show up or I'd have someone like a barrister or something show up and I'd be like I

²⁷ Hunter et al., n2; Birchall, J. and Choudhry, S., *What About My Right Not To Be Abused? Domestic Abuse, Human Rights and the Family Courts*. (2018) Bristol, Women's Aid, available at: <https://womensaid.org.uk/wp-content/uploads/2022/12/Child-First-QMUL-INTERACTIVE.pdf>; Choudhry, S, 'Mother-Blame by Design: Patriarchy, Epistemic Practices, and Parental Alienation in Family Courts' (2026) 79 *Current Legal Problems*; Dalgarno et al., n5.

didn't know you were coming. My mum didn't even know they were coming to my school. It was like very unannounced.' Poppy

Moreover, Poppy was critical of the use of the contact centre, which she believed was used to assess her interactions with her biological father in a perceived 'safe' environment. Yet Poppy's experience of the contact centre was that it was anything but safe:

'[at the contact centre] all of a sudden I remember playing like, outside in one of the gardens. And they were like, "your dad's there by the way watching you" ... And I just froze and I went and hid round the corner because why would I want to go and see someone that's harmed me and they just sprung out on me to see my reaction and it turned out that all this time in these sessions he was watching me whilst I was playing with the Barbie dolls and stuff, but I thought it was like, I thought these people were helping me ... but they were against me. Well, that's what it felt like. You know? Why would you bring a perpetrator in when, you know, I've thought it was a safe space and it's clearly not because that man's there.' Poppy

She went on to explain:

'not being able to hug your mum [at the contact centre], and like realise you're being watched on these cameras and I don't know it felt like I sort of was in Hunger Games or something. It was, it was really unpleasant.' Poppy

3.3. Lack of effective and consistent support from professionals

There was a sense from the experts by experience that professionals did not support them to give them the opportunity to express their views in a meaningful way:

'How involved were you in the family court journey? For example, did you attend court, did you speak to Cafcass or other professionals such as the judge.

I had Cafcass guardian but I don't feel I was listened to. A court appointed psychologist who I met once, I'd didn't like him. We had a lot of social workers, I didn't feel that they heard me.' Extract from Jude's written diary

Related to this is the professional failure to ensure that children understand their role within proceedings, which can lead to them feeling not believed even where, objectively, they may have been. For example, where professionals gathered their views or evidence, they did not understand how that was used to inform the court process:

'They [professionals] would always ask me things like about the court system or about what was going on. I honestly don't know because I haven't been told anything. It's all been kind of kept a secret ... I didn't, never really knew what was going on during the process, which is quite confusing' Poppy

In addition to a lack of support from professionals, there was concern from professional participants that allegations of alienating behaviours would be raised if professionals had well developed relationships with children:

'I think part of the problem with that, though, then comes in with the alienating behaviours argument. Even if that child has had a long-standing relationship with a particular therapist or particular support network, the same arguments [about parental alienation] will still come through.' Solicitor 2, Focus Group 1

Finally, there was a concern that children were expected to repeat their experience to multiple different professionals, which is not a trauma-informed approach and can risk retraumatizing the child:

'it's all a big test ... like I was in The Hunger Games. Just waiting for the next thing, the next person to have to speak to. And even speaking to these people that you don't know, these strangers and saying talking about something so personal. And repeating yourself all the time, like, you know, like it just becomes a script in the end ... I think, why I've disassociated myself from it so much, because I've had to say the same thing so many times to so many different people that I just go on autopilot and just remember, just saying a script kind of thing and just getting tired of it because I wasn't being listened to, that's, that's the massive problem, and the contact centres, is like the most traumatic thing I'd say at this point.' Poppy

3.4. Lack of voice or participation of the child within the court process

There was a strong sense from both the experts by experience and professional participants that children do not have a voice or are not sufficiently involved in the court process. For example, both Poppy and Rachel did not directly participate in the family court process either by attending court or speaking with the judge. Rachel explained that she wanted to attend court and be heard but was not able to:

'They wouldn't let me [go in the courtroom] ... Told me I was too young. "You wouldn't understand what's going on in the court".' Rachel

Professional participants explained that even in the rare cases where children participate, improvements could be made to the cross-examination of children, including increased judicial management of the questions put to them:

'There's no doubt it could be done [hearing directly from children as witnesses]. Sorry, there's no doubt it could be done. And I think there are children who are competent and there are children who, whether they're telling the truth or not, it's in their best interests that they have the opportunity to give their account.'

But I'm constantly, and forgive me, you tell me if I'm wrong, I'm constantly amazed at how complicated barristers make cross-examinations of children.' Barrister, Focus Group 2

The configuration and familiarity of the spaces in which children give evidence also matter. Seemingly small changes can have a significant impact on the child's experience of proceedings:

'I know that's not everyone's practice ... I try and get the family to sit in the front row and the advocates sit behind, including Silks ... and it's worked because it means that they feel more included.' Retired judge, Focus Group 2

'But the times, the times where it [children giving live evidence] has worked with fairly old children, competent children, when the judges sat, reconfigured the court, and we've sat round a square table with not many people there.' Barrister, Focus Group 2

Marie attended court, aged 13, but she did not give direct evidence in a courtroom, instead speaking to a camera in a side room. A key narrative from Marie's interview was that her participation was tokenistic and lacking in genuine engagement with, and development of, her views:

'I went into the court and she [unknown professional] asked me some questions, like ... there was a camera there but I remember not, like if she hadn't have told me there was a camera there, I wouldn't have known there was a camera there was like, you know, so I found that quite reassuring. I think I was disappointed because I thought I was gonna get to see a judge. And I thought I might get to see my dad. And, you know, all of those things. And none of that happened. I went into a room. A very bland room had a conversation and then left again, and I was like, oh, that was a bit disappointing'. Marie

A related problem identified in the focus groups was that there is an important distinction between the decision the child might think they want at the time and the decision that is perceived to be fair. Even if a decision or outcome is not in line with the child's expressed wishes, it is important that the child understands the reasons for the decision and the role of their own evidence within it:

‘And children can cope with us making decisions that aren't the decisions they necessarily want. What they want is they want to believe that the system is fair.’ Retired judge, Focus Group 2

3.5. The role of the mother and domestic abuse

Another theme from both the experts by experience and professional participants was the overlap between CSA and domestic abuse of the mother. This was seen in the clear and persistent links between abuse towards the mother and the allegations of CSA in the case. The link between abuse of children and their mothers is reflected in the literature and our research confirms this:²⁸

‘my mum had a really abusive childhood and he brought my mum's history into that courtroom and used her, the abuse she had suffered against her’ Marie

‘he was a massive alcoholic and ... trying to beat up my mum and stuff, you know, that kind of thing. So it's, there's always been something involved.’ Poppy

It was not only abuse towards the mother that was raised, but also that when CSA allegations were made against the father, concerns about the mother's role in coaching or 'alienating' the child against the father were advanced in response:²⁹

‘Its definitely sexist [the judge] because they assumed my dad was in the right. They didn't want to see that my mum was protecting me and wasn't a wicked old witch who wanted to steal away the children.’ Jude

‘one of the biggest bugbears that I have at the moment is the amount of deflection onto the mother. So rather than saying the child is

²⁸ Katz, E., *Coercive Control in Children's and Mothers' Lives*. (2022, Oxford University Press); Dalgarno et al, n5.

²⁹ This is again also strongly reflected in the domestic abuse and 'alienating behaviours' literature, see Meier, J.S., 'A Historical Perspective on Parental Alienation Syndrome and Parental Alienation', (2009) 6 *Journal of Child Custody*, 232; Hunter et al., n2; Lapierre, S., et al., 'The Legitimization and institutionalization of 'parental alienation' in the province of Quebec' (2020) 42 *Journal of Social Welfare and Family Law* 1, 30–44; Dalgarno et al, n5.

saying this because they may have been abused, there is a very early assumption that the child is saying this because of alienating behaviours or because the mother is mad or bad in some way or that she's been sexually abused as a child and so on. There's a huge deflection onto the mothers.' Solicitor 1, Focus Group 1

'I would say that across my private children practice, every case, bar perhaps one, has reference to alienating behaviours.' Solicitor 2, Focus Group 1

'The fact that, you know, unless a finding is made, it didn't take place. So unless we have a finding of CSA, there is no CSA. The realistic chances of proving CSA, obviously, in the absence of a criminal investigation, which is inconclusive and in private law proceedings, so you haven't got a guardian necessarily. But even actually where you have got a guardian, you've got a real difficulty hearing the voices of children. They'll almost certainly speak to their primary caregiver or the person that they trust the most. That's usually the mother. The mother therefore has this real dilemma: if they disclose what the child has said to them, which of course they want to do to keep the child safe, they run the risk of being told that they have fabricated an allegation or coached, or sometimes invented an allegation in order to undermine a father's contact with the child. They run the risk of being accused of so-called alienating behaviours.' Solicitor 3, Focus Group 2

If allegations of CSA are routinely responded to with counter allegations of alienating behaviours, then this shifts the weight of focus from the child's own disclosures, and evidence gathering about those disclosures, onto the mother's behaviour and influence over her child. It is already difficult to gather and present evidence regarding CSA where young children are involved, and if professionals also have their focus shifted away from the CSA as the primary harm, the child's voice regarding their disclosures can become lost in that process.

3.6. Evidence and process in CSA cases

One of the overarching issues that was raised, predominantly through the focus groups, was evidence gathering, analysis and process for CSA cases. This included challenges in the evidence gathering process, the limited information available to judges on which to base their (in particular) fact-finding judgments, and the (perceived) difficulties in the adversarial system of maintaining a fair process for the accused, the child and others involved. This was captured by one focus group participant:

'you're [as the judge] trying to at all times keep an open mind, but also bearing in mind that there is always the potential that these allegations are founded in truth and how you find out what is true and what is not is very difficult. I really question whether or not the binary system works for these allegations, but I recognise that's a fairly challenging perspective.' Retired judge, Focus Group 2

The difficulties in gathering evidence tended to be related to concerns about 'missed windows' within the current system, with children's opportunities to make disclosures being restricted or closed down. To counter this, there is a need for a clear pathway to exist to ensure that children can make disclosures, and that those disclosures turn into evidence that can be used by the judge and other professionals. This was observed in relation to Cafcass and the challenges faced navigating limited resources, with consequences for the experience level of practitioners and the quality of their work. There were also problems identified outside of the family court process with the handling of disclosures and perceptions that disclosures have to be made in particular ways, if they are to have weight in the court setting:

'there are so many cases where the account is not given just to a carer, but then goes through the mediation of other agencies, who sometimes handle it beautifully, but often don't. And the fact that a child didn't repeat something to a police officer in a pre-interview assessment, or said something to one teacher, but not the safeguarding teacher, or that an officer or a social worker spoke to the child in a way that closed down the ability to give an account. I mean, we all know that doesn't mean there isn't an account. We all know that means that there is an account and it's for the judge to assess what its value is. You know, having regard to burden of proof, having regard to the binary system. But my sense is in cases and in a court regime where there's a premium on fast decision making, getting to the answer as quickly as possible, there is a tendency to say that if it hasn't been said to the officer in the forensic environment of the ABE discussion, or if it hasn't been said to the

safeguarding teacher in a properly recorded way or whatever it is, that it's somehow an allegation that's less valuable' Barrister, Focus Group 2

Moreover, concerns were raised about the overlap between family and criminal proceedings, with some focus group participants noting that the police will wait for a family court decision before proceeding and this was identified as a concerning change of practice, with the police in the past taking action prior to the conclusion of family proceedings:

'even in those public law cases where I've found child rape, still can't get the police to prosecute. They wait for a judgment and even then they don't do very much.' Retired judge, Focus Group 2

'all of that is extraordinary, because I can remember ... it would be quite rare for a family judge to conduct a fact finding, because you wait for the outcome of the police investigation' Barrister, Focus Group 2

'The other way around. Yeah, other way around now. And quite often the police, the police will wait for your judgment before they decide whether or not they're going to review the charging situation.' Retired judge, Focus Group 2

The retired judge also explained that judges do not have access to sufficient information about those accused of CSA and that evidence, such as the outcome of previous fact-finding hearings, was not routinely held by anyone who could share it with the court. It was reported that judges are operating 'completely blind', with a lack of evidence available upon which to base CSA fact-findings to protect children at risk of harm:

'Cafcass should be the repository of all fact-finding judgments and query whether or not all judgments in private law proceedings so that when a case comes back before a court, if the child's name or any of the adults' names, or maybe because aliases are also used in my experience by people who keep cropping up in different families, that those should then be available through Cafcass so that judges are not blind to findings that may have been made in other applications because we are completely blind ... I struggle to understand how it is they feel that judges are able to fairly and properly make decisions. Because if you can't make findings in the

cases before you, it may well be that there's a judgment that's been made against one of the parties in other proceedings five or seven years ago. And you don't have, you don't even know if it's happened.'
Retired judge, Focus Group 2

This reflected a wider concern about the role of fact-finding hearings, with there being far more CSA taking place than is shown by the number of findings of CSA:

'And just, I know this is not research, but I have been in practice now for, I think, [around 30] years, and I have, I can count on one hand how many times I've had findings of CSA in private law proceedings. And I only do children and I do an awful lot of domestic abuse work. So, you know, it's going to be many, many, many children who have been sexually abused and no findings have been made. Because it's just so difficult.' Solicitor 3, Focus Group 2

Finally, it was noted that even where disclosures of CSA are made by children and supported by professionals, perceptions of the need for a fair process for everyone involved can still inhibit speedy findings which protect the child:

'I think for a court to appear fair, or for a judge to appear that they're giving things due weight, plus the delay in the court system, you then have four DRAs before you've got to any sort of a decision to progress things or move things forward. Interim contact are often changing in between those hearings. And so I think there's, I mean, there's a level of persuasion when you've got a sort of KC barrister standing up there arguing that local authority is biased or that a local authority is doing X, Y and Z wrong. And I think the court kind of attached weight to that rather than what's possibly being said. And that's not to say that things don't have to be criticised and analysed appropriately ... But I think there is a level of perhaps overlooking the voices that are most directly attuned or directly aligned with, with what a child might be saying because the court needs to follow process.' Solicitor 2, Focus Group 1

This is also reflected in the limited research on private family law and CSA cases. Dalgarno et al. similarly explain, 'only fathers who had criminal convictions for CSA were considered as meeting the threshold for concern for risk or harm in PLP [private law proceedings] and even then, the fathers were afforded supervised overnight contact with children.'³⁰ This highlights the perceived evidential barriers of proving CSA and that simply believing the child's disclosures is not sufficient to overcome the fair process and evidence requirements of the law. In the absence of listening to children and their mothers, or external evidence such as evidence of repeat offenders across different legal proceedings, it would appear relatively unusual for findings of CSA to be made in private family law proceedings, albeit with further research urgently needed to explore this specific question.

3.7. Lifelong impacts of the family court process

As well as the immediate trauma of the court process itself, the research highlighted that the process also had long-lasting impacts on those who participated in it. These impacts could be physical (health), relational (impacts on relationships with mother and siblings), and trust-based (difficulties in trusting professionals or those in authority):

'from the experiences that I had from going through the court system, court system where I couldn't, I literally felt like I couldn't trust anyone' Poppy

'it really put a real distance between my sisters and I. And I just if I had never, have had to make that decision. If I'd never had that relationship with him. Would I have grown up and wanted to have a relationship with him? It's highly unlikely I would have when I once I understood the complexities and all the layers of all of it, I know I might have been interested in seeing what he looked like or something. But I would never have wanted to have a relationship and then I was really my whole relationship with him was torn because I hated him. I really, really hated him for everything he did to my family. But I then felt that I had to be nice to him because he was my dad, so it was just a really confusing situation for me to grow up in and that would never have happened if I been, I wasn't asked at nine years old "do you wanna meet your dad?", which I said yes to. And then it's like, well, it's my own fault cause I said yeah, but I was nine.' Marie

³⁰ Dalgarno et al., n5, 351.



'the one thing they'll [young people who have been through the family court] say to me is, more than anything, the thing that's been distressing is being torn away from their mothers ... that's what stays within their memory. You know, things like hiding underneath the sofa, looking back and seeing that their younger self hiding underneath the sofa and mum having to kind of hand them over. And that memory stays with them, in some cases, far longer than the abuse, because that is going on every other weekend. Every other weekend, they're hiding away. And that behaviour is so indicative of clearly, what's happened, but mum's not allowed to do anything about it. So that's what the young persons, the young people are saying to me is that sense of fear. The handing over is massive for them ... No one gets to hear that later story of the young person that's grown up.' Child welfare professional 1, Focus Group 1

Marie expressed concern that her influence over the proceedings had lifelong consequences in that she continued to have a relationship with her father, despite the negative impact this had on her and her family relationships:

'I think involving me at the age nine was the wrong decision. I think that when there's allegations of sexual abuse and they're not just allegations they were, very credible allegations of sexual and emotional abuse ... that the decision should just be made that no, this person can't see that parent until this age because the impact, and I still feel angry about it because the impact of that and the weight of that decision on me was too big for me and I couldn't cope with it. And I was a really angry child and teenager.' Marie

This reflects a wider problem about the role of children's participation in private family law, specifically in CSA cases: that children want to be heard and be involved in proceedings, but their evidence must be understood within the context of allegations of serious child abuse.

4. Recommendations

We have developed recommendations which are set out below and summarised in a [video here](#) for improving practice within private proceedings, informed by this research with people who experienced proceedings as children and those with professional experience.

Specialist courts and approaches, such as coordinated case-management models used in Australia, show the value of timely information-sharing, child protection involvement and structured handling of serious abuse allegations.³¹ However, procedural reform will have limited effect if deeper interpretive habits remain unchanged. It is clear that more careful evidence-gathering, stronger inter-agency coordination, improved child participation and stricter scrutiny of expert evidence are all required, and some of these are reflected in our recommendations below. Here, our focus is on recommendations that we think are achievable within the current reform programme. There was some support for Child Focused Courts in the research but, perhaps surprisingly, professionals did not raise the ongoing court reforms as a major source of improvements to the system, which may suggest limited optimism about their transformative potential.

Theme one: Hear directly from children

- **Recommendation 1: There should be a legal presumption that children should participate directly in proceedings.** The aim of this is to ensure that children are heard and can engage in ways that are right for them. The value in this is that it requires everyone involved to put their minds to whether, and how, the child should take part. There will be some children who do not want to participate in court or feel unable to communicate what has happened. A child would not have to participate directly if they did not want to and no adverse inferences should be drawn from a child not participating in proceedings. Direct participation may include sworn witness testimony, but it may also include other types of participation such as unsworn evidence, meetings with the judge, pre-recorded evidence or written statements from the child directly (rather than from others) about their experience. As we note in Recommendation 4, further research should be conducted with children to determine how they should participate, following which a Practice Direction on children’s participation in the family justice system should be developed.
- **Recommendation 2: The President of the Family Division should update guidance to encourage all judges to offer meetings with children in private family law proceedings.** This should be done in supportive ways, and this could be integrated within existing pathways within the family justice system. A similar toolkit to the existing ‘[Writing to Children](#)’ toolkit developed by the President of the Family Division and the Family Justice Young People’s Board should be developed to support judges’ meetings with children.

³¹ Hunter et al., n2, 43, 105; Jacobs, N. *The Family Court and Domestic Abuse: Achieving Cultural Change* (2023, Domestic Abuse Commissioner for England and Wales) 3, 34; Higgins, n20, 399–402.

- **Recommendation 3: The Ministry of Justice, in conjunction with relevant bodies, should review and enhance trauma-informed training for child welfare and legal professionals.** This should be aimed at improving understanding of how to ensure children are heard in cases where they have made CSA disclosures.
- **Recommendation 4: The Ministry of Justice should commission research directly with children to explore how they would like to participate and be heard.** Based on our evidence, and evidence from elsewhere,³² we know that children want to be heard, but there is less clarity over the ways in which they wish to be heard and the extent that children want to influence the outcome of proceedings. Further research should be carried out with children to develop these insights. There should be a specific focus on children who have been involved in CSA cases in private law within this research workstream, which should then feed into a Working Group on children’s participation.

Theme two: Support children to be heard without the pressure of being the decision-maker

- **Recommendation 5: The judiciary should produce clear, trauma-informed and child-friendly communication with children about the role of their evidence.** This should be provided to children in advance of the conclusion of the case and, ideally, at the start of proceedings.
- **Recommendation 6: The judge in individual cases should provide clear, trauma-informed and child-friendly information about the reasons for any judicial decision.** In doing this, judges should make use of the existing ‘[Writing to Children](#)’ toolkit developed by the President of the Family Division and the Family Justice Young People’s Board.
- **Recommendation 7: Cafcass should provide clear, trauma-informed and child-friendly communication with children about the role of their evidence in advance of being asked for their views.** This should be provided to children in advance of any meetings with Cafcass.³³

The provision of clear, trauma-informed and child-friendly information in relation to all of the above is necessary to ensure that children can understand their role in advance of being heard and that, once they are heard, they understand that the judge was the final decision-maker and how their own views have influenced the decision. Our research suggests more explicit communication to children is required for them to understand that only the judge can decide the outcome in individual cases but that they, as children, can still have influence over that outcome when appropriate.

³² As also noted in the Pathfinder evaluations, Barlow, C, Richardson Foster, H, Scollay, C, Barter, C, Stanley, N, Miskowicz, A, Carruthers, W, Morris, V and Carter, S. (2026), Private Law Pathfinder Pilot Process Evaluation and Exploratory Financial Analysis, available at: <https://assets.publishing.service.gov.uk/media/67e134b2d8e313b503358c94/private-law-pathfinder-pilot-process-evaluation.pdf>; Barlow et al., 2026 n6.

³³ It is noted in the Pathfinder evaluation that there were improvements in how children were communicated with, but that communication also varied, Barlow et al., n6.

Theme three: Give children access to courts and representation directly and without parental application by bringing private law in line with public law

- **Recommendation 8: Where a child has made allegations of abuse against a parent, the Family Procedure Rules Committee should amend the Family Procedure Rules to make it clear that the child should be made a party and have access to funded independent representation.** Some young people expressed concern that their voice was not heard and that even when it was heard, it was not believed. There was a desire among some participants for young people to be able to access the court themselves. These changes could be achieved through amendments to Part 16 rules 16.3 and 16.4 Family Procedure Rules 2010 and PD16A, para 7.1, Family Procedure Rules 2010.

Theme four: Inform, support and protect children

- **Recommendation 9: The Ministry of Justice should monitor the practice and implementation of judges writing judgments for children.** This should include research with children in the specific context of CSA to consider children's views regarding how judgments are communicated to them.
- **Recommendation 10: The Ministry of Justice should incorporate explicit monitoring and analysis of CSA cases as part of the evaluation of Child Focused Courts.** At present, the Pathfinder model and Child Focused Courts do not expressly consider CSA disclosures as a point of analysis in the way that domestic abuse is considered. This is despite the clear evidence base regarding the prevalence of CSA.
- **Recommendation 11: Child Focused Courts should incorporate specialist support services alongside court proceedings where CSA allegations have been raised (similar to the domestic abuse services model).** While there is explicit reference to domestic abuse services in Pathfinder, there appears to be no similar requirement to engage with CSA services. While there will be overlap between domestic and sexual abuse, CSA is a specific type of abuse which requires specialist support and input.
- **Recommendation 12: Cafcass should hold a repository of fact-finding judgments to strengthen the evidential base for judges in making decisions in private law CSA (and other) cases.** Risks of harm to children were a particular concern for our focus group participants and there is a need to ensure that judges can reach findings of fact about CSA based on accurate and complete information.

*Theme five: Maintain consistent relationships and communication
between professionals and children*

- **Recommendation 13: Cafcass should ensure (and the Ministry of Justice should fund) the provision of a single and familiar point of contact for the child throughout proceedings.** Without a single and familiar point of contact, there is a risk of re-traumatisation, with children required to repeat distressing accounts to multiple different professionals.
- **Recommendation 14: Cafcass should ensure that spaces where children are engaged are child-friendly and age-appropriate.** We note from our research that schools and contact centres are not always appropriate spaces for engaging with children. Schools in particular can, and should, be a safe place for children, and there is a risk that negative experiences of court processes can impact school experiences.



5. Conclusion

There remain several gaps in the evidence base regarding private law and CSA cases. England and Wales still lacks systematic data on how often CSA allegations arise in private law proceedings, how they are resolved, what evidence courts rely upon, and what orders are ultimately made.³⁴ There is also limited longitudinal research on how children themselves experience family court processes in CSA cases and the impact of those processes on their lives.³⁵ Much existing work relies on judgments, professional accounts and parent perspectives, rather than sustained research centred on children's own experiences over time. Finally, there remains limited evaluative evidence on which reforms actually improve safety, fairness and long-term outcomes.³⁶

It is clear that further research is needed to investigate the response to CSA allegations in private family law, particularly in relation to outcomes, impacts and experiences of children themselves. This report sets out the data we have collected from a small exploratory study, with the intention of contributing to the evidence base regarding CSA cases in private family law. With the movement towards Child Focused Courts, there is a clear opportunity to improve responses to CSA within private family law and we hope that our recommendations support improvements in this space.

³⁴ Hayton et al., n5, 50.

³⁵ Foote, n16, 708–11, 721.

³⁶ Higgins n20, 399–402; Hayton et al., n5, 50.



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