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## Abuse victims silenced in family courts by 'parental alienation'

By Debbie McCann

CRIME CORRESPONDENT

MOTHERS are being advised not to mention issues of domestic or sexual abuse in the family courts, according to alarming new accounts told to the Irish Mail on Sunday.

The women are being warned that allegations of abuse could be seen as 'vindictive' and could result in them being accused of being a 'parental alienator' and losing custody of their children.

Several women who have gone through the family court process in recent years spoke to the MoS about how they were accused of 'parental alienation' after raising domestic and sexual abuse.

Some described how despite their abusers being the subject of active Garda investigations, sometimes with protection orders in place and Tusla having safety plans for their children, their legal

**'He broke my bones and abused my child'**

teams urged them not to mention the alleged abuse.

Parental alienation is described by proponents as a situation where one parent wrongfully influences their children against the other parent.

However it is widely contested with the United Nations describing it as 'unfounded', 'unscientific' and 'highly gendered' and the European Association for Psychotherapy saying there is a 'high risk and potential' for it to be 'used in a manner allowing for violence against children and their mothers to remain undetected, and/or contested'.

Last month, this newspaper reported how Justice Minister, Helen McEntee pledged to change the law on its use in our family courts.

One mother told the MoS this week her 'jaw dropped' when she realised that mentioning the alleged abuse she and her child experienced could be used against her.

'I had a senior counsel, a junior counsel, a solicitor and there was also a devil (junior barrister) at the time who was standing back with her mouth open going, "What is going on?"

'She hadn't been exposed to this at all and she nearly mirrored my reaction. He broke my bones and abused my child and nobody is going to hear this,' the woman said.

'I went through three and a half years of bulls--- in the family courts. When I was leaving the High Court, a barrister on the

# 'I was told not to bring it up as I'd be seen as vindictive'

other side tipped his hair and said "fair play".

'I didn't react, thank God, but it showed me barristers are ripping shreds out of each other and it is all theatre.

'When it comes to the parental alienation argument you cannot mention something in family law unless you have a conviction in criminal law. So, you are told don't bring it up or you will be seen as vindictive, don't bring it up or you will be seen as a parental alienator.'

The woman told how 'two brilliant gardai' investigated the abuse of her child and urged her to appeal a Director of Public Prosecution decision not to prosecute. She immediately said she could not appeal as it would be brought up in the High Court and she could lose custody.

'One of the gardai rang me saying she wanted me to appeal the DPP's decision, but within seconds I said I can't. She said: "What do you mean, you have to protect

your child". I said: "I can't. If I appeal, it will be brought up in the High Court and I will lose custody. I have a better chance of protecting my child by not appealing it".

'I remember saying: "I can't appeal, because an allegation is a finding of parental alienation and I can't lose my children."

The mother told how when she first entered the court process she had never heard of parental alienation or Sections 32 and 47 expert reports. These reports are intended to provide the court with information that affects the welfare of the

**PLEDGE:** Justice Minister Helen McEntee vowed to change law

family. They can be ordered by the court directly or following an application by one of the parties to the case.

'I was told my husband's side had requested an assessor. I went to this assessor in good faith thinking the truth will out, but instead the report said this was a "clear case of parental alienation".'

'I reported him to the gardai for breaking my bones and when he was questioned, that is when the assessors came into the picture.

'The criminal courts and the family courts don't align and if you haven't had a conviction in the criminal court

you can't mention it. I call it the cloak of invisibility in domestic violence. It puts a cloak over the issue, pretends it doesn't happen because all the court can see now is parental alienation.'

Despite the alleged abuse, the woman agreed to 35% access and was told if I didn't agree I would lose my children completely.

'I would describe it as doing a deal with the devil. The damage that is done when you are told to shut up and they make a finding of something, the butterfly effect caused is horrible.'

Another mother – who lost custody of her children for several months after being accused of parental alienation – told how she experienced the silencing of 'gender-based violence perpetrated by the professionals in the system'.

'Some legal representatives will try to fight the system that operates in the family law courts but there are others who advise women not to report as they feel that it will be used against them.'

'It's almost like an invisible system that is operating within a system that purports to support women. We don't even know it

**'The normal rules of law don't apply to us'**

exists until we bump up against it. I think after the scandal of the Magdalene laundries they had to find a new way to keep women and children abused.

'This is how they are doing it and it's so hard to explain to people,' she said.

A third mother, who lost custody of her child after also being accused of parental alienation, told how she was encouraged not to mention domestic abuse.

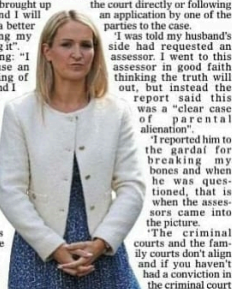
'I had to give the impression to the judge that I had no hard feelings or grudges towards my ex. I had to show the judge that I was willing to get on with my ex husband and not cause any aggravation to him.'

A fourth mother told how although her legal team did not advise against mentioning domestic abuse 'it became obvious that reporting disclosures to Tusla was not safe'.

'I think I came to that decision myself after years in the family law courts and realising that it's an invisible system that operates against the mother and children.'

'The normal rules of law don't apply to us. The minute an allegation of abuse is made, the other side will use parental alienation to remove children from the mother or threaten it. Legal teams all know this is happening.'

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