



The False Accusers Charter

Since the Legal Aid, Sentencing and Punishment of Offenders Act 2012 came into force in 2013, in an effort to reduce Legal Aid spending, only private family law cases that *involve allegations of domestic abuse* can be funded using the public purse. Some of the sources that constitute “evidence” for these allegations are highly questionable.¹ The most common sources of “evidence” utilised in family law cases are domestic violence protection orders or protection notices and there has been a 37% rise in the uptake of Non-Molestation Orders² since 2012. Free to apply for and potentially based purely on affidavits from the alleged victim (and often in situations wherein police could take no action due to lack of evidence), orders are made on the basis of a balance of probabilities (51% likelihood) rather than innocent till proven guilty and can therefore be both expensive and difficult to contest. Very few allegations in family courts are ever subject to a “finding of fact”.

Policy Suggestions

- A new Cabinet-level Ministerial brief for family policy supported by an Office for Family Policy with budget and civil service team - as recommended by the Centre for Social Justice [note: according to their research, 89% of adults say they would support public money being spent to strengthening families and improving parenting specifically for children growing up in poverty (64% of the public regard fatherlessness as a ‘serious’ problem for society according to the same research)].³
- Government and CAFCASS consultations must involve representatives from groups advocating for fathers’ rights.
- Develop relationship support services for couples at risk of separation.
- Compulsory paternity testing at birth would be in the best interests of children and fathers – preventing fraud and potential future distress. Requiring fathers to be named on birth certificates would then entitle them to equal parental rights and would be in line with the UN Declaration on the Rights of the Child, Article 7, Paragraph 1 of which states: “The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents”.
- Allegations of abuse in applications for Non-Molestation Orders and family courts must be fully investigated with a presumption of innocence criteria, and false allegations punished.
- It is critically important that all practitioners working with families in conflict are given appropriate training and resources to deal with cases of Parental Alienation, potentially through the CAFCASS *High Conflict Practice Pathway*.
- Family Courts must be opened up further to journalistic and public scrutiny.
- Legal Aid needs to be made available to defendants in cases wherein domestic violence or child abuse is alleged to ensure that suitable representation is accessible and for enforcement applications.
- Courts need to take a tougher approach to upholding contact orders. According to the Children Act (1989 and 2004), courts have various options such as:
 - *Undertaking up to 200 hours of unpaid work.*
 - *The non-compliant person having to pay for any financial losses that have occurred to the other party as a result of the breach of the contact order. For example, pre-arranged trips out or holidays.*
 - *Holding the person who is non-compliant in contempt of court. This usually applies to someone who has continued to breach or refuses to comply with a contact order. If this happens a fine can be imposed or in the most serious cases, a prison sentence of up to two years.*
 - *Changing residence of the child to whom the contact order applies.*

¹ Collins, William (2019), *The Empathy Gap: Male Disadvantages and the Mechanisms of Their Neglect* (London: LPS publishing), pp.283-5

² Bowcott, O., 2018, *Parents ‘weaponising’ domestic violence orders, claims charity*, published by *The Guardian*:
<https://www.theguardian.com/law/2018/oct/15/parents-weaponising-domestic-violence-orders-claims-charity>

³ Centre for Social Justice, 2017, *The forgotten role of families: why it’s time to find our voice on strengthening families*:
<http://www.centreforsocialjustice.org.uk/core/wp-content/uploads/2017/11/The-forgotten-role-of-families-why-its-time-to-find-our-voice-on-families-1.pdf>