



#THECOURTSAID

Survivor Family Network CIC

4th Floor, Silverstream House, 45 Fitzroy Street, London W1T6EB

20th July 2021

Dear Sir/Madam,

The Channel 4 Dispatches recent ground-breaking film 'Torn Apart: Family Courts Uncovered' revealed that families in private law proceedings might be victims of a practice known as 'enforced removals'.

The film outlined that these distressing enforced removals are happening in private law disputes where a child has expressed a wish to limit contact with the other parent. Further, the Channel 4 press release detailed that:

- Out of 46 police forces, only two responded to Freedom of Information requests to determine how many children have been subjected to enforced removal in private law family proceedings.
- The two police forces responding to the Freedom of Information requests outlined 24 such enforced removals in the last five years.
- Two hundred ninety-seven legal professionals surveyed said they had witnessed 42 orders for this type of removal.

The full press release can be found here <https://www.channel4.com/press/news/torn-apart-family-courts-uncovered-dispatches>

Anecdotally we are aware that this type of enforced removal is on the rise. There are around 13,000 solicitors in the UK who practice family law. It is perplexing that a small sample of just 297 family law professionals identified so many enforced removals.

As the police often enact these orders, it raises many questions about taxpayer funding, such a state over-reach. These are not homes where child protection concerns exist; children were forcibly extracted because they wanted to stay with their safe parent, and the other parent objected.

It is well established that the family court has systemic issues requiring extensive reform. The Ministry of Justice report dubbed 'The Harm Report' identified the need for transformational institutional change to reform the private family law system as it currently harms survivors of abuse.

This is a wholly unnecessary and deeply concerning practice. It is striking to note that in the enforced removals we do know about, the family affected reported being on the receiving end of a psychologically violent strategy in private family court proceedings. Their testimony

corroborates the Harm Report's findings that there is a culture of victim-blaming, trauma and re-traumatisation in the family court.

The cost to the child victims of this practice is profound. From extensive interaction with families in the family court, we know that the enforced removal is also not the end of the story or the state's involvement. Children forced to live somewhere they expressly communicated they did not wish to due to the other parent's conduct will often run away or abscond, causing additional state involvement to be necessary. They may experience further abuse in an unsafe environment. The very nature of being forced to live where they do not feel safe may put them at significant levels of risk of further harm.

Further, the intensely distressing nature of an enforced removal is, without a doubt, a highly traumatic experience for a child. Children who have had this happen to them report suffering from PTSD and other severe and possibly life-long health difficulties resulting from this adverse experience. That this is the legacy of the child arrangements programme is a travesty.

Louise Haigh MP and many others have long been calling for family court reform in parliament. Domestic abuse survivors need to know that they can enjoy safer futures. With the reforms yet to be implemented, the family court remains a hostile, risky place for families experiencing abuse. With the number of enforced removals unknown, the level of risk for a family affected by abuse entering the family court for the first time is also unknown.

The landmark Domestic Abuse Act contains protections for abuse victims but appears woefully insufficient for families in the family court.

Parents need to know they can trust the family court not to harm them further. Until there is transparency on the frequency of enforced removals and the circumstances in which the enforced removals have occurred, parents cannot put their faith in the justice system.

Through the families' extraordinary bravery in speaking out in the Channel 4 film, the public will be aware of this otherwise hidden issue. These courageous families do not want this to happen to any more children.

Families must be assured that the family court process will not be used to re-traumatise their children. Families must be assured that children expressing fears about contact will be adequately heard. We hope you will agree that enforced removals in private law proceedings should be banned. We ask you to call for the end of police raids to remove children from their primary home in civil proceedings where no safeguarding concerns exist. In the interim the public need full transparency on the frequency of enforced removals and the circumstances in which they are ordered.

Yours sincerely,

#thecourtsaid campaign – for and on behalf of families in the Family Court

Ministry of Justice Harm Report:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/895173/assessing-risk-harm-children-parents-pl-childrens-cases-report_.pdf