

Are the Family Courts failing victims of domestic abuse?

A discussion on the DAC report and the Government's plan to repeal the presumption in favour of parental involvement

Charlotte McDonald & Sophie George-Moore

Webinar Agenda

1. Statistics
2. Previous Report
3. Changes
4. Current Report – DAC
5. Presumption Repeal
6. The Future?



1. Statistics

- Harm Report – 50-60%
- HM Inspectorate of Court Administration (HMICA) found domestic abuse in over 70%.
- DAC report - 73% of observed cases and 87% of case files



2. Previous Report

- Known as Harm Panel Report
 - Assessing Risk of Harm to Children and Parents in Private Law Children Cases
- how effectively the family courts identify and respond to allegations of domestic abuse in private law child arrangements cases under section 8 of the Children Act 1989.

2. Previous Report

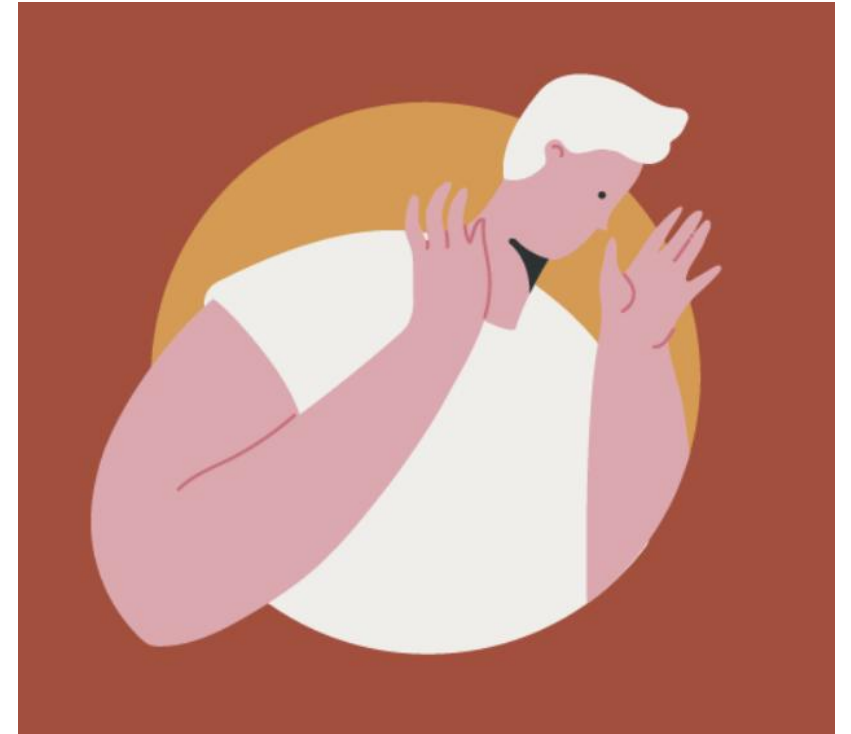
Four structural barriers :

1. a pro-contact culture
2. adversarialism,
3. resource constraints
4. silo working



3. Changes

- Domestic Abuse Act 2021
- Child Arrangements Programme (CAP), and 'Pathfinder' courts
- Family Procedure Rules
 - Vulnerable Witness scheme
 - QLR scheme
- Cases
 - Re H-N and Others
 - K v K



4. Domestic Abuse Commissioner (DAC) Report

“Everyday Business: Addressing domestic abuse and continuing harm through a family court review and reporting mechanism”

- Research from Professor Mandy Burton and Professor Rosemary Hunter KC (Hon) of Loughborough University, in partnership with senior researchers in the Office of the Domestic Abuse Commissioner.

[Are Domestic Abuse victims still being failed by the Family Justice System?: Domestic Abuse Commissioner Release - Latest news - 42BR Barristers](#)

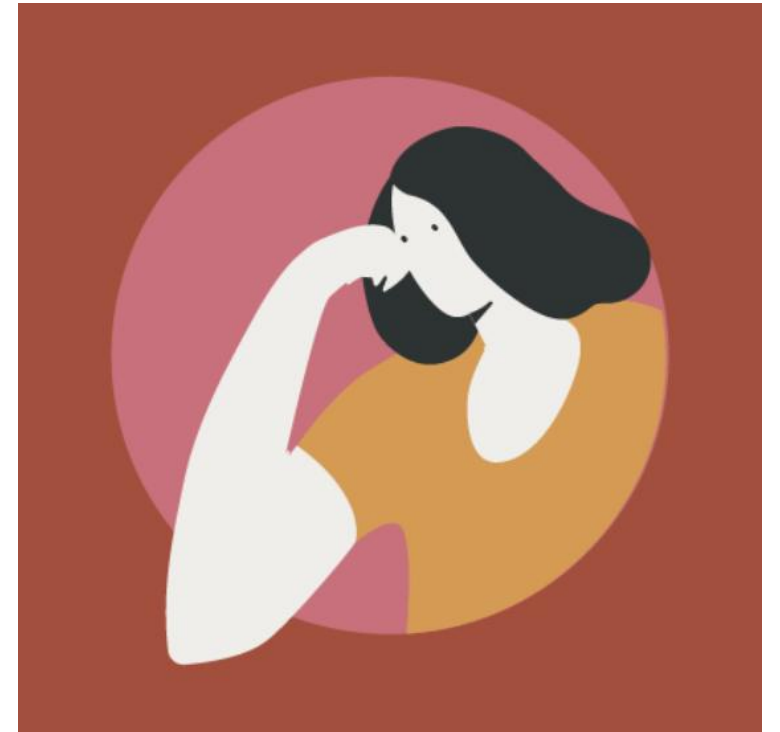


Dame Nicole Jacobs
Domestic Abuse Commissioner for
England and Wales

4. Domestic Abuse Commissioner (DAC) Report

Key Findings from –

- All three Pathfinder Courts
- 100 files
- Focus Groups with DA survivors
- Interviews with Judges, Magistrates and Cafcass



4. Domestic Abuse Commissioner (DAC) Report

How is DA treated in family cases?



4. Domestic Abuse Commissioner (DAC) Report

Re-review of the Four structural barriers:

1. a pro-contact culture
2. adversarialism,
3. resource constraints
4. silo working



4. Domestic Abuse Commissioner (DAC) Report

Impact –

1. Minimising of Abuse
2. Re-traumatisation
3. Silencing Children's Voices
4. Unsafe, unsustainable and harmful order



4. Domestic Abuse Commissioner (DAC) Report

DA Recommendations:

1. The Ministry of Justice should commit resource and funding to a second phase of the Family Courts Review and Reporting Mechanism
2. Pathfinder court sites as well as CAP courts should be included as part of the intensive court study in phase two of the FCRRM
3. As well as reviewing child arrangements cases, phase two of the FCRRM should incorporate the review of financial remedy cases, applying the same research questions to these cases.
4. Data on (i) the presence of domestic abuse concerns and (ii) the type(s) of domestic abuse raised, should be routinely collected by the new CCD system from online forms, safeguarding letters and section 7 reports.
5. Future data collection focusing on domestic abuse in the family justice system should record allegations that are not endorsed by professional judgement as well as those that are.
6. Changes to the Form C1A
9. Record what special measures were provided
10. Record schedule and FFH and FFH notes recorded in file

5. Presumption

Re-review of the Four structural barriers :

1. a pro-contact culture

- Repeal presumption of parental involvement
- What
- Application
- Issues



5. Presumption

Article – [Family Law, \(Charlotte McDonald and Sophie George-Moore\)](#)

[The removal of the presumption of involvement – cultural correction or contrived change?](#)

May 2026



6. Future

- Presumption repeal impact?
- 2. adversarialism,
- 3. resource constraints
- 4. silo working



Questions

Q&A box or events@42br.com

Thank you for attending

Session 6: Thursday 18 June 2026

International Relocation

Siân Smith & Jennifer Youngs

Session 7: Thursday 9 July 2026

Private Law Update

Mark Chaloner & James Hoile

Link to recordings:

[Family Law Webinars - January to July 2026 - Latest news - 42BR Barristers](#)

Presenters



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