

# The Family Impact Test

## Reducing family conflict: Reform of the legal requirements for divorce

### Introduction

1. The Family Impact Test ensures that the impact on families is considered when the Government develops policies. This includes all types of family relationship and structure, including extended families, with a particular focus on children and their parents who may be living together or living apart.
2. This paper considers the impact on families of the proposed policy to reform the legal requirements for divorce, civil partnership dissolution and (judicial) separation.<sup>1</sup>
3. The Government believes in the importance of strong family relationships. Sadly, relationships do come to an end. When that happens, hostility and ongoing conflict can only be detrimental to the welfare of individual family members, particularly any children. We want the law governing the legal process of divorce to better support couples, and in particular parents with children, in the extremely trying circumstances of divorce. The legal process for divorce should seek to reduce acrimony and conflict, thereby helping couples and parents to look to the future rather than providing a mechanism that facilitates and encourages the attribution of blame for past events. We want to create conditions for couples and parents to reconcile if they can – and to move on as constructively as possible in the event that this is not possible.
4. Overall, the policy aims to assist families in which the legal process of divorce has started by reducing conflict within divorce proceedings. We intend to remove elements of the current law which create or exacerbate conflict, and which have been shown not to contribute positively either to reconciliation or to helping people reach agreement about arrangements for the future. At the same time, we are retaining and strengthening elements of the process to support couples to reflect on the decision to divorce, reinforcing opportunities to turn back, or where divorce is inevitable to support the making of arrangements for the future in an orderly and constructive way.
5. The revised legal process is expected to have a particularly beneficial impact for children, by better supporting parents to maintain a positive ongoing parenting relationship. We are clear that when parents have taken the difficult decision to divorce, children's best interests are served by minimising conflict during and after the legal process, to support co-operative parenting.
6. The proposals considered in this document are concerned specifically with changes to the legal process for obtaining a divorce. The Government is separately taking forward other non-legislative measures designed to better support families. The online service for divorce, which provides guidance to people completing court applications, is an opportunity to prompt couples on the issues they could helpfully consider when reflecting on the decision to divorce. We are exploring through the digitisation of wider court processes opportunities to tailor information based on filter questions so that users are guided through information about mediation and its benefits. By checking that they have understood what mediation is, and that it remains an option at every stage of the process, we will help users to make informed choices.
7. We are also working with the Family Mediation Council to look at ways to help promote greater understanding of family mediation and its benefits, and signposting separating or divorcing couples and parents to mediation services at the earliest possible stage. As part of that work we are exploring why some cases come to court and others do not, and how to incentivise family-led solutions as an alternative to court imposed ones, where that is safe and in the interests of children and victims of domestic abuse.

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<sup>1</sup> References in this document to marriage and divorce are to be read as applying, where appropriate, to civil partnerships and to civil partnership dissolution.

8. We are supportive of problem-solving techniques to resolve public law cases as an alternative to traditional court proceedings, and we are evaluating a pilot of Settlement Conferences. We have also developed proposals, in close collaboration with the family justice sector, to address rising volumes of children entering the family justice system and local variation in that system. These proposals focus on better preparation of cases before court and diversion of cases from court where appropriate, making better use of the wider family network and promoting consistent and appropriate decisions in court.
9. On domestic abuse, we have committed to legislate to improve the protections available to victims and to prevent abusers from exploiting the court process to perpetuate further abuse and coercive control. The package of measures and draft Domestic Abuse Bill published on 21 January includes proposals for a new domestic abuse protection notice and a new domestic abuse protection order, which draw together the strongest elements of existing orders. The domestic abuse protection notice can be given by the police and the domestic abuse protection order can be applied for by victims, police or any other person with leave of the court. In addition, the court of its own motion may make a domestic abuse protection order. This may be in family proceedings, criminal proceedings or civil proceedings. The package also includes a wide range of supportive measures intended to sit alongside the legislation that will help further support victims in this position of domestic abuse.
10. More broadly, the Government is investing up to £39m in the Reducing Parental Conflict programme to grow face-to-face support for parents via local authorities in England. When it comes to the critical issue of improving children's outcomes, we know that exposure to frequent, intense and poorly resolved parental conflict can be damaging. The programme will build the evidence base for what works by providing face-to-face interventions which address parental conflict in 31 local authorities across England. It will help local authorities integrate help to reduce parental conflict into local support for families, to help ensure that these services are more widely available for parents who need them, and that local workforces are trained appropriately in the issue of parental conflict. The Troubled Families programme is also working with families with complex needs.
11. In terms of the parents and families of tomorrow, the introduction of relationships education in schools will help all children and young people learn about the importance of healthy relationships, including marriage.

### **The policy aim and objectives**

12. The aim of the policy is to reduce conflict between couples and parents involved in divorce, civil partnership dissolution and (judicial) separation. The policy objectives are in line with wider strategic objectives to deliver a modern courts and justice system, including to provide a fair and effective justice system which supports better outcomes for children and families. The objectives are:
  - To ensure that the decision to divorce continues to be a considered one
  - To minimise the adversarial nature of the legal process, to reduce conflict and to support better outcomes by maximising the opportunity for the parties to agree arrangements for the future
  - To make the legal process fair, transparent, and easier to navigate
  - To reduce the opportunities for an abuser to misuse the legal process for divorce as a way to perpetrate further abuse

13. The current law requires a party to a marriage who seeks a divorce or dissolution<sup>2</sup> to provide one or more of five<sup>3</sup> facts to demonstrate that the sole ground for divorce or dissolution, irretrievable breakdown, is met. Three of these facts are based on the conduct of the other spouse (adultery, behaviour and desertion), and two are based instead on a period of prior separation (two years if both spouses consent, five years otherwise).
14. Divorce and dissolution applications can be initiated by one spouse (“the petitioner”), and must be acknowledged by the other spouse (“the respondent”) who has the option to contest (“defend”) the proceedings. Only 2% of divorce cases are contested,<sup>4</sup> and this can be a result of dispute over the choice of fact relied upon by the petitioning spouse or other disputes (88% of sampled defended cases), rather than disagreeing that their relationship is over (12% of sampled defended cases).<sup>5</sup>
15. The current legal process is often misunderstood.<sup>6</sup> There is no provision for the court to investigate disputed facts except in the few cases that are formally defended. The law does not require the fact relied upon by the petitioner to be the real reason for the breakdown of the legal relationship: it requires the relationship to have broken down irretrievably, and for at least one of the five facts to be proved, but as confirmed by the Supreme Court, “the Act does not require that there be a causal connection between them.”<sup>7</sup> This creates a divergence between the law, practice, and public expectation.
16. Making allegations about a spouse’s conduct within divorce, civil partnership dissolution and judicial separation proceedings (‘matrimonial proceedings’) has been shown to create or exacerbate conflict during an already difficult time.<sup>8</sup> However, this option is incentivised if a couple is unwilling or unable to wait for a separation period of minimum two years to elapse, often for practical or financial reasons. This can have a detrimental impact on making arrangements for the future, including financial arrangements and, for parents, child arrangements for which they need to continue to communicate and cooperate for their children.<sup>9</sup> We have also heard from groups representing victims of domestic abuse of difficulties caused by the current law, including by the fact requirement – feeling that they must choose between risk of further harm by citing conduct or remaining in a legal relationship with their abuser for a lengthy separation period – and by the ability to contest a divorce, which can be used as a malicious controlling tactic to perpetrate abuse.<sup>10</sup>
17. To achieve the aim and objectives, the following changes to the law are recommended (from Option 1 in the Impact Assessment):
  - To replace the requirement to evidence one of five facts about conduct or separation with the provision of a statement of irretrievable breakdown (or a statement that a legal separation is sought)

<sup>2</sup> The same facts are used where a legal separation is sought as an alternative to divorce or dissolution.

<sup>3</sup> Four facts are available for dissolution cases: behaviour, desertion, two-year separation, five-year separation

<sup>4</sup> Unpublished data from HMCTS reported in *Owens v Owens* [2017] EWCA Civ 182 para 98. This sets out that in the year to January 2017, notice of an intention to defend was given in 2,600 of the 113,996 petitions in England and Wales (about 2.28%), and of these only 760 had an Answer filed (0.67%).

<sup>5</sup> Trinder and Sefton (2018) *No Contest: Defended Divorce in England and Wales*, London: Nuffield Foundation, p.40.

<sup>6</sup> Liz Trinder et al. (2017), *Finding Fault?: Divorce Law and Practice in England and Wales*, London: Nuffield Foundation, pp.110 and 145.

<sup>7</sup> *Owens (Appellant) v Owens (Respondent)* [2018] UKSC 41, para 49.

<sup>8</sup> Anne Barlow et al. (2014) *Mapping paths to family justice*, ESCR: “We saw the capacity for this [fault-based] legal requirement to upset and antagonise parties and to disturb the equilibrium of the dispute resolution process”.

<sup>9</sup> Resolution (2018) survey of family justice professionals found that 90% say current law makes it harder to reduce conflict between ex-partners, and 67% say the current law makes it harder for separated parents to reach agreements [http://www.resolution.org.uk/news-list.asp?page\\_id=228&page=1&n\\_id=373](http://www.resolution.org.uk/news-list.asp?page_id=228&page=1&n_id=373)

<sup>10</sup> Rights of Women (2018), *Briefing on divorce law reform*, <http://rightsofwomen.org.uk/wp-content/uploads/2018/07/Briefing-on-divorce-law-reform-260718.pdf>; Jenny Birchall & Shazia Choudhry (2018) “What about my right not to be abused?” Domestic abuse, human rights and the family courts, Women’s Aid and QMUL; Trinder and Sefton (2018) *No Contest: Defended Divorce in England and Wales*, London: Nuffield Foundation; Corbett, N.E. and Summerfield, A. (2017) Alleged perpetrators of abuse as litigants in person in private family law: the cross-examination of vulnerable and intimidated witnesses.

- To introduce a minimum timeframe of six months (26 weeks) for the divorce process between the start of the legal process and final decree stage
- To remove the ability to contest a divorce
- To provide an option for the parties to start and progress the legal process jointly, reflecting a shared decision to divorce

18. We will retain many underlying aspects of the current law, including:

- Irretrievable breakdown of the marriage as the sole ground for divorce
- A two-stage decree process (interim and final)
- The requirement on legal practitioners to certify whether they have discussed the possibility of reconciliation
- A bar on divorce within the first year of marriage

## **The Family Impact Test questions**

### ***Question 1 What kinds of impact might the policy have on family formation?***

19. We do not expect that this policy will have an impact on family formation, including in particular whether to legally formalise a relationship through marriage or a civil partnership. The decision to get married is one that is made at a time of high optimism and hope for the future. The process for obtaining a divorce is something that one or both parties to a marriage will only contemplate when serious difficulties have arisen in their legal relationship. The changes recognise that marriage only works where each party consents to remain in that legal relationship.
20. The retention of the bar on divorce within the first year of marriage underlines the importance of marriage and, where a marriage has been formed, will continue to support couples to work through any early difficulties in the legal relationship.

### ***Question 2 What kind of impact will the policy have on families going through key transitions?***

21. The policy will affect couples and parents going through a key transition of divorce or legal separation, by changing aspects of the legal process for this.
22. The introduction of a minimum period for the divorce process between the start to final stages will protect against rushed decisions to divorce: it will allow time for the couple to reflect on the implications of the decision to bring a legal end to their relationship, to consider reconciliation or to agree arrangements for the future. The current law works against reconciliation by incentivising (in order to get a divorce more quickly) a spouse to make allegations about the other spouse's conduct which can create conflict. The alternative option which requires the couple to live apart for a substantial period of time can disincentivise efforts at reconciliation because the separation period can be affected if the couple try living together again. The current law also offers little opportunity for reflection and conciliation, as the initial decree of divorce can come only a matter of weeks after the divorce proceedings have started.
23. The retention of the ground for divorce demonstrates that marriage is a solemn commitment and should not be ended lightly, and the retention of the two-stage process requires a deliberate application at each of three stages: at the original petition stage and at each of the subsequent two stages of divorce. This offers additional checks on the decision to divorce, allowing couples to reconsider.
24. The potential harm and conflict caused by one or both parties setting out hurtful particulars to prove a conduct-based fact will be removed. The alternative requirement to live apart for a certain period of

time will also be removed. Considerable time, effort and cost is associated with assembling particulars to establish to the satisfaction of the court that the marriage or civil partnership has irretrievably broken down. The ability to contest the granting of a divorce will be also be removed. While rarely used, it can cause conflict due to its misuse as a controlling tactic or means to leverage concessions.<sup>11</sup> The law cannot fix a broken marriage by compelling one party to remain in a legal relationship against their will. Of the 2% of divorces that begin as contested proceedings, only a handful proceed to a full final hearing. The decision to contest a divorce can reflect a profound sense of injustice at allegations of conduct put forward by the other spouse, because the current legal process gives no opportunity to rebut these unless the divorce is contested.

25. We believe that these changes will help to minimise conflict and encourage couples to focus on the key practical decisions needed for the future so that they and their families are able to move on in the best possible circumstances.<sup>12</sup> The option of jointly initiating and progressing proceedings could help divorcing couples demonstrate to their family and children that the decision is mutual, and could set a consensual tone for continued co-parenting after separation.
26. Sometimes separation or subsequent divorce can be the best option for a family. When a marriage has irretrievably broken down and there is ongoing conflict, continuing in it can be damaging for the couple and for any children that they have. A comprehensive review of research evidence indicates that children's outcomes are affected by the quality of the relationship between the parents, not the structure of the family. Specifically, this review highlights that frequent, intense, poorly resolved, and child-related interparental conflict adversely affects long-term emotional, behavioural, social, academic development, and future intergenerational/ interpersonal relationship behaviours for children and young people.<sup>13</sup> There is good evidence that reducing parental conflict during separation, and supporting co-operative parenting post-separation, contributes to protecting children against adverse outcomes from separation.<sup>14</sup>
27. The impact on families going through matrimonial proceedings is therefore considered to be a positive one. At a difficult time in their lives following relationship breakdown, couples should be supported to focus on the future, yet the current legal process incentivises them to focus on the negative events of the past. This is detrimental to prospects of reconciliation and to moving forwards constructively, and may only increase acrimony and conflict and lead to poorer outcomes for children.

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<sup>11</sup> Trinder and Sefton (2018) *No Contest: Defended Divorce in England and Wales*, London: Nuffield Foundation; Corbett, N.E. and Summerfield, A. (2017) *Alleged perpetrators of abuse as litigants in person in private family law: the cross-examination of vulnerable and intimidated witnesses*; HHJ Newton, *VW v BH (Contested Divorce Proceedings)* [2018] EWFC B68: "Mr H's whole case has indeed been completely futile, a huge waste of money, a tragic destruction of family relationships, and all, in my opinion, to satisfy Mr H's own vanity and need to be in control and for the other reasons I have suggested earlier. All he had to do was to not contest the divorce, a divorce he wanted, as virtually everybody else in the country does"; Lord Wilson (Supreme Court Justice) *Owens (Appellant) v Owens (Respondent)* [2018] UKSC 41: "The degree of conflict between the parties which is evident in a fully defended suit will of itself suggest to the family court that in all likelihood their marriage has broken down."

<sup>12</sup> Lord Wilson (Supreme Court Justice) *Owens (Appellant) v Owens (Respondent)* [2018] UKSC 41: "damage [is] caused by the requirement under the current law that, at the very start of proceedings based on the subsection, one spouse must make allegations of behaviour against the other. Such allegations often inflame their relationship, to the prejudice of any amicable resolution of the ensuing financial issues and to the disadvantage of any children."; The Law Society: "the requirement to assert one of the five fault based facts can have a destructive impact on families and can promote conflict and acrimony. Evidence suggests that requiring parties to allocate blame can have a detrimental impact on children" <https://www.lawsociety.org.uk/policy-campaigns/consultation-responses/reforming-the-legal-requirements-for-divorce/>; Resolution (2018) survey of family justice professionals found that 90% say current law makes it harder to reduce conflict between ex-partners, and 67% say the current law makes it harder for separated parents to reach agreements [http://www.resolution.org.uk/news-list.asp?page\\_id=228&page=1&n\\_id=373](http://www.resolution.org.uk/news-list.asp?page_id=228&page=1&n_id=373)

<sup>13</sup> Harold, G., & Sellers, R. (2018). Annual research review: interparental conflict and youth psychopathology: an evidence review and practice focused update. *Journal of Child Psychology and Psychiatry*, 59(4), 2018 374-402.

<sup>14</sup> See Cassandra Brown (2009) *Ameliorating the Effects of Divorce on Children*, 22 *Journal of the American Academy of Academic Lawyers* 461, 462; Mooney, A., Oliver, C. and Smith, M. (2009) *Impact of Family Breakdown on Children's Well-Being: Evidence Review*, London: Institute of Education; Harold, G., et al. (2016) *What works to enhance inter-parental relationships and improve outcomes for children*. Early Intervention Foundation

28. The policy should not be viewed as a change to make divorce easier. Divorce will always be one of the hardest decisions anyone has to take. Its primary focus is to avoid unnecessary stresses on family relationships which have already broken down, to facilitate reconciliation where that is possible, or to allow for an orderly legal ending to the relationship where there is no prospect of reconciliation.

**Question 3 What impacts will the policy have on all family members' ability to play a full role in family life, including with respect to parenting and other caring responsibilities?**

29. Divorce law provides protection for families following a decision to end a marriage and, where appropriate, enables the court to order financial provision for the future for a spouse or children of the marriage or both. When it does so, the court has a statutory duty to consider all the circumstances of the case including the financial needs, obligations and responsibilities of each party. It must consider the needs of any children as a priority.

30. The revised divorce process will be more conciliatory than the current one, thereby enabling parents in particular to better focus on future child arrangements which are in their children's best interests.<sup>15</sup> Findings from a range of research studies find that children experience parental separation as a process, with a number of risk and protective factors that can increase or limit any adverse outcomes. Parental conflict can increase the adverse outcomes of divorce; when children are drawn into their parents' conflict both during and after separation, this can lead to emotional and behavioural difficulties. If parental separation is handled well, any negative outcomes can be reduced. Low conflict during separation, and a good quality relationship between children and their parents after separation are key protective factors that facilitate a child's adjustment following divorce.<sup>16</sup> This policy is designed to increase the ability of parents to focus on their child arrangements with less chance for conflict during divorce.

**Question 4 How does the policy impact families before, during and after couple separation?**

31. The policy impacts families during and after the decision to initiate the legal process of divorce or legal separation, as set out in response to Question 2. It will minimise the potential for couples to entrench positions against each other, and will allow for proper consideration of their decision after an application has been made, providing an opportunity for reconciliation where possible.

32. Removing the separation facts (two years if the other spouse agrees to the divorce, or five years otherwise) will assist the couple and their family, including in particular any children. The requirement can be a strain on household finances if the couple live in separate homes yet capital assets that could be shared are tied up in the family home. If the couple cannot afford to live in separate households, and therefore need to remain under the same roof, case law has established what will meet the definition of separation for this purpose (for example, not sharing meals or exhibiting other communal aspects of family life). Neither situation is optimal for good parenting (or practical, for that matter). As set out above, the requirement to live apart for a specified period can work against the interests of attempting reconciliation.

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<sup>15</sup> Harold, G., et al. (2016) *What works to enhance inter-parental relationships and improve outcomes for children*. Early Intervention Foundation; Mooney, A., Oliver, C. and Smith, M. (2009) *Impact of Family Breakdown on Children's Well-Being: Evidence Review*. London: Institute of Education; Cafcass (2018) *Cafcass response - Reform of the legal requirements for divorce 2018*.

<sup>16</sup> See Buchanan, A., Hunt, J. Bretherton, H. & Bream, V. (2001) *Families in Conflict: perspectives of children and parents on the Family Court Welfare Service*. Bristol: Policy Press; Kelly, J.B. (2006) *Children's living arrangements following separation and divorce: insights from clinical and empirical and clinical research*. *Family Process*, 46, 35-42; Mooney, A., Oliver, C. and Smith, M. (2009) *Impact of Family Breakdown on Children's Well-Being: Evidence Review*. London: Institute of Education; Peacey, V. and Hunt, J. (2008) *Problematic contact after separation and divorce? A national survey of parents*. London: Gingerbread; Fortin, J., Hunt, J. and Scanlan, L. (2012) *Taking a longer view of contact: The perspectives of young adults who experienced parental separation in their youth*.

33. Removing the conduct-based facts (alleging the other spouse's adultery, behaviour or desertion) will also assist the couple by removing the potential for blame for the divorce which can be played out between the couple and/or members of the wider family. Interdisciplinary academic research has shown that the need to make such allegations can introduce or aggravate conflict during the legal process, particularly in relation to arrangements about children and finances.<sup>17</sup> Despite popular misconception, the ability to make these allegations does not establish who, if anyone, is to blame for the marital breakdown. The court does not adjudicate on morally who is to blame or who is at fault, only on whether irretrievable breakdown is established to a legal threshold; the opportunity to contest a divorce is rarely taken up and rarely successful, but it can increase conflict and, at worst, can be used to continue one party's coercive and controlling behaviour during the marriage.<sup>18</sup>
34. The research outlined in this document shows the unintended effects of the existing legal process, particularly that it can introduce or aggravate conflict. Changing the law to remove from the current legal process elements which can exacerbate conflict will, we believe, support couples to focus on making arrangements for the future, including in particular for any children. This would then help to mitigate the risk of negative impacts and outcomes on children and families. A minimum period of six months which covers the entire legal process will give spouses greater clarity and predictability (the current minimum period does not cover a variable period between petition and interim decree stages). This will also allow time for reflection and enable space for informed decision-making about arrangements for the future where divorce is inevitable. This can be particularly important for making financial arrangements before a divorce is finalised.
35. While these proposals do not extend to the legal framework governing finances and child arrangements, we anticipate that any reduction of conflict, where possible, within the process of seeking a divorce is likely to assist in setting a more constructive and collaborative environment in which to have those discussions.

***Question 5 How does the policy impact those families most at risk of deterioration of relationship quality and breakdown?***

36. The policy impacts families after relationship breakdown and at the point that the legal process of divorce or legal separation has begun. It is not expected to affect risk of relationship breakdown. Family breakdown is when constituent parts of the family unit no longer work. Family breakdown can have negative consequences for children if they are exposed to conflict between their parents, as well as negative impacts on the wider family. Divorce is a process by which a legal end can be brought to a legal relationship between two people who may be part of a broader family unit. Whilst divorce is widely associated with negative outcomes for children and the wider family, it is family breakdown that is the cause of both divorce and these outcomes. Evidence indicates that long term trends in divorce rates will not be affected by removing 'fault' from divorce.<sup>19</sup> Recent research has also found no evidence that the current law, in providing for the use of 'fault', protects marriage: in-depth interviews found a strong commitment to marriage and that seeking advice about ending the marriage was not a decision taken lightly.<sup>20</sup>
37. The Government has also considered whether the existing law remains appropriate in the context of our work to tackle domestic abuse. Victims of domestic abuse, in particular, may find it unsafe to make allegations about the conduct of their spouse. If they do make allegations, there may be a risk of continued abuse either outside the legal process or within it. Some victims feel trapped, therefore, to remain in the legal relationship until a separation period has elapsed. Research suggests that perpetrators may contest evidence in divorce applications so that they can continue coercive and

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<sup>17</sup> Liz Trinder et al. (2017), *Finding Fault?: Divorce Law and Practice in England and Wales*, London: Nuffield Foundation,

<sup>18</sup> Trinder and Sefton (2018) *No Contest: Defended Divorce in England and Wales*, London: Nuffield Foundation.

<sup>19</sup> Justin Wolfers 'Did unilateral divorce laws raise divorce rates? A reconciliation and new results' (2006) 96 *American Economic Review*, 1802; Betsey Stevenson and Justin Wolfers, 'Marriage and divorce: Changes and their driving forces' (2007) 21 *Journal of Economic Perspectives* 2; Liz Trinder et al. (2017), *Finding Fault?: Divorce Law and Practice in England and Wales*, London: Nuffield Foundation

<sup>20</sup> Liz Trinder et al. (2017), *Finding Fault?: Divorce Law and Practice in England and Wales*, London: Nuffield Foundation

controlling behaviour through a protracted legal process.<sup>21</sup> The changes to the legal process for obtaining a divorce of removing the need to evidence facts and the ability to contest a divorce would therefore assist victims of domestic abuse to end their legal relationships with their abusers.

### **Are the impacts appropriate and justified?**

38. Yes. The current law on obtaining a divorce is out of step with the constructive forward-looking approach in other areas of family law. The changes will help create opportunity for reconciliation within families where possible. When divorce is inevitable, the changes will impact families positively by removing requirements that make acrimony and recrimination more likely. Critically, the impact will be positive for the relationship between two former spouses who have ongoing parenting roles, as the process will be less adversarial and therefore can support a constructive path to agreeing arrangements for the future.

**Ministry of Justice  
April 2019**

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<sup>21</sup> Jenny Birchall & Shazia Choudhry (2018) "What about my right not to be abused?" Domestic abuse, human rights and the family courts, Women's Aid and QMUL; Corbett, N.E. and Summerfield, A. (2017) Alleged perpetrators of abuse as litigants in person in private family law: the cross-examination of vulnerable and intimidated witnesses, Ministry of Justice.