

The Right Honourable Sir Andrew McFarlane
President of the Family Division
Royal Courts of Justice
Strand
London, WC2A 2LL

29th January 2025

Dear Sir Andrew,

Re: Collective Concerns About Research Representation in Family Justice Council Guidance (December 2024)

We are writing as a group of 84 parents who have direct experience with parental alienation in the family court system. Our group includes both mothers and fathers who have experienced the impact of alienating behaviours on their relationships with their children.

We wish to bring to your attention serious concerns about how research evidence has been represented in the recent Family Justice Council guidance on responding to a child's unexplained reluctance, resistance or refusal to spend time with a parent and allegations of alienating behaviour.

The guidance states at paragraph 13 that "Research evidence suggests that Alienating Behaviours which actually impacts on the child's relationship with the other parent are relatively rare" and cites the Lost Dads study (Hine & Roy, 2023) to support this assertion. However, this appears to be a fundamental mischaracterisation of the research findings. The Lost Dads study actually found that approximately one-third of fathers reported experiencing parental alienation and documented widespread alienating behaviours.

The guidance takes this misrepresentation further by claiming in paragraph 57 that "research suggests that adult behaviours rarely manifest in the behaviour of children." Yet again, this contradicts the study's actual findings. The Lost Dads research documented extensive evidence of children's responses to alienating behaviours, including detailed accounts of children feeling distressed, confused, and torn between loyalty to both parents. The study even provides specific examples, such as a young child expressing deep worry about showing love for both parents, highlighting how profoundly these behaviours affect children.

Professor Ben Hine, the study's lead author, has now publicly addressed these misrepresentations in a detailed blog post. He confirms that his research does not support the guidance's claims about rarity, and notes that he was not consulted about how his research was represented in the guidance. This public statement from the author himself reinforces our serious concerns about how this research has been used to justify the guidance's approach.

This misrepresentation appears to be part of a broader pattern within the guidance that risks minimising the prevalence and impact of alienating behaviours. Our collective experience across numerous cases supports the Lost Dads study's findings, rather than the guidance's characterisation.

We are particularly concerned about:

1. The guidance using mischaracterised research to justify an extremely high burden of proof for recognising alienating behaviours in family courts.

2. The creation of a self-reinforcing system where:

- The false premise of rarity justifies extremely high burdens of proof
- These high thresholds lead to fewer cases being recognised
- Low recognition rates then reinforce the initial false premise of rarity

3. The systemic impact this has on families like ours, where alienating behaviours have caused profound damage to parent-child relationships.

While we fully support the guidance's emphasis on protecting against domestic abuse and recognising genuine protective behaviours, our collective experience suggests the current approach creates an unnecessary and harmful bias against recognising genuine cases of alienation.

Given that Professor Hine is already in discussion with the FJC about this matter, we would be grateful if you could review these issues and consider what steps might be appropriate to address them. A reconsideration of how the guidance approaches the prevalence and recognition of alienating behaviours seems warranted to ensure it provides appropriate protection for affected families.

We would welcome the opportunity to provide more detailed information about our experiences if this would be helpful in understanding the real-world impact of these issues.

Yours sincerely,

