

PE1529/F

John Ronald
Petition PE1529

I would like to thank every one for their responses I would also like to take one response at a time and respond to what has been written to the committee in response to my petition.

Roseanna Cunningham MSP response:

I would like to thank the minister for her response to my petition unfortunately a wide range of fathers and even mothers in my position would disagree with her blinkered view on how the justice system works as I will quantify. Firstly I would like to qualify that the child's best interests has already been decided and that it is a court order which has been broken. I have found that the majority of the Responses I have got have centred round the child access instead of seeing it as it is and that would be a breach of a court order which if it was a court order for any other reason the courts would fund and order the person to return at no cost to the pursuer but even the parents who do not have custody return to court it is very evident that no sanctions or restrictions are ordered. if you look at the trend of the court cases it is evident that it takes several breaches before the courts actually do anything which means the child is deprived of their human right to see their parents and the parent who does not have access has to pay thousands to return to court and have no sanctions granted even when it is proven there is no reason for breach of the court order. I do not think it is in the child's best interest for the other parent to be imprisoned but as I stated research has proven when there is no valid reason for breach of this court order nothing is done until they breach it several times. The Minister states that legal aid may be possible I put to the Minister that legal aid is not available to many working class parents who cannot get legal aid due to their income being too high but also too low for ongoing court cases which puts the parent into extreme depths of debt. I find the Minister to be out of touch with the court process and would urge that she spends time reviewing how many cases are brought to the judge just to have them ignored at great expense to the pursuer. I would recommend that an agency is given responsibility to determine what a legitimate breach is and what is not which would benefit the child as they would see their parent faster and would also benefit the system as many cases would be resolved instead of having the courts stretched to limits for unnecessary court hearings. It would also prevent good money being wasted when it could be put to better use for their child instead of lining the pockets of the legal profession.

Family Law Association response:

I thank them for their response and that the profession make very good points in their response. I completely agree that legal aid should be made available but I must say it shouldn't be if the person is entitled to it it should be compulsory as it is the parent without custody who obtains a court order and follows the rules set out by the government to obtain one then since it is a contempt of court as the decision has been made about the best interest of the child then it should be at the governments expense to provide full legal aid so that the pursuer can return to court and have it resolved. I hope the committee pays full attention to this and pursues this course of action if they believe that only returning to court is the best and only option but I do stand by my initial response to have something in place to deal with this before the courts are

clogged up by cases which could be sorted in the community and also so the child could have their rights upheld to family life enforced quickly.

Families need Fathers response:

I would like to thank them for their response. I find myself in complete agreement with this organisation and I find that they have shown the difference between the child's best interests and the contempt of court issue as they both are not the same. One is a civil action to grant access and uphold the rights and interests of the child the other is a clear legal issue and breach of the laws of the land which should be dealt with separately and be enforceable by the legal system of the land which would take steps if you breach any other type of order.

Scottish Woman's aid responses:

I would like to thank them for their response. In this response I find a couple of areas I can sympathise with but majority of It I find one sided and biased. On the issue of adhering to court orders this organisation asks why when the parent without custody does not adhere to the order why is that not a breach and why is it only the parent with custody who is breaching the order. I find myself agreeing with this assessment and would like to make clear that if parents without custody do not attend to collect their child then they should be held in contempt of court and punished in the same respect as a parent with custody who breaches the order. I believe that both parents have a responsibility to their child and unless they have a cast iron valid reason then either parent should be held in contempt of court if they do not look after their child and follow the court order. I hope that point is very clear from me. Where I disagree with this organisation is that they have chosen to concentrate their response in the area of domestic abuse. I have to say that not all fathers do this and it is infact the minority of fathers who actually commit this offence and I use the phrase commit this offence as it is an offence and if someone is abusing the other then the police should be called so they can deal with this. I observe they have not opened their views up to the wider issue and commented on when there is no issues and it is just a deliberate attempt to sabotage the contact or change the contact to suit their social life it is this to which I concentrate on and believe that this is the issue which could be resolved by having an organisation to deal swiftly with this issue and determine if it should return to court or if a warning should be given if it is proven that it is a simple breach of the order. I feel this organisation has been very negative and not looking at the wider issue and they have concentrated on just domestic abuse cases which is an insult to many parents who simply want to do best by their child and have them growing knowing both parents and feel loved by both instead of wondering why one isn't their. I believe a starting point should be at least 30% contact to achieve this. They have given some instances of shared parenting not working but in my research and my first hand experience of dealing with this issue for 20 years I can say shared parenting benefits the child better than a see you fortnight parent would. I do agree tho that any parent breaching the order should be held to account and I hope the panel can see the wider issues than this narrow view on only one set of parents which does not represent the vast majority of parents.

SCCYP response:

I agree with most of the points that this organisation gives. They do give many rights that a child has and not followed. As stated before I do not believe that imprisonment is beneficial for the child or even building relations with each other but I do think that

if we had something prior to court then it would be a benefit to everyone and a cheaper solution for the government. I do not wish for more punitive sanctions but I also do not think that parents who follow the system to obtain an order should be ignored when the order is breached. They say they would prefer to know in-depth as to why the order is not being followed may I suggest that my initial idea of having an organisation prior to court would be able to obtain that view and make a decision to what is best for each case.

Conclusion

It is always dramatic and sad for any break down in a relationship and I observe that relationships break down for many different reasons but one fundamental similarity between all break-ups is that the children are innocent and should never be made to feel they are not loved or wanted by either parent. If one parent is being abusive then the law should be contacted to put a stop to it. If it is simply that parents have separated do we really have the right to without one parent from them and to allow that parent to play a minor role in their child's upbringing. I have observed that this country still does not really embrace the fact that a child should have good relations and contact with both parents if safe to do so. My experience has taught me that it is still very much a woman's court and that the father is not regarded as important which just isn't true. There has been many studies that show children raised with good influence and contact from both parents have a stable impression on those children. It should not be the case that one parent is punished just because of their gender. A network of people set up to take the views of the parents and children when court orders are broken is an expedient way of dealing with this issue. Legal aid should be made available for all parents who have to return to court due to a breach of court orders as it is like with other court orders. I cannot push this forward anymore than I can in saying that both parents should be accountable when it comes to upholding court orders and should be held to account if they are breached by any of the parents. My petition is not one which cannot be resolved or worked on for a better system. The current system is not working nor is it productive to anyone. Children have a right to family life with both parents and I observe that it is all mixed up and made to be a tougher process to achieve than it really is. Children deserve to have both parents and children deserve to feel loved by their parents. Parents should not be made to pay thousands after they have secured an order that is just wrong and not only makes the original order feel obsolete but puts working class parents into severe debt because they did the right thing and the right thing is being made to feel a punishment by the government because they cannot support their own system. I am asking the government to act on my petitions and find a way to be a world leader in true child centred care and not to be influenced by the distraction of what is true and false, right and wrong.

Thank you,

John Ronald