

LADY CHIEF JUSTICE OF NORTHERN IRELAND

FAMILY PROCEEDINGS: ALLEGATIONS OF ALIENATING BEHAVIOUR

1. INTRODUCTION

- 1.1. Allegations of alienating behaviour are arising with increasing frequency in family proceedings. There is a lack of international consensus around the general concept, and in the context of its application in family law. Guidance is therefore necessary to help litigants and the courts in navigating this complex issue when it arises in family proceedings.
- 1.2. The court's paramount consideration when determining any question with respect to a child's upbringing is the welfare of the child. In applying the welfare principle, the court must ensure that its processes and decisions do not give rise to further harm, including the risk of re-traumatisation of children.
- 1.3. It is a well-established principle that delay in resolving such questions is likely to prejudice the child's welfare.¹ Allegations of alienating behaviour can create obstacles to achieving timely resolution in family proceedings. In all cases, where such allegations are made, early and focused case management is essential to minimise delay, ensure safeguarding concerns are properly identified and addressed, and prevent any potential harm from becoming entrenched.

Note on terminology

- 1.4. This Guidance has been developed in the context of the working definition of "parental alienation" referred to in paragraph 18 of *MP v CQ* [2021] NIFam 45:

"when a child's resistance or hostility towards one parent is not justified and is the result of psychological manipulation by the other parent."

For clarity, it is recognised that the World Health Organisation's ICD-11 does not recognise "parental alienation" as a healthcare term and does not assign it a diagnostic code.

2. APPLICATION AND SCOPE

- 2.1 This Guidance applies from 13 October 2026.
- 2.2 This Guidance applies to family proceedings in all court tiers.

¹ See Article 3 of the Children (Northern Ireland) Order 1995

- 2.3 This Guidance applies to proceedings involving any litigant in person as well as proceedings where all or any of the parties are legally represented.

3. PURPOSE

- 3.1 The purpose of this Guidance is to set out the court's approach in any family proceedings where alienating behaviour is alleged. It aims to promote consistency of practice and ensure that avoidable delay is prevented.

4. ALTERNATIVE DISPUTE RESOLUTION

- 4.1 Examining an allegation of alienating behaviour may require the court to undertake a fact-finding exercise regarding the extent to which a child's alleged reluctance, resistance or rejection of a parent is the result of psychological manipulation or a justified response to genuine safeguarding concerns such as domestic abuse, violence, neglect or coercive control.
- 4.2 While this Guidance sets out a framework for the approach to be taken to a fact-finding exercise, this will not be necessary in every case and nothing in this Guidance prevents the parties to proceedings from reaching a resolution by other means, subject to the approval of the court, including by the use of mediation or other forms of alternative dispute resolution.

5. THE VOICE OF THE CHILD

- 5.1 In any case where alienating behaviour is alleged, the court may consider directing a report from the Court Children's Officer, the Official Solicitor, the Children's Court Guardian Agency or a Social Worker, as appropriate, on any matter relating to the welfare of the child.
- 5.2 In considering the child's wishes and feelings, the court will have regard to:
- the child's age and understanding;
 - the context in which those views have been formed; and
 - the potential impact of trauma, fear or influence.
- 5.3 The court may give consideration as to whether the child requires separate legal representation by the Official Solicitor.

6. CONDUCT OF FAMILY PROCEEDINGS WHERE ALIENATING BEHAVIOUR IS ALLEGED

- 6.1 A party seeking to raise an allegation of alienating behaviour shall do so at the earliest possible opportunity.

- 6.2 Where appropriate, this shall be done when making the application for an order using the Form C1 (Application for an Order) and in the Form C1AA (Supplemental Information Form), which shall be lodged in advance of the First Directions Hearing.
- 6.3 Where allegations of alienating behaviour arise later in proceedings, these shall be brought to the court's attention at the earliest possible opportunity.
- 6.4 The court will:
- (a) identify at the earliest opportunity the factual and welfare issues involved;
 - (b) carefully consider the nature of any allegation, admission or evidence of alienating behaviour, examining what, why and when the allegations were first reported to be an issue;
 - (c) give directions to enable contested relevant factual and welfare issues to be tried as soon as possible and fairly; and
 - (d) having regard to the welfare of the child, consider whether any interim arrangements are required pending determination of the proceedings.

7. CONDUCT OF FAMILY PROCEEDINGS WHERE BOTH ALIENATING BEHAVIOUR AND DOMESTIC ABUSE ARE ALLEGED

- 7.1. Allegations of alienating behaviour may arise alongside allegations of domestic abuse. In such circumstances, concerns may be raised that assertions of alienating behaviour are being used as a means to continue or extend abusive behaviour. The court should remain vigilant to the possibility that proceedings themselves may be used to perpetrate further abuse. Where appropriate, the court will consider measures that support the full and safe participation of each party throughout the proceedings.
- 7.2. Where the court is fact-finding in relation to cross-allegations, the court should begin by making factual findings in relation to the allegation of domestic abuse and then proceed to consider the allegation of alienating behaviour in the context of the factual findings in relation to domestic abuse.
- 7.3. The courts in England & Wales recently emphasised in *Re Y (Experts and Alienating Behaviour: The Modern Approach)* [2026] EWFC 38 that there is a fundamental difference between cases where a parent and/or child are the victims of domestic abuse and approach the other parent, the perpetrator of that abuse, in a negative manner, and cases where the other parent is not abusive and a child's reluctance, resistance or refusal to relate to that parent arises for other reasons.

- 7.4. Where allegations of domestic abuse arise, the court and parties should take into account the [Guidance for the Judiciary - Family Proceedings: Domestic Abuse](#).

8. DIRECTIONS FOR A FACT-FINDING EXERCISE

- 8.1 The court should determine as soon as possible whether it is necessary and proportionate to conduct a fact-finding exercise in relation to any disputed allegation of alienating behaviour.
- 8.2 In determining whether it is necessary to conduct a fact-finding exercise, the court should consider –
- (a) the views of those involved in the proceedings;
 - (b) whether there are admissions by a party which provide a sufficient factual basis on which to proceed;
 - (c) whether there is other evidence available to the court that provides a sufficient factual basis on which to proceed;
 - (d) the nature of the evidence required to resolve disputed allegations;
 - (e) whether the nature and extent of the allegations, if proved, would be relevant to the issue before the court; and
 - (f) whether a separate fact-finding exercise would be necessary and proportionate in all the circumstances of the case.
- 8.3 Where the court determines that a fact-finding exercise is not necessary, the order should record the reasons for that decision.
- 8.4 Where the court considers that a fact-finding exercise is necessary, it should give directions as to how the exercise is to be conducted to ensure that the matters in issue are determined as soon as possible, fairly and proportionately, and within the capabilities of the parties. In particular, it should consider –
- (a) whether the child should be joined as a party to the proceedings and, if so, whether the giving of directions should be postponed pending this;
 - (b) what the key facts in dispute are;
 - (c) whether it is necessary for the fact-finding exercise to take place at a separate (and earlier) hearing to the hearing at which the proceedings will be determined;

- (d) directing the parties to lodge written statements giving details of alienating behaviour and any response;
- (e) whether the key facts in dispute can be contained in a schedule or a table which sets out the allegations relating to alienating behaviour and the response to each individual allegation; and if so, direct by when the schedule is to be completed;
- (f) what evidence is required in order to determine the question of whether there is alienating behaviour;
- (g) whether documents are required from third parties such as the police, health and/or social care services and giving directions for those documents to be obtained;
- (h) whether oral evidence may be required from third parties and, if so, giving directions for the filing of written statements from such third parties;
- (i) where third parties from whom documents are to be obtained are outside the jurisdiction, how to obtain those documents in good time for the fact-finding exercise, and who should be responsible for the costs of obtaining those documents. Where relevant, the [Judicial Protocol Regulating Direct Judicial Communications between Scotland, England & Wales and Northern Ireland in Children's Cases](#) should be consulted;
- (j) whether any other evidence is required to enable the court to decide the key issues and giving directions for that evidence to be provided;
- (k) what measures, including any special measures, should be taken to ensure that the parties' best evidence can be put before the court and, where appropriate, have regard to the Equal Treatment Bench Book; and
- (l) whether a pre-hearing review would be useful to ensure directions have been complied with and all the required evidence is available.

9. OUTCOME OF FACT-FINDING EXERCISE

- 9.1 The court should, wherever practicable, make findings of fact as to the nature and extent of any alienating behaviour which is established.
- 9.2 The court may record its findings in writing in a schedule to the relevant order.

10. EXPERT EVIDENCE

- 10.1 It is for the court to establish the factual matrix where allegations of alienating behaviour are made. Expert evidence in relation to alienating behaviour should only be directed after the conclusion of the fact-finding process and should be limited to that which will assist the court in determining welfare outcomes where alienating behaviour has been identified. The court should consider the extent to which the instruction of an expert would cause or contribute to unwarranted delay in any particular case.
- 10.2 Following any determination in relation to alienating behaviour, the court may consider whether it would be assisted by any social work, psychiatric, psychological or other assessment of any party or the child and if so (subject to any necessary consent) make directions for such assessment to be undertaken and for the filing of any consequent report.
- 10.3 If the court determines that a psychological assessment be carried out this should be directed to be by a regulated practitioner psychologist, such as a clinical or counselling psychologist. Unregulated experts should not be instructed unless it is established that no registered or chartered expert is reasonably available.
- 10.4 The request for an expert report should set out clearly the matters the court considers need to be addressed. Instructions for experts should mirror the breadth and scope characteristic of holistic psychological assessments of parents and children in the family courts.
- 10.5 Where an expert report is sought in respect of a child, it should focus on their cognitive, educational, emotional, social, and behavioural development, and comment on any matters of concern. The report should assess any harm which the child may have suffered in respect of their psychological, intellectual, educational, emotional, social, and behavioural development, analyse the cause of such harm and advise on support services (including therapeutic support) that should be put in place to promote the child's welfare.
- 10.6 Where an expert report is sought in respect of a parent, it should focus on their psychological functioning, including childhood experiences/developmental concerns, their intellectual functioning, past and present relationships, the impact of any drug and/or alcohol misuse, mental health or personality difficulties on their parenting capacity. The report should comment on prognosis, a parent's ability to prioritise the child(ren)'s needs above their own, their understanding, insight and acknowledgement of any findings made by the court and concerns raised by professionals, their ability to make changes in their own behaviour and their capacity to engage in work to secure a favourable outcome for the child(ren), including any recommended therapeutic

intervention or any other necessary intervention or support to promote the child(ren)'s welfare.

11. REVIEW

- 11.1 This Guidance shall be reviewed after six months in operation and thereafter shall be subject to periodic review as required.

A handwritten signature in black ink, appearing to read 'Siobhan Keegan', is centered on the page. The signature is fluid and cursive, with the first name 'Siobhan' and the last name 'Keegan' clearly distinguishable.

**THE RIGHT HONOURABLE DAME SIOBHAN KEEGAN
LADY CHIEF JUSTICE OF NORTHERN IRELAND**

13 OCTOBER 2026