

# Exploring Legal Journeys in Family Justice Systems: Towards Relational Design Approaches to Advance Access to Justice for Domestic Abuse Survivors

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## Abstract

Access to justice includes mechanisms enabling people to have their voice heard, exercise their rights, and hold decision-makers accountable. This paper reports on an exploratory study aiming to understand Domestic Abuse (DA) survivors' experiences of legal journeys through Family Court (FC) and Family Justice Systems (FJS) in England and Wales, and the potential for digital technologies to support their access to justice. We used qualitative methods including interviews and designed prompts to engage eight DA survivors and three Family Court professionals. Designed prompts enabled discussions and articulation of perceptions of socio-technical systems' potential to support access to justice in FJS. Our findings describe challenges faced by survivors when accessing FJS, participating in proceedings, and living with outcomes stemming from Family Courts processes. We discuss opportunities for digital interventions in these contexts and provide design orientations for relational approaches to design research seeking to advance access to justice for DA survivors across legal jurisdictions.

## CCS Concepts

• **Human-centered Computing** → Interaction design; Interaction design process and methods; • **Human-Centered Computing** → Human-Computer Interaction; Empirical studies in HCI.

## Keywords

Domestic Abuse Survivors, Design methods, Family Justice System, Social justice-oriented design,

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## 1 Introduction

The period after separation can be the most dangerous for survivors of Domestic Abuse<sup>1</sup> (DA), with increased risks of threats, stalking, and violence, including threats to the safety of their children [28]. Many seek protection for themselves and their children through Family Justice Systems (FJS) [39], or are brought into the Family Justice process by their ex-partners [27, 73]. FJS encompass the range of institutional and legal mechanisms that determine individuals' legal rights and obligations, including the provision of information, advice and assistance before, during, and after access to Family Courts (FC) [61, 91]. Access to FJS and broader justice systems presents challenges worldwide, where the ability to initiate and navigate complex and costly legal systems demands specialised knowledge, skills, and resources, which are unevenly distributed due to structural disadvantages [45, 57, 74]. Lack of access to affordable legal representation or strict financial and evidential requirements for free legal representation (i.e. legal aid) have seen an increased number of people going to court without representation, also referred to as Litigants in Persons (LiPs), in the U.S. [92], the UK [56], Ghana [58], Canada [19], and Australia [52]. These conditions have been broadly denounced for denying vulnerable individuals access to justice [77]. Yet, research shows DA survivors face additional psychological and systemic barriers across many countries around the globe [39, 72, 91]. These include financial vulnerability [93]; gendered credibility issues [73]; discrimination and secondary victimization by court professionals [14, 72]; difficulties in establishing abuse and siloed working cultures [76]; court professionals' failure to appropriately respond to historical and non-physical abuse, and pressures to agreeing children's unsafe contact

<sup>1</sup>We use DA to refer to the spectrum of mistreatment, including physical and sexual violence [53], coercive control, economic and psychological abuse in intimate partner abusive relationships [33]. While we acknowledge that the terminology 'DA' can be seen to reduce, privatise, and trivialise such behaviour [62], we use DA as this is the terminology that survivors and professionals utilised in this study. We use victims-survivor to refer to people affected by abusive relationships; and survivor to refer to those who are undertaking a healing process, despite being tied in different ways to such relationships [69].

with perpetrators [53]. Prior research highlighted survivors' experiences in FC processes as traumatic, invalidating, and distressing [14, 48] with significant health implications [27, 39, 52].

Human-Computer Interaction (HCI) and Design scholarship have shown increasing interest in technologies' role in DA survivors' lives [9, 22, 35, 53, 69, 70, 84] where technologies offer avenues for support and relief, but can also be a source of complex harms, when appropriated by perpetrators [7, 11, 20, 36, 53, 88]. This emergent research has largely focused on online forums and digital tools to support journeys to safety and empowerment [29, 70] and on the ecologies of DA support services [9, 10, 84]. Efforts in this area include explorations of technology-supported perpetrators' behavior change programmes [9], and digital infrastructures to enable collaboration among DA services eco-systems (e.g. police, mental health, social workers, legal and housing providers, faith communities) [35, 69, 82] and to reduce technology-enabled harms and abuse [20, 82, 84]. Few studies also uncovered aspects of survivors' interactions with criminal justice systems [35, 70], highlighting potential for carefully designed social technologies to enable survivors' agency in legal processes [69, 70]. This research agenda is still developing and no work to date has focused on understanding survivors' attempts to reach safe arrangements through FJS, while they remain tied to abusive partners through children, and are bound by legal agreements [35].

This paper aims to develop understanding on survivors' experiences of legal journeys in FC and on survivors and professionals' perceptions of technologies' potential to support access to justice in FJS contexts. We report on exploratory research contextualized within FJS in England and Wales<sup>2</sup>, focusing on FC private cases, concerning Child Arrangements Programmes (CAPs)– i.e. FC legal processes seeking to decide where a child should live and the time they spend with each parent [95]. The research involved qualitative design methods exploring the following research questions: (i) What are survivors' experiences of navigating the FJS and FC processes concerning child arrangements? (ii) What are survivors and professionals' perceptions of the role of digital technologies in FC to improve conditions of access to justice?

We interviewed eight DA survivors with direct experiences of private cases of FC proceedings concerning child arrangements. We used insights from interviews' data to design a visual, non-linear mind-map of legal journeys' experiences, and a set of designed prompts aiming to stimulate discussions on digital responses to issues articulated across interviews and articulation of their anticipated potential impacts and unintended consequences [38]. Legal journeys' mind-map and designed prompts were used in face-to-face and online focus groups with five survivors over a period of 4 weeks, and in interviews with three FC professionals.

We contribute insights on the challenges survivors face in FC processes and participants' perceptions of digital technologies' potential role in these contexts. Our insights uncover complex relational dynamics shaping both survivors' access to justice—their agencies and abilities to participate, and the distribution of accountabilities in FC processes. Digital technologies sparked concerns in relations to issues of security, potential misuses, and potential exacerbation

of mistrustful relations; but were also perceived with potential to enable survivors better navigate FJS and foster a more collaborative ethos between survivors and agencies tied to FC processes. Yet, imagined digital interventions were understood to require more profound cultural changes within FJS, including recognition and care for DA survivors' needs and traumas. Drawing from our insights, we extend “survivors-centered approaches” by arguing for design orientations that center relations and that understand survivors' access to justice, autonomy and agency in legal processes, as interdependent with constructive relations at intimate, institutional, and legal level [62]. A relational approach focus on how design interventions can nurture constructive relations, that are key to survivors' access to justice. We discuss opportunities for future work that may be relevant in other jurisdictions and practical challenges tied to researching and designing for this complex area of civic life.

## 2 Related Work: HCI, access to justice, and DA survivors

Access to justice includes mechanisms enabling people to have their voice heard, exercise their rights, and hold decision-makers accountable [34]. It concerns people's ability to participate fairly in legal processes [34]; including equitable access to legal information and knowledge, and opportunities to use it effectively in legal settings, as well as access to effective legal representation and services (e.g. solicitors). Access to justice is also about people's abilities to realise benefits from fair and just outcomes that may stem from legal processes. Since notions of what may be ‘just’ are contested and evolving [26] – access to justice also concerns processes and actions seeking to surface such contestations and to address systemic barriers in societal [9, 69] and justice systems that may render harm invisible, interrogating substantive and procedural fairness of legal processes and their outcomes [31, 49]. Next, we map how design and HCI has responded to the challenges of seeking access to justice for DA survivors and underserved communities.

### 2.1 HCI and legal services

HCI and Legal Design scholarship has begun exploring how technologies can help overcome procedural challenges at play in civil justice systems as a direct response to access to justice crises [31, 40, 49]. Design and technologies are seen to offer potential to support underserved populations' legal capabilities—including access to legal services, resources, and opportunities that people need to undertake legal tasks, navigate and use legal systems effectively [31, 40, 45]. Hagan and Kursat [40] report on the different phases comprising of a legal journey in civil justice systems in the U.S., highlighting the range of capabilities needed in these processes, with a view of exploring ‘self-help’ digital tools for those without legal representation (see Figure 1 adapted from [40]). Scholarship in this area has also focused on the co-design of legal digital services [40, 60], automated solutions for emergency protection orders [1], online case resolution services [47] and on data collection tools for workers afflicted by wage theft to support their legal wage claims [30].

<sup>2</sup>The United Kingdom has three distinct legal systems; one for England and Wales, one for Scotland and one for Northern Ireland [94].

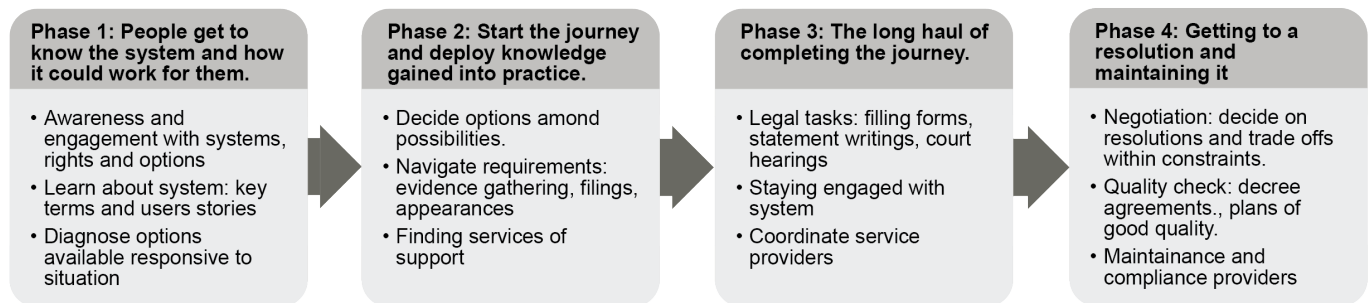


Figure 1: Legal journey arc, adapted into a diagram from Hagan & Kursat.

However, technologies’ promising potential is also countered by research warning about the ambivalent nature of technology-mediated services in civil justice systems [47, 57, 68]. For example, Quintanilla et al. [68] explore the benefits of virtual proceedings (e.g. decreasing travel time and child-care burdens), and negative impacts such as a reduction in access to “in-court self-help ecosystems”, and the reshaping of rapport between litigants and Court professionals. Similarly, Bhandaru et al. [13] urged caution over ways digital technologies seeking to improve access to legal information, can create new risks for communities experiencing high level of vulnerability, such as asylum seekers.

## 2.2 HCI and DA survivors’ access to justice

HCI research on DA survivors’ access to justice has included explorations of technologies’ use for legal information seeking [35, 70] and for gathering evidence of abuse to be used in criminal courts [15, 66, 86, 89]. Leitão [53] showed how survivors advise each other on strategies to gather evidence in online forums and to overcome challenges they face with institutions such as the police. Rabaan et al. [70] explored how survivors in Arab countries develop legal knowledge to ascertain when is best to act upon abusive relationship, and ‘work the legal system’ or judges’ favors to obtain divorce. Yet, in other areas, Freed et al. [35] showed that survivors’ and legal professionals’ lack of expertise in technology-perpetrated abuse, can increase difficulty in getting evidence recognized in Courts. In this sense, research has noted the need for legal systems to evolve vis-à-vis technological developments [15, 65, 89].

Growing research in HCI has called for the need to understand DA as a systemic issue with socio-political and cultural underpinnings [4, 70], which require the transformation of the institutional, interpersonal, and legal power relations that cause harms and replicate oppression and injustice [8, 9, 69, 79]. Research highlights the need to adopt co-design methodologies [35, 40, 60], considering needs, roles, and responsibilities at play in justice-seeking ecosystems as to enable articulation of benefits and drawbacks stemming

from technological adoption, and develop infrastructures to better connect beneficiaries and services in these contexts [10, 84]. Several scholars also argued for trauma-informed approaches [20], and designing for alternative models of justice such as Restorative [3] and Transformative Justice as to develop community-based responses that can enable pathways to empowerment and social change [32, 69, 81]. For example, Rabaan and Dombrowski [69] proposed “*Survivor-Centred Transformative Justice*” approaches as to attend to harms inflicted, while addressing systemic injustices and social factors reproducing harm. They urge designers to focus on interventions that support survivors’ agency and autonomy through networks of support at interpersonal, community, and institutional levels. However, survivors’ autonomy, empowerment, and access to justice is still poorly understood in HCI and can still be fashioned as detached from the *ongoing* relations shaping their agencies and lives. While, as Freed et al. [35] have argued, survivors do not “*escape*” such relations but learn to live with them in a multitude of ways—in HCI there is little understanding on how interpersonal and institutional relations are more fundamentally structured by legal rights, laws and their practical implementation [62]. In what follows, we explore survivors’ journeys through Family Justice Systems in English and Welsh legal jurisdictions, as they seek safe arrangements for themselves and their children. Through designed prompts, we investigate how potential digital tools too narrowly focused on meeting “needs” can fail to attend to complex relational dynamics, which are critical to their autonomy. We argue for a relational orientation to designing digital infrastructures that focus on fostering constructive relations as to advance access to justice and participation in legal processes in FJS.

## 3 DA survivors and the Family Justice System in England and Wales

In England and Wales, 38% of separated families resort to Family Justice Systems (FJS) to solve family disputes, indicating this to be a ‘major societal problem’ [54]. Of this, between half and two-thirds

of private law cases involve allegations of DA, with between a fifth and a quarter raising other concerns (e.g. substance abuse, mental health issues) [54]. FJS in England and Wales are part of Common Law jurisdictions, defined as ‘adversarial legal systems’, relying on case law<sup>3</sup>[51]. FJS includes the Family Court (FC) and the Family Division of the High Court (FDHC). The FC hears public and private family law cases<sup>4</sup> relating to family life (e.g. marriage, divorce, financial remedies, protection from DA), and cases about children (child arrangements, protection, adoption, abduction, surrogacy, forced marriage and female genital mutilation) [96]. A key English legislation, the Children Act 1989 [97] shaped the overriding principles of FC proceedings, placing the welfare of the child at the centre of concerns. Principles include a list of factors that FC must consider, such as harms children may have suffered, their wishes and needs, and parents’ abilities to meet those needs, with the presumption that involvement of each parent in a child’s life will further their welfare. FC must also comply with the European Convention on Human Rights (ECHR), including the right to a fair hearing in determining one’s civil right (art 6), right to life (art 2) and right to be free from torture (art 3) [76].

Child Arrangement Programmes (CAPs) are prominent procedures in FC cases involving DA. These aim to help families reach safe and child-focused arrangements for children – including where children should live and how much time should they spend with each parent. CAPs involve several stages and different actors and services, including Local Authorities, FC Advisors and social workers tasked with conducting risks assessments and in-depth investigations’ reports, and representing children in proceedings. At each stage, the FC must assist the parties to resolve issues in dispute between themselves, where safe and appropriate [76]. In cases involving allegations of DA specific procedures apply, such as Practice Direction 12J (PD12J) [95], and the CAPs process can extend in several ways: holding a fact-finding hearing to determine disputed allegations of DA through cross-examinations, and if DA is found, the Court may direct the abusive parent to attend a Domestic Abuse Perpetrator Programme (DAPP)<sup>5</sup>, and/or may direct an expert risk assessment. Such procedures have evolved over the years, reflecting changes in laws. For example, the Domestic Abuse Act 2021 [98] established a broader legal definition of DA to include emotional abuse and coercive control and banned LIPs abusers from cross-examining survivors in proceedings. By law any information about a FC court case cannot be disclosed to third parties and, until recently, journalistic restrictions were in place to prevent reporting on FC cases. The conduct of FC behind closed doors has raised concerns over transparency and accountability on judgements made, particularly in DA cases [76]. A landmark report in 2020 ‘Assessing risks of harms to children and parents in private law children cases’ by the Ministry of Justice (MoJ) Expert Harm Panel [76] and the Domestic Abuse Act (2021) [98] have awoken impetus for changes in FC with DA advocates able to support survivors in Court and

<sup>3</sup>Adversarial means that two opposing parties present their arguments and evidence to a judge. Case law revolves around precedents set by judges in prior cases.

<sup>4</sup>Public cases refer to cases between individuals and State, where a local authority has become involved in matters relating to the care and welfare of children. Private cases focus on resolving disputes between private individuals around where children may reside, or in divorce or separation matters.

<sup>5</sup>DAPP programmes have been discontinued in England and Wales since this research was conducted.

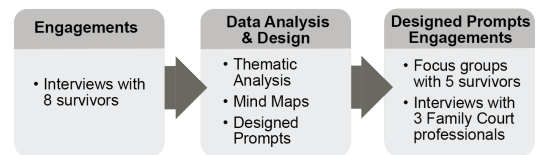


Figure 2: Research process

pilot pathfinders exploring ways to increase information sharing among agencies to provide better assistance and safer outcomes for children and survivors [90]. Our work covers experiences of FJS that preceded and followed the Domestic Abuse Act (2021).

## 4 Approach and Methods

We outline our positionality to acknowledge the subjectivity of our research design, process, and analysis. All authors of this paper self-identify as women from working class backgrounds with higher education. Authors brought diverse disciplinary perspectives to the research such as social justice-oriented design (first and fourth author), trust studies (second author), gender violence and law (third author). Some members of the authors’ team have direct experience of FC proceedings and have engaged in DA advocacy for several years. Direct experiences of FC in the authors’ team provided some understanding of the challenges when navigating FJS and FC in private law cases. The authors were transparent about their positionality in recruitment. In accounting for our subjectivity, we followed a reflexive process attending to intentions, interpretations, alternative viewpoints and accountabilities in the production of knowledge [64, 67], including through member checking.

Our approach is grounded in feminist ways of conducting research that value situated experiences and partial perspectives [5, 43, 87]. This approach acknowledges researchers’ subjectivity and interests, and research potential to ensue social change [87]. In designing our research, we sought to engage a small number of participants to generate rich qualitative insights on experiences of FC and perceptions of digital interventions in this context. The research process (see Figure 2) included (i) in-depth qualitative semi-structured interviews with eight survivors; (ii) the design of a mind-map of legal journeys and of prompts to foster discussions and enable articulation of perceptions of digital interventions and their potential impacts, which we used in (iii) focus groups with five survivors and in interviews with three FC professionals. Ethical approval for this study was granted by the faculty of Science, Agriculture and Engineering ethics committee at Newcastle University.

**Recruitment.** Participants were recruited via convenience sampling. The research was advertised through a Charity organization and a Family Law clinic respectively providing support for DA survivors and free legal advice. Eight survivors agreed to be interviewed. Of those, five also agreed to participate in focus groups. Survivors were ethnically diverse; two were migrants, non-British nationals. All survivors’ experiences of FC were delimited to England. Majority (=6) were respondent in their cases (i.e. taken to FC by their ex-partners). Two solicitors and one social worker agreed

**Table 1: Participants: survivors and Court professionals**

Participant ID	Sex	Experience/occupation	Case Representation / Sector	No. of children	Children age (years) at the start of proceedings	Length case/work experience (years)
P1	F	Survivor	Legal Representation	1	1	2
P2	F	Survivor	Legal Representation	2	9, 13	3
P3	F	Survivor	Litigant in Person	1	2	3
P4	F	Survivor	Litigant in Person	1	8	2
P5	F	Survivor	Litigant in Person	3	8, 13, 17	3
P6	F	Survivor	Legal Representation	1	4	2
P7	F	Survivor	Legal Representation	2	2, 5	2
P8	F	Survivor	Legal Representation	2	6, 9	2
P9	F	Solicitor	Private firm	N/A		18
P10	F	Solicitor	Private firm, legal clinic	N/A		10
P11	M	Social worker	Local authority child protection services, independent reviewer	N/A		26

to be interviewed. Three judges operating in England were also invited to participate in the research, but invitation was declined due to legal restrictions on judicial participation. Participants engaged in this research is shown in Table 1.

**Interviews with survivors.** Interviews focused on FC journeys and challenges faced, including legal representation and relations with services; collating paperwork and evidence; technologies’ role when accessing FC. Interviews lasted between 60 to 120 minutes. Given the sensitive nature of the topic and that it is illegal to talk about FC cases, measures were put in place to protect participants’ confidentiality, anonymity, and privacy. All participants chose to conduct interviews online, using teleconference software. In interviews, we applied additional care ensuring that participants were in a private space and used a number ID; when covering triggering topics, we ensured participants knew they could pause and/or withdraw from the process with support available. Survivors were offered one-hour free counselling sessions, recognizing that discussing experiences can entail re-traumatisation, emotional labour, and need for self-care. Survivors were also invited to participate in subsequent focus groups, and five were able to participate. All voiced enthusiasm about the research, which was seen as an opportunity to “use [our] experience to change some things”, as P5 puts it.

**Analysis and design of mind map and prompts.** We conducted a rapid qualitative analysis (RQA) [78] of interviews’ data. RQA is an action-oriented approach that is used to quickly identify relevant themes efficiently and systematically to inform practice. The analysis showed commonalities across experiences: (i) confusion over the court process exacerbating vulnerabilities; (ii) challenging nature of interactions with court professionals; (iii) perceptions of careless institutional practices and court cultures. Themes generated were used to design (i) a ‘mind-map’ of experiences (Figure 3<sup>6</sup>); and (ii) prompts describing potential digital

systems and interventions in response to common issues (see Figure 4 for a selection and Appendix A for the full set of prompts). The ‘mind-map’ depicted vignettes from interviews’ data, using collages, keywords, and quotes. The goal of the ‘mind-map’ was to member-check key themes constructed from interview data and foster reflection with survivors. Designed prompts were inspired by insights constructed through the RQA to enable collective exploration of potential digital systems and interventions across four thematic areas: (i) ‘The Survivors’ guide to Family Court and toolbox’ eliciting ideas and prompting perceptions of digital tools for legal capabilities in FC process; (ii) ‘Do it with Care’: a guide for professionals by experts-by-experience’ prompting discussions on potential digital tools to improve institutional practices in FJS and FC; (iii) ‘Collaborative Court’ inviting considerations of collaborative (rather than adversarial) approaches to FC; (iv) ‘Building accountability’ prompting perceptions of potential tools enabling accountable relations between services and survivors. Each thematic area included open ended questions to explore opportunities for design (e.g. “What ‘A survivors’ guide to family court and toolbox’ might include?”), imagined digital systems (e.g. a digital app to facilitate search for trusted legal support in DA cases), and inviting anticipation and reflections on digital systems’ potential impacts (e.g. “what would be beneficial about this app? What could go wrong?”).

**Focus groups.** We organised a face-to-face focus group with five survivors. We used the mind-map to elicit feedback on our interpretation of data and foster discussions around common challenges. Participants found the mind-maps to be reflecting their experiences and spent 2 hours discussing and annotating it. Given our participants’ busy lives, online focus groups were chosen as the preferred method to enable consideration and responses to prompts at their own pace and time. Online focus groups spanned a period of four weeks and took place over a custom-made secure online

<sup>6</sup>Figure 3 depict a digitally reproduced mind-map to increase legibility for readers. The mind-map was presented at the face-to-face focus group with survivors. As

such, Figure 3 does not include additional annotations added by participants in the face-to-face focus group.

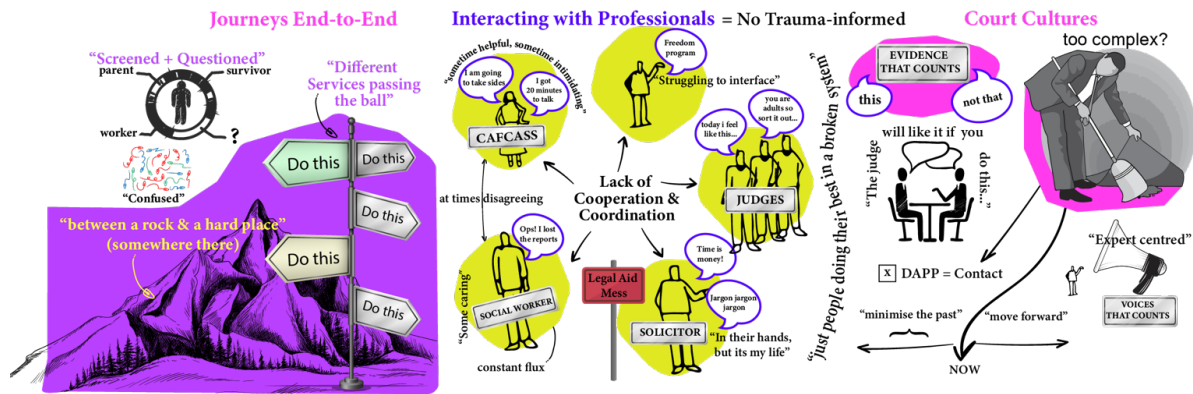


Figure 3: A digital reproduction of the legal journeys mind-map developed from RQA and used in focus group with survivors.



Figure 4: A selection of prompts developed from RQA and used in focus groups with survivors and in interviews with FC practitioners.

platform, called Collabito [99]. Participants were asked to consider one thematic area and related prompts at a time over the course of one week, reflecting on potential impacts. Each focus group could be accessed through a link-code that was unique to each participant. On the platform, survivors could discuss by posting and replying to comments.

**Interviews with professionals.** We conducted three interviews with two solicitors and a social worker, each lasting 120 minutes. Interviews were split in two parts. The first part covered questions related to their professional role in FC; the second involved prompts to elicit responses on technologies role in FC contexts.

#### 4.1 Data collection and analytical approach

The data collected across interviews and focus groups are shown in Table 2. A total of 29 hours of audio recordings were transcribed

and anonymised. Additional data included text contributions in online focus groups. The data was analysed using a reflexive thematic analysis approach [17]. The first author read multiple times transcripts and coded segments of text. Initial coding produced 180 low-level descriptive codes. These included “fear of retaliation”, “confusing advice”, “loss of faith in institution”, “lack of voice”. During the coding process, the lead authors had discussions with the other authors to ensure codes and candidate themes were consistent with their observations. Codes were re-grouped into medium and higher-level themes, reported as our findings. The combination of survivors’ and court professionals’ perspectives helped reflexively engage with the limitations of our positionalities and enter in dialogue with other viewpoints and subject-positions [64, 67].

**Table 2: Methods and data collected**

Method	Data
8 x interviews with survivors	20 hours audio recordings anonymized and transcribed.
1 x face-to-face focus group with survivors	3 hours audio recordings, anonymized, transcribed; post-it notes.
4 x online focus groups with survivors, over 4 weeks	4,406 words
3 x in-depth interviews with professionals	6 hours audio recordings anonymized and transcribed.

## 4.2 Limitations

Like prior studies [59], privileging situated and ‘deep’ insights, our research aims to provoke insights into an area little explored in HCI as to develop orientations for design in these contexts, rather than generalise our findings. However, we acknowledge that our sample size is notionally small. While it wasn’t our intention to recruit only self-identifying female survivors, it is widely recognized that DA affect primarily (yet not only) populations who self-identify as such [52, 80]. We acknowledge these limitations and are careful about our knowledge claims as a result. We return to the limitations of this research in the discussion.

## 5 Findings

Our findings are organised in three interrelated themes. ‘Capabilities to access legal services’ uncovers challenges when seeking legal advice and understanding the FC process, and perceptions of digital tools for legal capabilities. ‘Participation in proceedings’ explores experiences of court hearings and perceptions of digital tools to support participation and interactions between survivors and FC professionals. ‘Outcomes and accountabilities’ examine impacts stemming from FC and technologies’ ambivalent role in fostering cultural change to improve outcomes for survivors.

### 5.1 Capabilities to access legal services

Survivors described the time following separation as traumatic and uncertain characterised by post-separation abuse, failed attempts to make their own safe child arrangements and ethical dilemmas as to the right course of action. For example, some were living in temporary accommodation having left the family home with their children. Others were dealing with their children’s disclosure of physical and verbal abuse from the ex-partner. Circumstances were very different, but all survivors talked about being bounced back and forth by support services (e.g. housing, small court claims, social services, police, schools) they needed to turn to, prior to entering FC.

*5.1.1 Relations with solicitors and legal firms.* Survivors described the legal world as “alien and terrifying” [P6]. Court has its own codes of practices, services, languages, and ‘cultures’ that are unknown to outsiders. Solicitors are key gatekeepers enabling understanding of the FC process and system. Yet, entering FC can happen abruptly preventing opportunities to find a solicitor on time. Some described receiving the legal paperwork for a Child Arrangement Order “out of the blue”, thus having to go to court within a very short timeframe: “I was not prepared, and so that in itself is distressing and traumatic” [P4, survivor].

Most relied on personal networks or DA charities support workers to seek legal firms and solicitors. This was more challenging for non-British citizens. All survivors emphasized a lack of know-how when dealing with legal firms, including understanding ‘terms and conditions’, ascertaining whether a law firm might be appropriate for their case, and legal aids’ entitlement. Discussions highlighted relations with solicitors as transactional, legal systems as “money making systems” [P7, survivor] and legal firms as “sharks abusing of a vulnerable situation” [P3, survivor].

*“my solicitor’s firm is known for ripping people off, they present as compassionate and expert, yet they charge people through the roof [...] I still owe them money”* [P2, survivor]

Most felt they didn’t have the knowledge to challenge firms and manage their process by deciding e.g. when to pay for advice. Some spoke about legal firms’ and solicitors’ failure to understand the complexities tied to DA and make “the process easier and cost effective” [P5]. Discussions highlighted the need for more oversight on how legal firms deal with DA survivors. Given that legal firms’ recommendations on Google were considered generic and untrustworthy, our designed prompt depicting survivors-led recommendations systems for appropriate legal firms was met with enthusiasm. Survivors and some professionals recognised this potential to aid survivors search for solicitors. Yet, concerns also surfaced regarding perpetrators potential use of such systems to abuse solicitors. Further, such envisaged system appeared to do very little to change the transactional nature of relationships between survivors and legal practitioners.

*5.1.2 Seeking legal information online.* All survivors described feeling overwhelmed by legal jargon used by solicitors and complexities of FC processes, including struggles to visualise consequences of decisions, risks, and routes a FC process could take. All recounted financial barriers to asking for explanation as solicitors are expensive, and charge for reading/sending emails. Lack of access to legal representation or financial constraints meant all survivors sought information online about FC, laws, and rights, which was challenging. Survivors recalled a lack of clear and consistent information online leading to confusion about the process and uncertainty as to what might be trustworthy. Existing online resources – such as the MoJ CAP process – were considered complex and unrepresentative of “how the system actually works” [P5, survivor]. Existing web-applications (e.g. [100–102]) appeared to cover only minimal aspects of FC (e.g. raising an injunction e.g. [54]), presented gatekeeping mechanism (e.g. legal forums for professionals), provided out-of-date information, or were not “set up for smart phone users” [P10, solicitor]. The latter appeared important as many seek

information via smartphones. Participants and solicitors spoke ambivalently about social media and online forums (e.g. Mumsnet<sup>7</sup>) for information seeking about FC, which was deemed both helpful and dangerous:

*“people give great information and there’s also stuff where I think oh, no, please don’t do that.”* [P10, solicitor]

Interactions on those sites were described also by survivors as compounding anxiety and lacking *“constructive discussion on these delicate and case specific matters”* [P7, survivor]. In most cases, our survivors relied on skills acquired through higher education and time to research Children’s Rights and Family Law. Yet, such privileges are often not available to many.

**5.1.3 Digital tools and resources to support legal capabilities and anticipating impacts.** All participants saw potential in novel digital applications and resources to support legal capabilities – for example by providing *“survivors friendly”* interactive timelines of FC process – including legal aid, timescales of investigations to help with choices as to when legal representation might be necessary and *when to pay for advice* when having limited funds; clear explanations of professional roles and services connected to FC that survivors must engage with (e.g. social workers, family court advisors, court clerks, etc.). Importantly, such digital tools were perceived to potentially act as a “boundary object” between survivors and legal professionals by enabling translation of legal jargon in simple terms, and by including accessible resources to aid survivors’ understanding of their rights in FC (e.g. right to access support for LiP or different services to completing safeguarding reports) and knowledge of the impact of DA on children.

Yet, challenges associated with providing resources of how to write an effective statement or how to fill in a form were raised since these should omit information about cases due to FC rules around disclosure, thus making them ineffective. Discussions concerning interactive timelines of the FC process also sparked tensions concerning potential ‘dangers’ associated with giving ‘wrong’ impressions as to how a journey might go. Legal journeys in FC are *“not hard and fast like debt [...] they are rarely nice and neat examples”* [P9, solicitor], and can take many unexpected routes. Solicitors raised concerns with potential *“inaccuracies and lack of contexts”* in information given, since:

*“everything is supposed to be done on a case-by-case basis so what works for one person might not work for another”* [P10, solicitor].

Processes and outcomes in PC are the results of the relational dynamics within each case. Further, prompts surfaced significant tensions and trade-offs at play in imagined digital resources, which were seen to require balancing of the need for consistent, simple and ‘accessible’ information, and the realities of complex legal process as to avoid harmful and false expectations. In this respect, a survivor who was LiP in their case, observed:

*“you can’t simplify it too much [...] just expect that different things can happen rather than this is the way it’s going to be”* [P5, survivor]

In discussion, P5 also warned against resources that could potentially lead people into choosing self-representation over legal representation and potentially exacerbate mistrust in legal professionals. Digital tools to support understanding and coping with uncertainties of the FC process also raised questions as to whether digital resources might justify systemic barriers to access to legal aid and affordable legal representation for all. Relatedly, digital poverty was foregrounded as a significant concern, where digital resources were seen as potentially exacerbating current unequal access to legal services as *“impoverished areas often coincide with poor broadband connection and lack of personal hardware”* [P11, social worker].

On the other hand, participants found value in potential digital tools that have a “personal touch” [P10], including anonymous stories and ‘lessons learnt’ from survivors’ journeys in FC, as opportunities to share their “tacit knowledge gained” [P2]. Such informal knowledge-sharing was seen to meet the need for constructive tips concerning evidence needed and diplomatic ways of relating to professionals in FC as to be taken seriously or avoid giving wrong impressions of being “vindictive” [P5, survivor].

Aiding understanding of the FC system’s ‘mind-set’ was seen by all participants as a key capability, yet highly contested legal capability. Whereas understandings that “the system isn’t about [survivors] rights but what it’s in the best interest of the child” [P9, solicitor] was key for professionals; all survivors struggled with the system’s logic that appears to *“decouple the wellbeing and safety of children from that of parents”* [P1, survivor]. This decoupling can mean that evidence of abuse can be minimised and key practice directions (e.g. PD12)), concerning the safeguarding of mother and child can be overlooked. Thus, survivors discussed the need for digital resources to foreground FC as a “political arena where facts can be manipulated in different ways” [P2, survivor] – rather than a “neutral” space, as to better prepare people for it. In contrast, professionals urged a vetting process for digital resources to ensure quality and “unbiased” content with a reluctance for enabling ‘anyone’ to share tips and anonymous stories:

*“when it’s just it’s open to people posting all sorts, it’s also open to perpetrators [...] You’d want the discussion in there to be productive and helpful and encouraging”* [P9, solicitor].

While public online spaces were seen to require significant moderation and oversight—their effective capacity to enable constructive relations was uncertain. Discussions highlighted tensions and limitations for digital tools to support legal capabilities—sometimes failing to address more complex relational aspects, other times seen with potential to create unintended harmful impacts. Discussions also highlighted conflicting views: a desire to share tacit knowledge and content with a ‘personal touch’ versus ‘unbiased’ and carefully selected up-to-date information vis-à-vis policies and judicial procedures changing often and rapidly. Overall, legal capability deficits raised questions on participation in processes designed for court professionals, but that deal with people’s futures and welfare, which we explore next.

<sup>7</sup>Mumsnet [103] is one of the most popular web-forum for parents in the UK.

## 5.2 Participation in proceedings

FC is a very hierarchical, high-pressured environment. There are specific rules as to how parties, agencies, and institutional actors participate and contribute to the FC process, through orders instantiated by judges in court hearings, bureaucratic procedures and paperwork.

**5.2.1 Engaging court professionals out of court.** The work that different services conduct *before* and *during* the FC process outside the courtroom is crucial. Judges' ability to assess risks and harms rely on their skills and judgement, including their ability to enable parents and children disclose sensitive information in appropriate and safe ways. Engaging with FC advisors and social workers in "interviews" is the main way survivors and children participate in the process as interviews form the basis of reports to judges in court. There was variation as to the level of trust survivors bestowed on professionals. A minority felt "lucky" that their social worker did "*amazing work*" to enable children disclose information. Others spoke about struggles to explain complex DA histories over a 20-minute phone call (initial safeguarding checks), and of being penalized for missing a social worker's call and given even less time to talk. Others still described failure to log what survivors regarded critical information. A few described how the flux of different social workers (sometimes 3 or 4), made prior recommendations untraceable or unaccountable, as reports had been lost in the process or officers were no longer available for questioning. In this regard, austerity and working conditions was highlighted as a key impact in dealing appropriately with cases. Court professionals were described as "*people trying their best in a broken system*" [P7, survivor], "*desensitized*" [P2, survivor] or lacking competence on the complex nature of trauma and abusive relationships.

As a solicitor asserted, "*private law proceedings are low value for firms*" [P10, solicitor], which means that often paralegal or junior solicitors with no training on DA are assigned to cases. A high backlog of cases can also mean that social workers may have limited time available and be prone to make mistakes, despite wanting to do a good job in a system "*under duress*" [P11, social worker] and district judges with no expertise in FC, may be allocated to cases.

**5.2.2 Court hearings.** Attending court hearings can be intimidating for survivors who are often expected to confront perpetrators. FC was described as:

*"brutal as it's you against the other [...] [CAP] is a very imbalance discussion for [survivors] because [...] it's a way for [perpetrators] to exercise and control through the children."* [P9, solicitor]

P9's understanding of the challenges survivors face in FC stems from many years of experience. Yet, survivors struggled to find professionals with similar understanding of how "*perpetrators use [FC] as a way to continue abuse*" [P8, survivor], and how that shapes participation. Survivors can be accused of child abduction, alienation, and of having mental health issues—thus not fit for parenting (the case for 6 of our survivors). This can mean that they must both find evidence of abuse and to counteract allegations.

Survivors' experiences of hearings were described as dehumanising, triggering, and "*worse than abusive relationships*" [P6, survivor] due to feelings of "*being silenced*" [P2, survivor]; being

"*controlled by the system*" and "not being believed" by professionals with lawyers "instilling doubts" in 'fact-findings' (i.e. cross-examinations to 'find' evidence of DA) which mirrored abusive relations. Many recalled how existing measures (e.g. use of witness box and of separate entrances) were insufficiently implemented or not at all. Accounts of virtual court hearings were mixed. Some highlighted being able to speak comfortably for the first-time; others instead described online hearings impacting on perceptions of their home as "safe havens", thereby opting for joining online hearings in little lived-in areas (e.g. hallways or corridors) to minimise impact. Others still spoke of perceptions of being "a little square on a screen" in front of a judge, whose abilities to "read" people through a screen were questioned. Discussions therefore revealed significant challenges for survivors' participation in FC, whose needs and vulnerabilities can be overlooked.

Participation in hearings is mediated not only by social workers' reports but also by solicitors who select and present what may be regarded as key evidence vis-à-vis legislation. This did not always coincide with what survivors wanted a judge to know. In this regard, many felt LiPs may have better opportunities to convey the impact of DA on them and their children: "*as a LiP you can use your voice, with the solicitor you have a surrogate who doesn't care as much*" [P1, survivor]

Being placed between a "rock and hard place" was a phrase many used to describe instances when they were encouraged by their solicitor (at early or later stages) to allow child contact with perpetrators as to be seen "favorably" by the judge and avoid risking accusations of hostility, child abduction, or alienation. The latter can mean that focus can turn solely onto the survivor, as the 'problematic' individual. Some spoke of being advised to veer away from mentioning 'too much' DA and avoid fact-finding.

*"there was so much that was just brushed under the carpet, anything that was a bit difficult or a bit controversial or that moved away from 'let's find a solution' was just not acknowledged"* [P8, survivor]

P8 points to the challenges the current system has to engage with complexities characterising DA, leaving survivors with a profound sense of injustice. Also, the social worker reflected on the dynamics in FC process as pressures to find a resolution increases.

*"at some point in the proceedings you almost loose the threads. . . the solicitors take over, and then it becomes a negotiation between solicitors to present this kind of neatly packaged arrangement in front of the judge. So, the judge who's highly skilled, but also pressurized, gets this sanitized version. And then some of the important details, like the voice of the child gets lost"* [P11, social worker].

Despite best intentions, long and protracted proceedings can mean that even professionals struggle to cope with complexities at play in DA cases.

**5.2.3 Digital tools to improve participation in court.** Our prompts elicited discussion on the potential for digital tools to improve conditions for participation in court hearings, such as tools ensuring that professionals recognise survivors' needs in hearings. Survivors

perceived such tools as potentially reassuring enabling partnerships between solicitors and survivors, where survivors could be “humanized rather than being another number rushed through this system” [P2, survivor]. However, whether it seemed such digital tools could potentially meet (some) immediate needs (such as implementing special measures) – discussions highlighted the need for collaborative relations, but also deeper systemic issues in FC.

*“What does recognition from a professional look like? How do they want to be validated and cared for in a space where we don’t yet know whether they’re telling the truth or not”* [P9, solicitor].

P9 hinted at how court professionals must avoid minimising traumas of both survivors or ‘alleged’ perpetrators who may be unfairly accused. From survivors’ perspectives being silenced and not being believed is a highly triggering interpersonal and societal issue.

Participants also recognised the current lack of appropriate means to enable children’s voices in proceedings, and the importance of bringing their lived experiences in proceedings. However, all recognised the challenges to accommodate this within the current system: *“I wouldn’t want children to go through this process it’s traumatising enough for adults. . .”* [P10, solicitor]

The solicitor’s remark raised questions as to why processes centering children’s welfare and dealing with interpersonal relationships key to their care, growth and wellbeing, may be designed to produce this level of trauma to already traumatized people. Professionals asserted the need to shield children from the FC process, yet recognised the need to find better ways to *“ensure there’s a flow of information from the court to an older child about what’s happening”* [P9, solicitor]. Beyond informational flow, discussions hinted at other possibilities: that truly centering children in the process may force open a more radical re-thinking of the existing system as more dialogical and collaborative.

Discussions on digital tools to enable collaboration between survivors and court professionals, including social workers as well as between court professional and services connected to DA and FC, highlighted ambivalence. Tools that may enable recordings of meetings and shared access to documents and evidence held by services, reports written by social workers, etc. were met with enthusiasm as potentially helping survivors avoid repeating their story to different professionals and keeping an accurate record of their FC journey. Professionals saw value in such tools for their potential to change the current siloed working culture encouraging *“a multi-agency approach”* [P10, solicitor]

While all participants recognised the need for infrastructure for data sharing, concerns were raised around the feasibility of such systems where security, safety, and confidentiality of information is paramount. The complex reality of data sharing involving several services and actors, including court professionals, police, local authorities, health workers, etc. also produced anxiety associated with leaks of personal data, errors, and misuse where there should be *“caution on the information falling into the wrong hands.”* [P6, survivor]

Concerns appeared to be focused on technologies’ potential to replicate existing human errors, rather than creating new opportunities for misuse. Yet, participants wondered how such tools may

also reshape relations, working practices, and restrict the use of discretion prompting professionals to rigidly stick *“to procedures because they know it’s being recorded”* [P10, solicitor].

### 5.3 Outcomes and accountabilities

**5.3.1 Court resolutions and impacts of court process.** FC outcomes were described by both survivors and professionals as the *“luck of a draw”* depending on who your social worker, solicitors, or judge might be. Survivors’ spoke about the often-contradictory nature of recommendations guiding decision-making. For example, one way FC works towards positive outcomes is through perpetrators’ successful attendance of DA Perpetrator Programmes (DAPP) to prevent future abuse. In our group only one survivor’s ex-partner successfully attended the programme. Indeed, not everyone can attend such programmes as the abusive parent must demonstrate a willingness to change. Contradictory outcomes occurred even in cases when the perpetrator *“didn’t want to do [DAPP] and he got more [child] contact that he had before”* [P6, survivor].

In some cases, survivors were left dealing with what they regarded as paradoxical decisions. Further questions were also raised as to the ‘fairness’ of the laws themselves and their implementation.

*“I was told by a judge that I shouldn’t have left the house with my kids and gone into temporary accommodation. Because I did that, I lost lots of my rights [. . .] I was told that I should have stayed, and should have called the police”* [P5, survivor]

P5 explained they had called the police multiple times. Due to classifications of incidents as *“domestic disturbances”* nothing was done, and she was left with no other choice but leave the house. Professionals shared similar stories as to the impact of understanding of DA in laws and judicial decision-making. While they felt that the DA Act 2021 [98] helped in getting coercive control recognised, sometimes *“there isn’t enough to stop [children’s] contact”* [P9, solicitor] with perpetrators. This is because abusive behaviour in FC is placed on a spectrum depending on the seriousness of future risks posed to the lives of children.

Yet, survivors shared instances where they felt judges displayed poor understanding of the multifaceted nature of DA and minimised, or normalised DA (recent or historical) as *“typical family relations”* [P2, survivor].

*“Please can judges be educated on the impact that domestic abuse and child abuse have on children. They might hold the power in that room, but it does not mean they are correct. It’s terrifying that someone who knows nothing about child development has made a decision that will forever impact my child’s future”* [P6, survivor]

P6’s plea resonated with all survivors. While the law provides parameters for judgements, this allows for significant variations. Despite a clear definition of DA and how it affects people the DA ACT 2021 [98], changing ‘mind-sets’ and institutional practices takes time. A solicitor admitted: *“sometimes you see the name of a judge and your heart will sink”* [P10, solicitor]. Despite the importance of effective training on DA for judges in the DA Bill, this was not integrated in the final DA Act 2021 and today it is not disclosed how judges are trained on DA.

Survivors discussed the financial and health implications of the court process: ongoing debt issues; needing long-term psychological support; experiencing protracted stress and being “*terrified to make the wrong decisions*” [P6]. Others reflected on the long-term repercussions of refusing psychological support during the process in fear this could be used against them in court; and the challenges of supporting their children making sense of, and living with, court decisions and outcomes.

*“I have a [age of child] who is questioning the meanings of life [. . .] Society has taught [child] you can live your life how you want after doing these things meanwhile the victims pay the consequences”* [P5, survivor].

In our group, a few survivors filed complaints in relation to the poor quality of reports that guided decision-making and outcomes. Others instead took an explicit decision not to due to lack of energy and resilience, or for fear of repercussion this may have in the future – anticipating that they may need social services again. Most stressed how the court outcome didn’t necessarily stop the abuse or the fear of future abuse. Some recounted the abusive parent failing to follow court orders (e.g. seeing/taking care of the children, contributing to maintenance, etc.), or receiving threats to be taken back to court (in one case 43 times). While mobile applications are actively encouraged by court professionals to mediate communication and foster accountability between parents after court—these or similar potential applications were seen as inadequate and unhelpful.

**5.3.2 Digital responses to improve FC system.** Discussions across engagements revealed the interconnected and distributed nature of accountabilities for outcomes in FC. Survivors believed all professionals connected to FC (GP, Police, Social worker, safeguarding lead, etc.) should be held accountable for their work. Education was considered an effective route to respond to systemic issues survivors experienced and thus improve outcomes for survivors. Digital interventions such as survivors-led educational tools were perceived to enable education on DA at scale and create opportunities for dialogue where professionals could be “*put in survivors, family members and children’s shoes*” [P1, survivor] to better understand a survivors’ experience of legal journeys, consider more deeply the implications of their work and help exercise professionals’ moral imagination:

*“statistics and stories about what happens when the decisions they make are wrong and right, so they see the magnitude of [impact] decision each professional makes in a case, can have for the children, and adults in their future lives”* [P6, survivor]

Such qualitative and quantitative data and accounts were perceived as potentially helping to foreground institutional actors’ *‘duties of care’* towards survivors and children, enable appreciation of the importance of their work in shaping lives, and help close the relational gaps between professionals and survivors. Participants considered how technology could be used to tailor educational resources for different institutional actors (e.g. police officers, social workers, solicitors, judges) as to make them relevant to their professions. While practitioners found value in such tools, especially for police

and “*law firms to put into their training*” [P9, solicitor], there was scepticism as to their adoption and use.

*“what would happen [. . .] is that law firms will say, well, we’re not doing it.”* [P10, solicitor]

Thus, even if such digital resources could help address shortcoming in current systems and foster more relational approaches to FC, without appropriate policies many of these interventions could be simply ignored. For our survivors, the efficacy of these efforts rested upon actors’ willingness to seek change in institutional practices where DA is understood as a systemic, public, and interpersonal issue – rather than a private matter that can be ‘solved’ in 21 weeks (the length FC processes).

Discussions raised the need for more holistic, collaborative approaches in FC. Public health approaches (such as those found in community drugs and alcohol recovery programmes) that attend to families’ diverse dynamics, holistic needs and health, primarily outside the courtroom, were seen with potential to achieve more effective, child-focused responses. Yet, such approaches were also met with resistance given current constraints.

*“there isn’t the resources to devote to helping families resolve problems in the longer term”* [P9, solicitor]

Such resource stretched environment focused on short-term solutions shape how technological interventions might be conceived and designed—for example where merely filling gaps in current lack of access and provision of legal representation is emphasised, at the expense of exploring how digital systems may enable more constructive relations and collaborative cultures to improve outcomes in the long term for survivors. For our participants any reform should unfold from better access to data, and a more transparent evaluation and communication around the process of change as to restore trust in institutions and the FC process. Yet, professionals raised limitations of current data practices in FC, where datasets were seen as lacking granularity, include blind spots and biases.

*“sometimes the available data only tells you part of the story but also [. . .] it’s quite tricky to know how they’ve categorized certain things”* [P10, solicitor]

Lack of open standards in data and its categorization around DA factors can be misleading or useless. While processes that would foster more participation in reforming FC was welcomed, digitally mediated large-scale engagements were not necessarily seen as appropriate to enable appropriate dialogical spaces where survivors can voice concerns and to delve into the necessary practical experimentation that reform requires.

## 6 Discussion

Our exploratory research uncovered challenges survivors face in FJS in English and Welsh legal jurisdictions and the ambivalent nature of existing and potential novel digital tools to support capabilities and participation in legal processes working towards outcomes that can improve survivors’ lives. Potential digital responses designed to solely meet the immediate survivors’ needs, would fall short in addressing important relational aspects characterising these processes. We discuss our findings and provide design considerations for future research that responds to expanded understandings of agency and autonomy as proposed by [69], as

relational [62]. Such relational considerations need to account for the intimacy of family and the wellbeing of children alongside socio-legal institutional actors and the laws that structure these relations. Without a relational orientation to autonomy, we may risk reducing the interdependencies that are essential for survivors' access to justice. Next, we highlight the necessity of designing for relational autonomy, designing digital infrastructures that support survivors' and children's voices for multi-agency cooperation, and designing for cultural transformation in FC that intervenes in education and training for FC professionals. We conclude the discussion with methodological considerations and future work.

### 6.1 Towards relational design: designing for relational autonomy in legal contexts

The need for Human-Centred approaches for the design of tools to aid navigation of, and participation in, legal processes has been argued by agencies (e.g. [72, 91]) and legal design scholarship (e.g. [41, 45]) worldwide. Prior work has highlighted the need to account for the “*entire service journey of a person going through the legal system*” ([41]p.238) when designing ‘digital self-help tools’. Our insights show additional complexities for DA survivors who can enter the FJS abruptly and experience protracted anxiety, confusion, and stress throughout the process (e.g. [14, 44, 52, 80]); DA survivors' journeys through FC demand wider temporal framings (extending before and after FC process) and consideration of survivors and their children's health and wellbeing [76, 90, 91]. Our findings show there is a need for digital resources to help understand legal rights and effects of DA on children, as well as inclusive and consistent signposting as to the range of support and services connected to FC, which could make a big difference. Yet, our designed prompts surfaced tensions in this space. For example the need for resources to help prepare for the *uncertainties of FC processes* was at odds with needs to outline or ‘predict’ possible journeys and outcomes as to avoid unintended harms given the unpredictable and bespoke nature of FC processes. Our insights also highlighted tensions between the need for *up-to-date, appropriate, trustworthy, and consistent information* and opportunities for survivors to offer tips to one another. Discussions surfaced concerns over the ways digital technologies might create new barriers and exclusion of those with limited digital access. Most critically, our exploration shows that focusing solely on *designing tools for ‘self-help’* can be fraught in these contexts as it can fail to address the relational dimensions characterising survivors' experiences, agency, and participation in legal processes as well as those of their children.

In our exploration, survivors' access to justice in FJS appeared mediated by, dependent upon, and interdependent with, networks of power relations, which enabled, controlled, or maintained opportunities and resources to participate (or otherwise) in the legal process and work towards beneficial resolutions [23]. These range of relations were intimate, institutional and legal spanning across networks and ecologies of services survivors interact with before, during, and after FC. These relations were also structured by laws (e.g. legal aid reform, legal definitions of DA), markets (e.g. legal firms' industry), practices (e.g. social workers' interviews), and ‘mind-sets’ (e.g. understanding of DA) shaping processes and outcomes. Survivors struggled with an adversarial system that

can replicate abusive relations and enable perpetrators to use it to further abuse. While DA support workers play an important supportive role, their role is hardly recognised in legal processes and they can lack legal knowledge needed to support survivors. In survivors' accounts, relations with socio-legal actors were mostly transactional, unequal, and sometimes characterized by perceived mistrust, lack of accountability, and care—shaping their abilities to participate in the process as well as they wished. Survivors were further bound by these harmful relations in current legal systems in ways that go beyond the harm caused by perpetrators. They can experience re-traumatisation, significant stress in legal processes with health implications going well beyond the court process, while supporting their children making sense of FC outcomes [14, 52, 76].

Taking a trauma-informed [20] and holistic survivor-centred transformative justice approach [69] is helpful in these contexts as it widens focus on exploring how design and digital technologies can support not only survivors, but also services that enable their agency as they navigate FC processes. However, while supporting autonomy is key to such interventions we argue that a more relational orientation to autonomy [62] is necessary since survivors' decision-making and agencies are tightly bound to relations at intimate (i.e. children as well as perpetrators), institutional and legal levels (i.e. socio-legal actors) [62]. By appreciating how survivors' autonomy and access to justice is interdependent with such relations, we can focus our inquiries on how our design can support, enable, nurture or recover constructive (power) relations at these various levels (i.e. interpersonal e.g. family relations; institutional e.g. services; structural e.g. laws; and cultural level e.g. mindsets [24]). Design scholars (e.g. [63]) have argued for moving away from tool-dependent designs and towards relational design approaches that place people's relationship at the centre of the design process and enable them to shape the direction of welfare services [25]. Adversarial legal systems—like those explored in this study, are a far cry from the restorative and transformative justice approaches that HCI scholars (e.g. [69]) advocate for. Despite significant economic, institutional and cultural challenges at play — our findings show that there is appetite for, and recognition of, the need for alternatives—including multi-agency and cooperative approaches. Foregrounding the complex relationalities characterising these processes, and centring relations in our design endeavours, can open design spaces to both better understand the nature of such relations and explore the role of design in helping recover or transform them as to create conditions for access to justice. Next, we elaborate on this design orientation with respect to enabling digital infrastructures for survivors and children voices.

### 6.2 Designing digital infrastructures: supporting survivors' and children's voices for multi-agency cooperation

Many relational issues in survivors' experiences appeared to stem from systemic issues, institutional practices based on mistrust, and a broader lack of recognition of, and attention to, survivors' needs and traumas. These issues point to the challenges and paradoxical reality of the provision of services that treats all rights holders

alike [16]. The services appeared to lack embedded and consistently adopted trauma-informed approaches. In outlining principles for trauma-informed computing, Chen et al. [20] argue for trust, peer support and cooperation, among others. Yet, these principles require the creation of conditions where constructive and collaborative relations can be nurtured. In FJS there is a need for appropriately designed socio-material infrastructures that can support the creation of these conditions in the first place, through spaces for mutual understanding and improved communications between courts and survivors parents and children that bring their voices into these processes. At present our insights show survivors' perceived ambivalence towards existing digital infrastructures and practices such as online hearings and digitalisation of court paperwork. These did not necessarily improve children's participation or survivors' sense of being 'seen' or heard, simultaneously negatively reshaping their sense of safety in their homes [47, 57].

Trauma-informed [20] design interventions could bring gradual changes to these practices, by generating alternative infrastructuring processes. For example, embedding survivors and children's voices in proceedings to allow safe expression and avoid voices "being lost" in the process, could be achieved by carefully leveraging affordances of asynchronous digital, audio and video capabilities. Emergent research exploring serious games to support experiential learning about legal processes [41, 45, 55] could also be explored. Here the co-creation of 'serious games' could support survivors to learn about court processes and the rights available to them to create more equitable relations. Similarly, for court professionals these would support understanding of trauma-informed approaches and the complexities of abusive relations as to lay the ground for dialogical cooperation within FC hierarchical structures [62].

Despite challenges, our participants recognised the importance of court professionals and social workers' expertise and work. In our explorations, we used "*collaborative family court*" and "*child-centred family court*" as a provocation to consider what FC could be if it were *designed* with children in mind. At present, research shows that in many cases children's voices go entirely unheard in private law proceedings in England and Wales [104], calling for legal reform [6]. Legal scholars have begun to explore children's legal capabilities [85] and judicial efforts in finding appropriate modalities to communicate judgements to young people [46]. Such scholarship and our insights show there is appetite for communication infrastructures to enable children more meaningful engagement in FC. Any design explorations in this direction would require co-design with survivors and organizations connected to FC [45, 69] to be age-appropriate and responsive to contextual needs. Yet, co-design endeavours would also need to acknowledge perceived concerns of existing digital infrastructures. For example, our designed prompts helped surface tensions in data sharing between survivors and actors working on their case, which from one hand was seen to foster multi-agency collaborations (in line with prior work [82]) and on the other was seen as potentially exacerbating mistrust, raising privacy issues, or reshaping practices in potentially undesirable directions (e.g. [2, 36]).

In response to such concerns and aspirations, the design of digital communication infrastructures to improve *trusted, safe and secure* data sharing between beneficiaries and service providers and increase voice, agency and cooperation [21, 71] in FJS and FC

could build on emergent scholarship on security infrastructures [12, 20, 84] seeking to provide '*care continuity*' [42, 84] and foregrounding the health of families impacted by DA as a public health issue [62]. The literature referenced here provides starting points to guide interventions for the co-design of communication infrastructures in FC contexts to ensure *cooperative* approaches [76, 90]. Yet, data sharing in FC contexts presents significant complexities as data is never just about survivors. More work is needed to further unpack challenges, critically examine the foundations of relations in legal systems carefully [49], and foster moral imaginations of appropriate governance, unintended consequences and harms that may stem from such innovations [50].

### 6.3 Designing for cultural transformation: intervening in education and training for FC professionals

Future co-design of digital infrastructures further need to consider the wider culture of legal systems, for example cultural barriers, limited digital access or how such interventions may lead to further isolation, loss of human support and empathy that is so important in these contexts [70, 75]. While the need for more integrated approaches was deemed necessary (in line with UK government's reports (e.g. [76]), some professionals struggled to see how '*care*' can be part of FC and safe keeping. This is evident more widely in existing harmful practices. For example, it is globally understood that misuse of FC and attempts to discredit survivors by perpetrators and a disregard of histories of DA by FC professionals in proceedings concerning child custody results in secondary trauma.

Our findings highlight that although there is now a new law in place in England and Wales—the DA ACT (2021), it is difficult for this to be appropriately implemented in FC due to existing cultural practices. Indeed, whereas the laws that structure our relations can take a long time to shape, it can take much longer for cultures – i.e. interpersonal relations, institutional practices and 'mindsets', to change accordingly. Across discussions in interviews and focus groups, participants invoked the power of education, training, and stories as key vehicles to initiate cultural changes needed in FC. It is telling that survivors regarded education as demanding a willingness and an understanding that change is necessary.

Prior HCI work asserted the value of training to foster broader societal transformations [69], and explored interactive stories to support reflection and accountability within perpetrators' behavior change programme [8]. A similar approach could be explored for court practitioners and judges in the context of FC as to foster the cultural changes and the distribution of responsibilities in practice. Yet, as we learn from our findings, any efforts in this direction would need to be connected to, and co-designed with, institutional efforts and actors in DA ecosystems and be accompanied by appropriate policy incentives for law firms and judges to participate, alongside wider higher educational and legal training reform. For example, the current impetus for change in England and Wales has seen the DA commissioner establishing a new role of DA Best Practice Lead in every FC area, tasked with advancing cultural change by ensuring – among other things - a trauma-informed FJS and wider understanding of DA among professionals [90]. We invite design

researchers to seek equivalent movements for change in their localities including within their own institutions where Law Schools continue to educate, train and support the next generation of legal professionals and develop impactful design research collaborations working towards culture change in FC legal contexts.

Our study explored minimally the role of data in endeavors seeking to change institutional practices within FJS. Yet our findings substantiate existing research highlighting incomplete and patchy data collection and insufficiently detailed reporting to usefully inform policy, and lack of information around outcomes in these contexts [31, 54, 56]. As mentioned, journalistic reporting on the conduct of FC proceeding is a very recent phenomena in the context of this study, and FC are not open to the public scrutiny. Yet these restrictions are not in place in other countries (such as the U.S.). In HCI there is research developing compelling work in this area on data activism and counter data collection approaches [18][52] that focus on “designing infrastructures to support collective action and generate data about those in power” ([83]p.3268). Thus, we see opportunities for HCI to contribute to policy or cultural change through also data collection and tools that can support ongoing advocacy efforts to shape policy and reform [44].

#### 6.4 Methodological considerations & future work

In this research, we encountered methodological challenges: from struggles to engage the judiciary, to concerns about over-burdening survivors and professionals vis-à-vis their challenging lives. This poses questions as to how best ethically engage with institutional actors and survivors in co-designing digital responses that can advance survivors access to justice. The online focus groups helped engage with survivors, and emergent research with marginalized communities shows promising directions for online spaces to be used for co-design (e.g. [37]). Yet, there are questions as to the scalability of such efforts and the importance of connecting these to legal contexts and judicial processes as to support long-term efforts towards change and reform. These further need to be considered in relation to the challenges of involving institutions and while avoiding further burdening survivors and professionals already experiencing high workloads. A key question to consider is whether participation in this kind of research and co-design process can deliver benefits (or harms) at a person level beyond the research [31] and beyond potential outcomes of any digital innovation. In our work, we have privileged situated ‘deep’ accounts of legal journeys, relying on participants’ personal motivations to take part in the research. When reading an earlier version of this paper, our participants told us that taking part “brought a sense of closure, peace and pride in being able to have [their] voice heard” [P4] and “hope that [their] experiences could contribute to positive changes and helping others in the future” [P5]. Hearing what some participants gained from the process further motivated our efforts. Yet, as we acknowledged, our approach presents limitations, as it did not include a more diverse group of survivors, and other actors involved in FC, including perpetrators. Nevertheless, the paper provides some foundational exploratory work for future research to build on. Future work could explore how experiences and relations in legal journeys might differ for ethnic minorities

populations as they are known to face harder circumstances in court regardless of jurisdiction or culture [72]. Future work could also explore LGBTQ+ survivors, and children-survivors in western and non-western cultural settings as to build a more comprehensive understanding of relational challenges and guide the design of socio-material infrastructures that can advance access to justice for survivors in diverse legal jurisdictions and cultural settings.

## 7 Conclusion

This paper presented insights from an exploratory study that aimed to advance understanding of DA survivors’ experiences of legal journeys through Family Court in English and Welsh legal jurisdictions, and open spaces to explore and problematise technologies’ role in these contexts. Our insights showed survivors face significant systemic barriers challenging meaningful participation in FC legal process and positive outcomes. The use of prompts helped surface perceptions, opportunities and tensions associated with potential digital innovations to advance access to justice for survivors through foregrounding relational autonomy. Future research should expand understanding of survivors’ experiences of FC in diverse legal jurisdictions, through carefully examining the conditions required for digital interventions and how such interventions can contribute to positive outcomes for survivors and their children, and advance constructive relations in these contexts. Further work is also needed to develop understanding on the cultural factors shaping access to justice in FJS. Comparative studies across diverse cultural and legal settings could also provide valuable insights to inform safe and equitable technological interventions aiming to ethically support DA survivors and their children in these journeys.

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## APPENDIX

Sample prompts and scenarios used in focus groups and interviews