

IN THE CENTRAL FAMILY COURT

AB v CD (Child Arrangements Orders: Children over 16)

Neutral Citation Number: [2025] EWFC 12 (B).

First Avenue House

42-49 High Holborn

London

Before HER HONOUR JUDGE ROBERTSON

IN THE MATTER OF

AB (applicant)

-v-

CD (Respondent)

The Applicant appeared in person

Zubair Mughal of Counsel appeared on behalf of the Respondent

JUDGMENT

Date: 14 January 2025

WARNING: This judgment was delivered in private. The judge has given leave for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media, must ensure that this condition is strictly complied with. Failure to do so will be a contempt of court.

Parties and applications

1. The children at the centre of these proceedings are C1, a girl now 16, C2, a boy now 13 and C3, a girl now 7.
2. The applicant father is AB. He is a litigant in person.
3. The respondent mother is CD. She has been represented at this hearing by Zubair Mughal of counsel.
4. The main application before me is the father's application for contact dated 22 March 2023. I am also asked to reconsider the terms of an existing Occupation Order and Prohibited Steps order, and I am asked to consider whether a s91(14) order is necessary.

Background and progress of this case

5. There is a history of allegations of abuse against the father. In 2023 after a Crown Court trial he was found guilty of coercive controlling behaviour against the mother which had a serious effect on her, namely that it caused her serious alarm or distress which had a substantial adverse effect on her usual day to day activities. Her day to day activities included looking after the children.
6. The father was acquitted of charges of physical assault. Equivalent allegations were, however, tried in the family court in a fact-finding hearing before me in June 2024.

On 14 June 2024 I gave a full written judgment in which I made the following findings:

1. On 29 November 2018 the father became enraged, he shouted at the mother and threw a cup of hot tea over her and C1 when she was in bed breast-feeding C3. When the mother threatened to call the police he snatched her phone and smashed it, and pulled her out of the bed by one leg onto the floor where he brutally assaulted and battered her in the presence of the children, causing bruising to her legs and back and a cut to her thumb which bled. C2 came back into the room and so all three children witnessed the assault and would have been terrified and traumatised. This was an incident of physical assault against the mother and C1 and of emotional abuse against all three children and their mother. It caused them all emotional harm.

2. On 23 September 2022 the father physically assaulted C2 by dragging him out of bed by the arm, hitting his face and back with an open palm and a closed fist, wrestling with him and pushing down on him till his back cracked and caused a sharp pain, causing C2 to become hysterical saying “I can’t breathe, I can’t breathe”. The incident began with the father shouting at C2 in tones which were so harsh as to be emotionally abusive and frightening.

3. The father has physically abused both C1 and C2 by hitting them, slapping them and kicking them and he did so with sufficient force to cause pain but not injury. I find that he did this often. He also on occasion hit C3 but not so hard and not so often. I find that he did so as part of a lifestyle in which he was often immoderately angry with the children and in which he would shout at them, abuse them, belittle them and tell them off. He would do this when they were distressed and thereby cause emotional harm by making their distress worse and by failing to provide the attuned emotional response and emotional security which every distressed child needs. This has been very damaging to the children, in particular C2. By his behaviour he caused them to live in an atmosphere of fear, worrying that any little thing might bring down his anger upon them.

7. Following the fact-finding hearing I directed Westminster City Council to undertake a section 7 report to incorporate a risk assessment of the father in relation to contact, the wishes and feelings of the children and to make recommendations as to any work which the father or others needed to do before contact could commence.
8. Direct contact with the children had been stopped some two years ago. The father has sent letters and cards monthly to C3 (who said she didn't mind receiving the gifts), and on occasion he has sent a gift to C2. However C1 has said she does not want indirect contact, and more recently C2 has said the same and the father has not been permitted to send cards and gifts to the older two children.
9. The father, as part of his sentence for his conviction of coercive control was required to attend the Building Better Relationships ("BBR") course. That is a 30 week course, and it is a perpetrator's course. I have seen the feedback from the course facilitators saying that the father engaged well, had taken responsibility for his actions and now had a more profound sense of empathy towards his ex-partner.
10. Despite this, the section 7 report which was completed by Sarah Mozley on 28 November 2024 recommended no direct contact for the father with any of the children, no indirect contact with C1 and C2, and recommended that the indirect contact with C3 be reduced to special occasions only (twice a year for Eid and once for C3's birthday). Ms Mozley was not able to say that she had seen the same progress as that described by the BBR facilitators.

Positions of the parties

11. The father's position is that he has gained insight, he has apologised for what he did wrong, that the children all have an emotional connection to him and that their wishes and feelings as recorded in the s7 report make no sense. He asks for direct contact with C3 once a fortnight, which C2 can join as and when he is ready. He asks for that contact to lead in good time to weekly contact and then unsupervised, and asks for his parents to be allowed to see the children.

12. The mother supports the recommendations of the section 7 report, whilst saying that she is not against contact with the father as and when the children are ready for it.

This hearing

13. I have conducted a 2-day final welfare hearing in this case. Sarah Mozley attended on the first day to give oral evidence and she was cross-examined by the father for over two hours. The father then gave evidence, limited to the issue of his acceptance of the findings and his insight into the concerns they raise. I had previously determined that all other matters (including the mother's case) could be dealt with on submissions. That earlier case management decision has not been challenged. Accordingly I then heard oral submissions from both parties. In addition I had the benefit of a bundle, which I have read, and of the following additional documents from the father which I have also read:

- a. Response statement on the matters set out in the recitals to the 7 January 2025 order
- b. Notes for the attended hearing on 13-14 January 2025
- c. Photocopies of cards, notes and photographs
- d. Oral submission notes for final hearing

14. I also received a Note on the Law from Mr Mughal which raises nothing controversial.

15. Screens in court and separate waiting rooms were provided for the mother throughout this hearing, and I am handing down this written judgment at the end of Day 2.

Welfare checklist

16. I start with the proposition that in relation to the welfare decisions I must make, the children's welfare is my paramount consideration and in coming to a view about what is in the child's welfare interests I must consider all the elements of the welfare checklist from s1(3) of the Children Act 1989. It is to that checklist that I now turn.

The ascertainable wishes and feelings of the children concerned (considered in the light of their age and understanding)

17. This is an issue of some controversy. The most recent statement of the children's wishes and feelings is found in Ms Mozley's s7 report.
- a. C1 is described as bright, intelligent, outgoing and confident. She is 16. She stated clearly she did not want any contact with her father, either direct or indirect, and she never wants to see her father again. She became visibly upset during those conversations. The only circumstances in which she would be willing to see him again would be if C3 is forced to have supervised contact with him. If that happened she would want to be present to protect C3 from their father.
 - b. As for C2, in October 2024 he confidently stated that he did not want any direct contact with his father, but he did not know whether he wanted gifts and cards. Four weeks later he was asked again and he had decided he did not want to receive gifts and cards because when he thinks about his dad, he doesn't feel good and tries not to think about him.
 - c. C3 initially volunteered information about a trip with her father when she went fishing. (The father denies that any such trip took place but nothing turns on that.) She said she did not miss her dad and did not want to see him. She is said to have said this very clearly and concisely. She elaborated that she never wants to see her dad because she is scared of him, he's mean and he brings up bad memories. She said she likes receiving presents from her dad but does not like to read the cards. She said she would like to keep receiving the gifts, but not the cards. She was "one thousand percent sure" and "one million percent sure" she did not want to have contact with her dad.
18. The father doubts that these are the genuine wishes and feelings of the children. He thinks C1, because of her age, is very aware of her mother's negative feelings towards her father, and that that has influenced her answers about contact. He suggests that she feels stuck in the middle between the mother and the father and does not want to pick sides. He relies on photographs he has produced which appear to show C1 (and indeed both the other children too) happy and at ease in their father's company. The father says something is needed to explain how she got from there to "I never want to see him again", and suggests the explanation is that she does not want to pick a side.

19. Ms Mozley was dismissive of this hypothesis. The children are on a Child in Need plan and Ms Mozley has been their social worker since May 2024, undertaking statutory visits at least once every 28 days. She has talked to C1 nine or 10 times. She does not think that is how C1 sees the situation. She thinks C1 sees herself and her siblings as having received significant abuse. She commented, both in oral evidence and in her written report, that the father sets great store by the photographs: but the photographs only go to show that it is complicated for these children. There may well have been good times. But they had also received trauma. She said the children had been on a really challenging journey processing the trauma and the emotional relationship which they do share with the father. She was impressed at how well they could articulate their feelings in those circumstances.
20. The father further suggested that C1's willingness to attend supervised contact with C3 must show that her true wish was to see her father. The father's point here is that C1 was aware that there would be another adult present at the contact and so, in the father's words, it would be safe. There was therefore no need for C1 to attend. The only possible reason for her saying she would attend was because she truly wanted to see him, and this provided her with convenient cover.
21. Ms Mozley's response was "No. Definitely not that". She said that C1's position reflected how much threat she thought there was. She further disputed the father's assertion that supervised contact would be safe. She said he had a history of pushing boundaries and of coercive control and there was a real risk of emotional harm to C3 in supervised contact.
22. It seems to me that the father may have had more of a case if it were not for his criminal conviction and the findings of this court. This is not a case where I need to probe deeply to find the possible reason for a child's reluctance to see their father. I agree with Ms Mozley that the photographs, which the father sets so much store by to show the emotional connection of his children to him, are not helpful. They tell me nothing about how the father behaved to the children the day before or the day after they were taken. It is not in dispute that there were good days, nor is it in dispute that the children had an emotional connection to their father. That is what makes it all the harder for them to deal with his abuse. The fact is that the father has physically

abused C1 by hitting, slapping and kicking, causing pain, and doing so often as part of a lifestyle in which he was often immoderately angry with her and in which he would shout at her, abuse her, belittle her and tell her off. He caused her distress and emotional harm which was very damaging to her and caused her to live in an atmosphere of fear, worrying that any little thing might bring down his anger upon her. Those, it seems to me, are cogent reasons for C1 to say what she has said and cogent reasons to believe that her expressed views are her real views.

23. Nor is there any evidence that she feels caught in the middle, nor that she has a secret desire to see her father and is using possible supervised contact with C3 as a convenient excuse. The interview with Ms Mozley as set out in the s7 report simply does not read that way. Her proposal to attend to protect C3 comes in the midst of her expressing concern for C3 because of her vulnerability due to her young age, and saying she was worried her father would treat C3 the same way he treated herself and C2 when they were young. She is recorded as seeming very upset at the thought of C3 having supervised contact, to the point that Ms Mozley thought that supervised contact between C3 and the father would be emotionally distressing and harmful to C1.
24. I found Ms Mozley to be a most impressive witness. Her report is excellent: thorough, balanced, evidence-based, thoughtful and analytical. Her oral evidence had the same hallmarks. She knows the children well. I place considerable weight on her views.
25. I find it overwhelmingly likely that C1's expressed wishes and feelings reflect her true wishes and feelings. They fit with her life experiences. They are consistent with the views she expressed in earlier s7 reports. They fit with her demeanour and distress when discussing C3's contact. There is no reason to doubt them. I therefore accept them as her true wishes.
26. What I find revealing, though, is the father's approach to this issue. At no point has he considered that they might be her true feelings, or said that if they were he could understand it due to his past actions. The father says he has gained empathy and insight following his BBR and other courses. This line of questioning on his part makes me doubt it. In particular his suggestion that C1 was using C3's supervised

contact as a convenient excuse to see him was something I found so wide of the mark as to be frankly delusional, given the history of the case.

27. Turning then to C2, the father says that his expressed wishes and feelings are not genuine either. Much of the father's argument is based on the idea that C2 said one thing when interviewed in front of his mother, and another when he was in a neutral environment. This argument of the father's is fatally flawed at the outset. Ms Mozley was quite clear that the mother was never present during the interviews. Some took place in the home, with the mother in another room with the door shut. One took place at the school. I accept that the home is not a neutral environment, but with the mother in another room, and with this being a mother who has facilitated and upheld indirect contact and being a mother whom both older children say they would be happy to talk to if they wanted to see their father, it seems to me that any influence is minimal.
28. Furthermore, the change in stance which the father relies on is unconvincing. The father says that at home, C2 says he does not know whether he wants gifts and cards. Ms Mozley asks him to think about it. Four weeks later, when interviewed at school, he says he does not want gifts and cards. Ms Mozley said, and I agree, that C2 had had time to think about it, had come to a decision and was able to give cogent reasons for his decision. C2 has been diagnosed with PTSD and his CAMHS clinical psychologist has identified that the primary symptoms stem from the abuse he experienced from the father. His symptoms include nightmares and flashbacks about his father. Ms Mozley's view is that in coming to the decision that he did not want indirect contact, C2 was demonstrating further insight into his mental health, and what is or is not helpful to his recovery, and appears to have recognised that being reminded of his dad by gifts and cards is not beneficial to his wellbeing. Looking at this evidence in the round, I can see nothing inconsistent or surprising in C2's wishes and feelings as expressed in the various interviews with Ms Mozley.
29. The other question is whether his views have changed since he was interviewed earlier by the previous s7 reporter, Greta Vanasche in 2023. When she asked him in September 2023 how he felt about his dad he replied "I don't know" and appeared uncomfortable speaking about it based on his body language and facial expression.

When seen at school two months later C2 said he did not want to see his dad. The father asks this question: what has happened between C2 not knowing how he felt and coming to the more negative view that he did not want to see him? The father himself did not see C2 in the intervening period. The father is concerned that something is influencing C2 (and indeed the same point applies to C3, who in at an earlier time spoke fondly about being in bed with her father and finding his snoring funny, and cuddling a toy unicorn that he had given her, but at a later date said he hit her thousands of times and that she was scared of him). It seems to me that there is a genuine point to be answered here: why have the children become more negative about their father over time?

30. The father suggests that it is because of the influence over time (perhaps unintentional) of the mother, and because they are being interviewed with her nearby. I have looked in the evidence to see if there are concerns about the mother's influence over the children. There are none. Indeed the evidence lies the other way. The mother is found to be co-operative and supportive of contact. When the social worker has asked for suggestions for gifts for C3 she has responded straight away with good ideas. She has always given the gifts to C3, and has reported that C3 has enjoyed them. C3 herself clearly does get the gifts, does enjoy them and feels no embarrassment or divided loyalty in saying she likes them. There are none of the hallmarks present of a parent who is either deliberately or subconsciously influencing a child against the other parent. There is, therefore simply no evidence to back up the father's suggestion.
31. Conversely, there are good reasons to suppose that the evolution over time of the children's wishes and feelings is natural and genuine. It is well known that it takes time for people who have been the victims of abuse to disclose the full extent of the abuse. Sometimes it takes 40 years or more. It is also well known that the details often do not come out until the abused person feels safe, and that takes time. In this case, the father was removed from the house and it has taken time for the children to trust that he is not coming back. I have already set out Ms Mozely's evidence about the complex journey they have had to take to understand their own feelings, and her appreciation of how well they have been able to do that. There is in my view nothing suspicious, given the factual background, in the children taking time to work through

their conflicting emotions. They did indeed have an emotional connection with their father. The photographs bear witness to that. They are children: they like getting gifts. They have to balance that against the frightening memories such gifts bring back. They have to know that they are safe and that he is not coming back, and it is hard for them to know that when they are not in charge of decisions and they know court proceedings are ongoing. There is a lot for them to think about. It seems to me there is nothing in the evolution of their views which causes me to think their views are not their own.

32. I therefore accept C2's stated view, that he does not want to see his father or have indirect contact, as genuine.

33. Turning last to C3, many of the same points apply. The father points out that in February 2024 she says she feels "not good" about receiving gifts from him but that reply is given in front of the mother. In March 2024 she says, whilst at school, that she would like more gifts. In April 2024, back at home with the mother in the flat, she was asked about seeing her father and said she did not know. The father sought to suggest that was a different answer from the answer given at school, but in so doing he conflated "receiving gifts" with "seeing dad". They are not the same thing. She might well have wanted more sweets and presents. That does not conflict with her saying later that she did not want to see him. I have already dismissed the idea that any of this was influenced by the mother being nearby.

34. I come to the view that in relation to C3 also there is no reason to think that her expressed wishes and feelings are not her own and I accept them.

Their physical, emotional and educational needs

35. I turn then to the needs of the children. All three of the children have been subjected to severe and traumatising abuse by the father. They need not to be subjected to any further abuse from him. C2, as I have said, has been diagnosed with PTSD primarily attributable to his father's treatment of him. He has been receiving therapy for that and I think that therapy has in fact just finished. His clinical psychologist has said that in order for him to heal from his trauma it is crucial to prevent situations where he

feels unsafe and where his flight or fight response is triggered. Both the mother and C2 have reported incidents where the father has been seen near to the school during drop-off and pick-up times, and this is said significantly to heighten C2's anxiety. The psychologist says this can destabilise C2 for the entire day. She recommends that to support his healing, steps should be taken to limit these encounters as much as possible.

36. The psychologist also noted that court proceedings produce a significant worsening of C2's PTSD symptoms and that he is extremely anxious about the outcome of the court case, and particularly about the possibility of seeing his father again. This evidence suggests that C2 has a need for proceedings to finish, and not to re-start.

The likely effect on them of any change of circumstances

37. The biggest change which is proposed is, initially, for C3 to see her father. The father thinks the effect of that will be positive. He draws my attention to a time in 2018 and 2019 when he was having supervised contact. Over time the children became more and more positive about it and he says the same could be achieved now. He thinks it is the only way to get the relationships back on track and it will have a beneficial effect.
38. Professional opinion does not agree. Ms Mozley is very concerned about the impact on the wider family if supervised contact is introduced. She says that C1 holds a lot of fear about her dad and the harm he is capable of inflicting on C3 even in a supervised environment, and that any such contact would be emotionally distressing and harmful to C1.
39. Ms Mozely also felt such contact could be emotionally harmful to C3. The father asked in cross examination, "what harm can there be in supervised contact?". Ms Mozely said she did not necessarily believe that supervised contact was a safe environment because of the history of coercive control and pushing of boundaries. In her report she set out many examples of the father pushing boundaries: for example, asking what present C1 would like, addressing C3's cards to all three children, pressuring C3 to write back to his cards when that was never part of the order, and

pressuring C3 to be friends with a girl called X (who is the daughter of a friend of the father's) then using X's reports of C3 at school to raise issues with the social worker. Given that history, she said there was a risk of him pushing boundaries within supervised contact by saying inappropriate things to C3, things which might be controlling and coercive. She said it was hard even for a professional supervisor to be aware of every trigger and there was a definite risk of emotional harm.

40. I add to these the risk of harm to C3 of having her wishes and feelings disregarded, and being put by trusted adults into a situation of seeing a man of whom she says she is scared. Taking all this into account, I am not persuaded by the father that the overall effect of reintroducing supervised contact with C3 would be beneficial.

41. The other change that is proposed is a reduction in indirect contact with C3. At present it is monthly. Ms Mozely proposes it reduce to special occasions only, which would be three per year. The father says the impact of that would be negative on C3 – it would make her wonder why her father had stopped and upset and distress her. However Ms Mozley has noted that there are several disadvantages to the current regime. It is making C3 feel entitled to presents, not only from her father but from other adults including her mother. It is also destabilising for the older two children to have these communications from their father coming into the house every month. And there is a risk of jealousy among the siblings in relation to the gifts. C3 is already reported to be angry with C2 when he touches her things.

42. The father has seized on that suggestion of jealousy to ask whether that does not show that there is an emotional connection to him, that the gifts he gives are precious to C3 and are something the others also want. He is worried that the older two do not know he is prohibited from sending them gifts and might think he is showing favouritism to C3. In my view this is a misreading of the situation. C3 knows the gifts are from her father, but if anything she seeks to distance that information by refusing to read the cards and asking not to have any more cards. In other words, what she likes is the things themselves. I have no reason to doubt that C2 would also like things. In his case, he has worked out that they would come at too high a cost to his mental health so he has made it clear he does not want them. But he was obviously tempted until he worked out what was right for his mental wellbeing. In other words the connection

with the father is problematic for these children, and not, as the father suggests, the thing that makes the gifts precious.

43. On balance, it seems to me that the gifts and cards are somewhat fraught with emotion, and that while this family heals, any short term upset on the part of C3 at the frequency of the gifts decreasing will be outweighed by the benefits to the family as a whole. C3 will get used to the new frequency.

Their age, sex, background, and any characteristics which the court considers relevant

44. I have already set out the ages and sexes of the children. The most important aspect of their background is that, although they had some good times with their father who was a daily part of their lives until just over two years ago, they were also abused and traumatised by him to the extent that C2 got PTSD and none of them want to see him again.

Any harm which they have suffered or are at risk of suffering

45. This has been dealt with at the fact-finding.

How capable each of his parents is of meeting their needs

46. The key question is whether the father has developed insight, empathy and accountability. He has done the BBR course, and it is appropriate here to read out what was said of him on 11 November 2024 by his probation officer:

“AB has engaged on the programme consistently well. He participated in group discussions and exercises to a high level and his attendance and punctuality has also been at a good level. He demonstrated motivation to make positive changes. This has mostly been observed by him reflecting on his past behaviour via his personal disclosures during the group sessions. AB made relevant connections to the session themes for instance the learning history by examining his experience of being parented by his father and expressing how he feels he can develop as a father and husband. AB acknowledged that he did not take into consideration his wife and children’s feelings when he became angry. He also demonstrated a more profound sense of empathy towards his ex-partner, and this is despite being devastated by not having any contact with his children and going through the family court process. AB

started the programme with an open and inquisitive attitude. He was observed by facilitators to be a willing participant during exercises and discussions within the group sessions. He demonstrated a good understanding of the “Time Out” strategy as well as elements of the GAM – (General Aggression Model) and the change/accept/let go framework. He reflected on his past behaviour in his previous relationship and took responsibility for his actions. AB stated that he feels the BBR programme has helped him “change my thought process. I think about situations more and I don’t let them escalate.” AB was asked how he manages not to let a situation escalate. He responded by saying he does not react in the same way he did previously by raising his voice or shouting. He went on to say that he thinks about the consequences and the advantages to him as well as the disadvantages.”

47. In addition he has proactively sought out for himself and completed the Strengthening Families, Strengthening Communities parenting course, the Child in Mind Course and 16 further online courses including Adult Social Care, First Aid, Health and Safety and many others. In the s7 report Ms Mozely says she did not see the benefits which the probation officer set out, and said that she wondered whether it was a tick-box exercise for the father. The father was understandably upset at that choice of words. He said, and I accept, that he did the courses because he was motivated to see his children, to be a better father for them, to understand what he had done wrong, and he had therefore engaged and learned and had made the progress set out by the probation officer.

48. In his closing submissions he made a very moving speech about how much he loved his children and how desperate he is to see them. I accept those emotions as genuine, and I accept that that was his motivation for going on the courses. I accept that he engaged, and tried hard, and did learn a certain amount. I accept that “tick box” was not a good choice of words. However, the question is not whether he has completed the course. The question is whether he has understood and accepted the full extent of his actions, and the impact of them on his family members.

49. Within these proceedings he has made the put forward the following comments and propositions:

- a. “I apologise for putting C2 through PTSD but would you (Ms Mozely) look at these pictures showing him not looking scared but looking comfortable”. [I note that the PTSD was dismissed in passing as if a simple apology would deal with it.]
- b. The idea that C1’s proposal to attend any unsupervised contact with C3 was a convenient excuse for C1’s real wish to see her father. [I have already said I found this an astonishing lack of insight.]
- c. The idea that C1 is “stuck in the middle”. [There was no middle. It was an abusive relationship.]
- d. (In relation to C2) “Yes I’ve made mistakes. Yes I was strict at times”. [The father was not strict. He was abusive.]
- e. “I saw I had done things when the mother could have been terrified”. [It was not that she “could have” been terrified. She *was* terrified.]
- f. “I felt the same. There were two of us both arguing”. [The father did not feel the same. There are no findings that the mother abused and terrified the father.]
- g. The suggestion that the reason he is having no contact with the children is “to give us both time to heal – all of us, the children, Mum and me”. [The purpose of having no direct contact is to let the children heal, not the father. He was not abused and does not need to heal.]
- h. His line of questioning that the mother had influenced the children’s wishes and feelings. [There was no recognition at all that his own abusive conduct could be the reason for their wishes and feelings.]

50. I put these together with his comments recorded in the s7 report by Ms Mozely. I remind myself that all these comments have been made after the end of the BBR course. The father’s comments were as follows:

- a. AB denied physically abusing his children or hitting them, stating that if these allegations were true, he would have been found guilty in the Crown Court.
- b. AB admitted to pulling C2 out of bed to get him up for school, saying that this was needed to discipline him. He has referred to this “physical chastisement” of his children, which he has stated is the role of a parent to do.

- c. AB denied physically abusing C3 by hitting her, despite this being a finding in the Family Court. He said he has never hit C3, and that he has only physically picked her up to restrain her when this was required.
- d. AB has said that he did not have proper legal representation during this hearing, and that if he did, the outcome would have been different. AB says the Family Court make decisions on balance of probabilities, which mean there is a 50/50 chance of being found guilty.

51. I accept that it is problematic in our system that the mother has legal aid to fight her case in these proceedings and he does not. That creates a challenge for the court in trying to maintain fairness. This court has bent over backwards to try to ensure fairness, by appointing a QLR, allowing a MacKenzie friend, and giving clear instructions and explanations of what was required (for example setting them out in recitals to orders), allowing the father to make his submissions second, and so on. However it is difficult for a litigant in person and I acknowledge that. I am not sure, however that the outcome would have been different, given the evidence that was before the court.

52. In the s7 report the father is recorded as saying “you guys have stopped me from seeing my children”. That seemed to me to show that the father still seeks to blame others for the current situation rather than taking the responsibility himself for the state of affairs. I wished to give him the chance in oral evidence to show me that he had moved on from that. I asked him why he was not seeing his children. He said it was because of the mistakes he had done, and that it was traumatic for them to see him enraged and shouting at the mother. That, perhaps, shows the beginning of some insight: that the blame for not seeing his children lies with himself and not with “you guys”. But even then he stops short of saying “it is because I traumatised them by abusing them and hitting them and frightening them and shouting at them causing them to live in fear and causing emotional harm from which they have not yet recovered”. It is still a minimisation to say he was “enraged and shouting at the mother”.

53. I am very sorry to say it, but I have to conclude that even after all the work the father has done, there is no doubt in my mind that he has not fully accepted his actions, nor

fully understood the impact of them. It follows that he does not understand why it is the children need space and time away from him and all this seems very unfair to him. But it also follows that because of these deficits he is not able to meet their emotional needs at present, as his very presence scares them.

54. Turning to the mother, she has been found by Ms Mosely to meet the children's needs. Ms X, C2's psychologist, has said that the mother had been a key pillar in supporting C2 in his mental health recovery and that she had a deep understanding of his emotional state as the primary caregiver.

The range of powers available to the court under this Act in the proceedings in question

55. I must not make any order unless it is better for the children to make an order than to make no order. In this case when there is such divergence between the parties' views of contact, and when so much is at stake, an order is clearly needed.

Decisions and orders

56. **Direct Contact:** I make an order that C1 and C2 shall not have any contact with their father unless (i) in the case of C1 and C2 after the age of 16, they or either of them freely wish it in which case they may instigate it, but the father may not; and (ii) in the case of C2 until he is 16, the mother is satisfied that he freely wishes it, and she herself supports it and instigates it. The order is to last until they each respectively reach the age of 18. In the case of C1 I am conscious that she is already 16 and that in the case of C2 I am making an order which will last until he is 18, and that it is exceptional to make a child arrangements order for a children of that age. In my view the following factors make this case exceptional:

- a. The order is made not to coerce children into contact but to protect them.
- b. The father has findings against him of physical and emotional abuse against both children causing trauma and in one case PTSD. The children need protection from him.
- c. The father also has a conviction for coercive control. He has a track record of pushing boundaries in relation to contact. Without this order he may well try to make contact with one or both children and that could be injurious to their welfare, given the trauma they have suffered.

- d. He has a belief that C1 in particular secretly wants to see him. I consider that belief unfounded, but he still holds it. That increases the likelihood that he may try to contact her and pressure her into contact.
 - e. The order is wholly in line with both children's wishes and feelings.
57. In relation to C3, she shall not have any direct contact with the father until she is 16 unless the mother is satisfied that she freely wishes it, and she herself supports it and instigates it.
58. **Indirect contact** : I order that indirect contact for C3 be reduced to three times a year: twice at Eid and once on her birthday. My reasons are set out at paragraphs 41-43 above.
59. I further direct that the mother or social worker should make it clear to the older children that the reason their father does not send them gifts and cards is because they have requested not to have them and the court has respected their wishes, and ordered the father not to send them. If they change their minds about that, or about seeing their father, they can let their mother or social worker know and contact can be arranged.
60. **Disclosure of documents**: I have been asked to disclose documents into the financial remedy proceedings which are coming to a conclusion in the next couple of months. The financial remedies court will need to take into account the welfare needs of the children in the determination that it makes. It will therefore be necessary for them to know the contact arrangements. They may also need to know the findings of fact, as that may govern considerations about where it is safe and reasonable for the mother and children to live. I therefore direct that the order from today and the findings be disclosed into the financial remedy proceedings.
61. **Prohibited steps orders**. There is at present a prohibited steps order in place preventing the father from removing the children from the care or control of the mother, or to allow them to live at a different address from their current one, or to remove the children from their current school or to remove them from the United Kingdom. It seems to me that the second of these provisions, their current address, is unhelpful since the children may well have to move after the financial remedies

proceedings are over. I therefore discharge paragraph 15b of the order of 22 May 2023. The father's lack of insight and history of coercive control and boundary-pushing persuade me that the remainder of the provisions are still necessary, and they should remain in place until C3 is 18 unless revoked or varied before then.

62. I am also asked to make a further PSO prohibiting the father from attending outside the children's school at pick-up and drop-off times. The suggestion is made in the s7 report, and the reasons are set out above. There is no formal application, but I can make the order of my own motion if I am persuaded it is proportionate and necessary.
63. The father asks me not to make the order. He says he is his mother's full-time carer and I have seen evidence to that effect. She is in the process of being tested for cancer and has a number of GP appointments at present. It is agreed between the parties that the GP surgery is directly opposite the school and the bus stop the children use. The father says nobody else can take his mother, he is the only one who can do it, and it will impinge on his human rights if I stop him taking her to the GP. He says he can not control the time of the appointments he is offered.
64. All of the father's arguments only serve to make me more and more clear that the extension of the PSO is needed. At no point did he say "I am so sorry this has happened. It was unintentional. Of course the children must not be unsettled in this way". Rather he argued vehemently in such a way as to make me concerned that he wished to have the excuse of the GP to make it possible for him to be there. I say that against the background of his coercive control and his boundary pushing.
65. If his mother is diagnosed with cancer her appointments from then on will be at the hospital not the GP. In the meantime it seems to me that if I make an order prohibiting the father's presence in the street outside school at pick up and drop off times, that allows the father the following options:
 - a. He and his mother could change GP
 - b. He and his mother can not dictate what appointments they are offered but they can decide which ones to accept and they will need simply to accept ones outside those times. Many people who work or look after children do similar things to avoid clashes

- c. He could ask another family member to help. He says this is impossible but has provided no evidence of that.

66. For those reasons, I do not consider it is against his human rights to make such an order, and I do consider it is necessary and proportionate in the welfare interests of his children's recovery from the trauma he caused for such an order to be in place. I therefore make an order that the father must not be present at the children's school from 7.30 – 9am and 3pm – 5.30pm on a Monday to Friday during the school's term time, unless he is in his taxi with a fare-paying passenger (he is a taxi driver by profession). It is the father's responsibility to know when term time is, and any breach is unlikely to be excused on the grounds that he made a mistake about the term dates. That PSO is to remain in force as long as any of the children attend that school.

67. There is no need for me to make any similar PSO in relation to the children's home address because the father is subject to a 10 year Restraining Order made by the Crown Court preventing him from entering the street where the mother and children live. If they move, they may need to seek an amendment to the Restraining Order.

68. **Occupation order:** There is an Occupation Order currently in force, made by HHJ Sapnara on 22 May 2023 and continued by me on 10 May 2024, to last until further order. I now direct that that Occupation Order (which prevents the father from attending the home) should remain in place until the end of the financial remedy proceedings and then be discharged. The provisions of it go wider than those of the Restraining Order, and prevent the father from interfering with the mother's peaceful occupation of the family home. Once the financial settlement is clear the parties may move out of the home and it may be disposed of: alternatively it will pass into the legal possession of one or the other. Either way, the occupation order will no longer be needed.

69. **S91(14) order:** The only remaining issue is whether to make a s91(14) order. The mother has made a formal application for this on 4 July 2024, and it was supported in the s7 report. At the pre-trial review on 7 January 2025 I explained to the father what this meant, and asked him to provide me with his views on it. He has done so, both orally and in writing at this final hearing. He is opposed to it and implores me not to

make the order due to C3's age and "her wishes and feelings to see her father". Similarly he says C2 said on 1 February 2024 that he wouldn't mind receiving a gift from Dad and on 5 April 2024 said he would like to receive a gift from Dad. The father's written submissions on this point conclude with the sentence "All three of my children are trying to reach out to their father".

70. I know this is very hard for the father. He is a loving father, and his children mean the world to him, irrespective of what he may have done to them. But because of his lack of insight and understanding of the impact of his actions he consistently misinterprets what they are saying. They are not reaching out to him. They are clear: they do not want to see him. He does not believe that. And so there is a good chance that at the end of these proceedings, he will either seek permission to appeal, or will seek to instigate new proceedings. The effect of that on the family (and on C2 in particular) would be wholly negative, and probably harmful. The children need a period of stability and security, free from all the uncertainties, and space to breath and regain their mental strength. If only AB could see it, that is what will give him the best chance of rebuilding his relationship with his children. I consider it is in the welfare interests of these children for there to be no more proceedings concerning them in the immediate future, and that without a S91(14) order they are unlikely to have that period of calm. I therefore make the order, for a period of 5 years as suggested by Ms Mozely. The logic behind that is that both C1 and C2 will be over 18 by then, and free from the prospect of further litigation. C3 will be 13, and her views may have moved on and she may wish to reconsider. As I have explained to the father, this is a filter not a bar. It does not prevent him seeking permission from the court to bring further applications: but it does mean that his applications will only be allowed to proceed if so permitted by a judge. Any such future applications for permission are reserved to me.

71. Nothing in this judgment stops contact taking place if the children want it, and (whilst they are under 16) if the mother agrees. The father must be patient, and continue to work on himself and to understand more about the devastating impact of his actions. If he is able to reach a much deeper level of understanding, an understanding that the children will not just bounce back after an apology, an understanding and an acceptance that they will need time away from him, and possibly therapy, it is not

impossible that some mending of the relationship can be done further down the line.
But we are not there yet.