IMPORTANT NOTICE

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 no person other than the advocates or the solicitors instructing them and other persons named in this version of the judgment may be identified by name or location and that in particular 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.

IN THE FAMILY COURT AT BIRMINGHAM

Case No: BM20P50046
Neutral Citation Number: [2022] EWFC 139 (B)

IN THE MATTER OF THE CHILDREN ACT 1989
AND IN THE MATTER OF:
E (a girl)
P (a boy)
AND IN THE MATTER OF TF v DL (Post separation Litigation Abuse)

BETWEEN:

TF

Applicant

-and-

DL

First Respondent

-and-

E & P

(children*, by their r16.4 Guardian, David Faulkner*)

Second & Third Respondents

JUDGMENT OF DISTRICT JUDGE WEBB
FOLLOWING THE FINAL HEARING
ON 28 TO 30 SEPTEMBER 2022

Introduction

1. This is my judgment in the application brought by TF dated 6 July 2020. The respondent is TF's former partner, DL and the application concerns their children E aged nine and P aged three. The parents represented themselves at this final hearing. The children were joined as parties by order of 21 June 2021, Mr David Faulkner was appointed as the children's guardian, he instructed Nina Skilton of the Smith Partnership who in turn for this final hearing instructed David Payne of counsel.

2. The original application sought enforcement of the order of HHJ Thomas made on 4 DDJ O'Hagan properly recognised that the order of 4 December 2015 was in effect a 'no order' with an agreement between the parties reached at court on that day being set out in a recital. As such there was no order to enforce and indeed in any event P was not born at the date of that hearing. It was agreed and ordered that the application would proceed by way of an application to vary the order of 4 December 2015 or more properly in my estimation an application for a Child Arrangement Order with respect of both children.

3. This case has progressed through the Family Court at Birmingham but there are no Birmingham connections. The 2015 case was transferred here due to TF's allegations against members of the judiciary in his local area and for that reason this case has been dealt with at this court.

4. TF regards himself as a litigator focused on furthering human rights and relentlessly pursuing justice in the face of a corrupt court system. The view of the higher courts is that his litigation is ill-judged and frequently abusive in tone. The view of the Single Joint Expert psychiatrist in this matter is that TF has a delusional disorder which exhibits itself in an obsession with litigation. The key issues in this case include determining which of these perspectives is accurate and then applying those findings to the welfare of the children with particular regard to Practice Direction 12J, the Welfare Checklist as set out in Section 1(3) Children Act 1989 and the presumption of parental involvement and the risk analysis set out in Sections 1(2A)

and 6 of the 1989 Act. This is in the context where the guardian advises a no contact order and a Section 91(14) Children Act 1989 order for a period of five years.

Evidence and Relevancy

5. It is the responsibility of the Family Court to deal with evidence relevant to the eventual welfare analysis. On 4 December 2015 HHJ Thomas determined that the parents could organise how and when TF could see his child between themselves. As such I determined revisiting events between the parties prior to December 2015 was not relevant to my enquiry. I further determined it was not appropriate for me to seek to revisit the findings of other judges in other courts. If any party was aggrieved with the findings of others, they should pursue that in the relevant court and when all avenues of appeal were exhausted those findings become legal fact. The parents represented themselves and I further indicated that I would not hear evidence on matters the parents did not have direct knowledge of where no effort had been made to adduce that evidence in accordance with the rules governing hearsay.

6. Much of the evidence in the case comes in the form of applications and exhibits to those applications made by TF as such there is no factual dispute that this is information he has presented.

The Higher Court's view of TF

7. TF has litigated in many different forums. Two High Court Justices and a Circuit Judge sitting in the High Court have made findings in relation to TF which I must have proper regard to:

   a. On 21 August 2015 Cranston J made an order preventing prohibited unsolicited communication being made by the father to the court office. The order records

      "[TF] continues to send highly offensive, explicit and homophobic emails to the court and other individuals/organisations. This is unacceptable and must stop". (J11)

   b. On 1 October 2015 Simler J made an Extended Civil Restraint Order against TF stating

"And upon it appearing that the Claimant has persisted in making claims and applications that are offensive, do not properly formulate any cause of action, are incoherent, embarrassing and disclose no reasonable grounds for bringing the claim or application, utilise a disproportionate and unnecessary amount of time and resource, and are totally without merit, against a wide variety of Defendants against whom he alleges (amongst other things) conspiracy to commit fraud, treason and libel in circumstances where a limited CRO precluding the Claimant from issuing application in single proceedings would not sufficiently protect the Court and other parties from such applications."

c. HHJ Wood QC sitting as a judge of the High Court on 14 October 2015 stated

"so zealous has he been in pursuit of what he perceives is the truth, that the Claimant has issued numerous groundless and pointless applications. More recently, these have been bizarre and on their face, offensive, obscene and possibly homophobic." (J24)

TF appears not to have been fully deterred by the orders made with him applying to strike out the restraint order by application of 21 May 2016 where he variously described Cranston J as a *'Gay Homo'* and *'a con artist'*. On 7 October 2015 he applied in relation to Simler J's order describing her as *'defending the Granny Shagging Homos'*.

Preliminary Applications in this Case

8. In this case TF has made at least 13 separate applications. I determined each application at the outset of the final hearing and after hearing submissions dismissed each one. Mr Payne has provided a schedule of those applications which I attach as Schedule 1 to this judgment.

The Nature of the Applications

9. The applications have no merit. However, the conduct goes beyond that. Many of the applications contain threats and abusive language. Again, Mr Payne has assisted by collating these and I attach his summary as Schedule 2. In relation to the judiciary, TF has made the

following comments in applications. I repeat the words and grammar used without an attempt to edit or highlight errors.

a. *"HHJ Hindley is trying cover up child abduction & abuse not for the first time I am Guessing."* [H20]
b. *"this judges behaviour in a disgrace covering up child abduction"* [H20]
c. He refers to *"an Appeal panel consisting of three bacons"* [H25]
d. *"The court of Appeal judge Lord Longmore would of seen this also so he is a fraud also. His a bacon."* [H26]
e. He speaks of knowing how to *"pan fry bacons with libel law"* [H26]
f. *"Dear Steve Tia, Court Management, Queens Bench & Court of Appeal & Judge Webb Nee-naw nee-naw nee-naw nee-naw nee-naw piggy bacons in a Noose."* [H27]
g. *"With the Falsified judgement of HHJ Graham Wood & Transcript from Stoke On Trent Crown court where I reported them all for Treason Felony to Judge Easteal who tried to cover it up"* [H27]
h. *"Judge Easteal is a moron & so is Justice Cranston."* [H27]
i. *"That Judge is obviously a bacon. You can't bring back capital punishment for bacons he even removed a Noose. Your have to hang the Court of Appeal & House of Lords cause its full of bacons like Stoke In Trent combined court."* [H37]
j. In an email to the court and multiple recipients he states *"You need to be hung"* [H39]
k. District Judge Jack is described as *"Judge Jack Bacon"* [H40]
l. He suggests District Judge Webb is from *"Hell"* [H46]
m. *"You judge Webb also wear a blonde whig & didnt listen to single word"* [H48]
   "We need to bring back capital punishment & hang them all. The only problem is that the court of Appeal & House of Lords is full of bacons & you would have to hang them all too." [H71]
n. One application exhibits an image of a noose, together with the message *'24 hours before they hanged'* and a picture of the Great Hall at the Royal Courts of Justice is exhibited to the father's statement [H84]
o. *"Bacon HHJ Rawlings"* [I74]
p. Of District Judge Webb: *"I'm reporting the judge for maladministration."* [I75]
q. *"Court Management Stop sniffing glue"* [I121]
r. *"You can not have Justice Cranston the judiciary and bar counterfeiting money with granny-shagging jokes with the press and defecating on the penis abusing kids"* [J9]

When giving evidence TF indicated he used the word 'bacon' as a term to describe a combination of a pig and a child abuser or a person who covered up child abuse.

10. This litigation has resulted in piles of paperwork, all meticulously copied or scanned and tied together with string. When I complemented TF on the neatness of the string loops holding each application he smiled and indicated they were 'little nooses'.

11. The abuse has extended widely beyond the judiciary. Much of the recent abuse has been focused on the Guardian and his solicitor with the following being part of that abuse:

   a. *Of the solicitor for the children and the mother: "I've now got to argue with 2 bacons & 2 dumb blondes in the family court so thank you." [H38]*
   b. *"corrupt" [H40]*
   c. *The solicitor for the child is said to be born "in the toilet" and the guardian is described as being from a "Bacon Farm" [H54]*
   d. *"Nina & David are both completely incompitant" [H56]*
   e. *Both described as 'bacons' [H56]*
   f. *"David Faulkner & Nina Skilton both need detaining in the crown court doc & sent to prison put on a nonce wing for being bacons" [H101]*
   g. *"If David isn't a bacon then his on drugs!" [I39]*
   h. *"You all need exposing & hanging by the neck the right to life should not be absolute."[I64]*
   i. *"You can all go jail & I will take my kids for you being bacons." [I66]*
   j. *"Nina & David are both corrupt coving for the falsified police & social service reports of [2 named male police officers] who heads I am asking the Royal Courts of Justice Queens Bench Division to rule that the right to life should not be absolute so I can cut all your heads off for kidnap x 5."*
   k. *"your completely incompetent." [I75]*
   l. *To the solicitor for the children "you dumb blonde" [I77]*
   m. *To the solicitor for the children "you truly are useless" [I77]*
   n. *"Nina David Faulkner is a bacon also." [I110]*

o. "Your client is a nonce & has done nothing to safe guard me or my child because he is corrupt & bias. He looks like a nonce also. Fair comment." [email, to solicitor for the child, 6th October 2022].

12. This picture is repeated with other professional with the following references being made:

a. "They really are kidnapping & abusing kids" [H20]
b. Of the police, social services and the court at Stoke-On-Trent "The lot of them need hanging in the Dock. So the law needs changing to hang bacons." [H27].
c. "This bunch of criminals bacon breaths all need to appear behind the crown court" [H35]
d. A "bunch of Sex offenders" [H35]
e. "[another named male police officer] needs hanging for being such a stupid bacon breath." [H41]
f. Social workers are identified as "Baby snatchers" [H47]
g. Various police officers are described as "A load of nonces and baby murderers" [H47]
h. "XXX Police are a bunch of piggy bacon breaths" [H67]
i. "Can I also be the one to Hung them 1 at a time or cut his head off & put it in a box with [another 2 named police officers] for my fireplace?" [H83]
*j. "[a named female police officer] please get your finger out my A**h*** & you kidnapped me & stole my mobile which makes you an excessory to commit Treason you absolute imbeciles." [I64]*
k. To the Chief Constable of XXX Police "Your officers are a bunch of pedo homo nonce bacon piggy breaths man rapists." [I95]
l. "Se3 little Piggies went to jail the noncey Piggy Bacon Breaths man bummers with a Senior CPS Prosecutor ...." [I97]
m. "That makes [a named CPS Lawyer] a bacon CPS Senior Crown Prosecutor defending bent Bacon cops." [I101]
n. To the Chief Constable of XXX Police "your a bloody idiot." [I107]
o. "Degenerate monk fish mother fuckers." [I110]
p. "Death penalty wouldn't be enough it is was legal." [I126]

13. Sadly, and most relevantly, this abuse extends to intimate partners with TF using the following phrases in relation to DL in either applications, social media posts or electronic correspondence:

a. *“She is not fit to be a parent & hits children with weapons & brings blackmen who deal Crack, Monkey Dust, Heroin & Weed to my house”* [H8]
b. *“Dont know why she is so dam stupid”* [H8]
c. *“She is not fit to be a parent”* [H8]
d. *“she is clearly unfaithful & cannot be trusted”* [H8]
e. *“I have had another baby with this nutcase”* [H14]
f. *“has ben lying & cheating on me & meeting low life scum for sex”* [H16]
g. *“DL is a child abusing whore.”* [H16]
h. A *“dumb blonde”* [H48, H55]
i. *“Dumb blondes” – “Lack capacity and are stupid”* [H56]
j. *“Dumb Delusional Violent Blonde”* [H67]
k. *“I want DNA because DL is a slag.”* [H105]
l. *“She will literately go with anything man or women or beast. This 1 dresses like a girl has long blue hair & defo on hard drugs.”* [I90]
m. *“She is now dating a man with long blue hair that dresses like a tranny. Crackhead to tranny. Good standards.”* [I94]
n. *“DL is a lying slag”* [I124]
o. *“Fuck off tramp”*
p. *“Your just a rat”*
q. *“Fuck off you idiot*
r. *“Fuck you fulltime cunt”*
s. *“Whsys wrong you little tramp cant take the truth?”*

14. In a communication to a third party he states *“This is DL going out and meeting xxxxxx (a racially abusive term) to suck dick whilst rather I or her parents watch the kids. I’ve washed my hands with her you can all sit there and slag me off as much as you want. Least I am not a lying cheating xxxxxx (a racially abusive terms) shagger” C 43*

15. In a text to DL on 27 May 2020 he states;

a. *“Pisser what a little rat whore you are you been fucking X for months maybe even years.*

b. *I’ve got my girl messaging me telling me everything dumping kids on mum and dad so that you can fuck xxxxxx (a racially abusive term)….*

c. *Glad I got rid of your skank fat spotty ass anyway your so ugly & fake his welcome to you.*

d. *Don’t ever message me again or ask for everything. You are disowned and so are the kids.” C44*

The Evidence

16. In this matter both parents provided witness statements, expert evidence was provided by Dr Rafiq, a Consultant Psychiatrist, and the Guardian provided his analysis. I confirm I have read and considered all of that evidence. I have further heard live evidence from the parents, Dr Rafiq and the Guardian and heard cross examination. In the case of TF’s cross examination of DL that was conducted by me following the provision of questions by TF. Finally, I have received written submissions from all parties. The fact I do not refer to a particular piece of evidence or submission does not mean I have not considered it.

17. In light of the clear evidence of highly abusive behaviour aimed at public servants and individuals it is not necessary for me to relate all the evidence before me which in TF’s part was largely an attempt to justify the reasonableness of his approach. The following is relevant.

Dr Rafiq

18. Dr Irfan Rafiq is a Consultant Forensic Psychiatrist whose report was dated 15 December 2021. He confirmed TF was pleasant and co-operative throughout the assessment. Dr Rafiq confirmed that TF had capacity to litigate. He had experienced childhood trauma in that his father was killed in a workplace accident when he was six but he was not told the truth about the death. He attended two different Universities but did not complete either course. One course was Law. He believed he had been kidnapped by X Police and that incident and their subsequent ‘harassment’ ruined his education. He had not worked since 2016 and spent a lot of his time fighting legal proceedings. He stated he had been arrested at court for threats to kill a judge. He indicated that due to the judge acting in a treasonous manner he was legally entitled to stab him in the neck. He has six (now seven) children with five (now six) different partners. He indicated he had not been violent towards any of his partners but had been the

recipient of violence. He accepted that he had been diagnosed with a delusional disorder but believed it was an incorrect diagnosis. He had been detained in mental health institutions in March 2016 and October 2017. He was prescribed depot anti-psychotic medication but has ceased taking it because of its side effects.

19. Dr Rafiq indicated that a letter from TF's GP dated 27 July 2021 confirmed a diagnosis of delusional disorder and anxiety disorder combined with a dependency on hypnotic and anxiolytic drugs. A letter from his clinic dated 24 April 2020 repeated the diagnosis of a delusional disorder. At that point it was reported he was stable and able to function meeting his own basic needs, signs of relapse would be an increase in delusional ideation which would impact on his functioning for example a preoccupation with legal services, making unfounded allegations that might lead him into coming into contact with the emergency services. Other signs of decline might include increased reliance on hypnotics or cannabis, poor sleep, poor appetite and self-neglect.

20. Dr Rafiq confirmed his diagnosis was that TF suffered from a delusional disorder, but he was stable and his risk to himself and others was low. His view was that this did not directly impact on parenting ability unless he became fully wrapped up in litigation. He indicated the best treatment was the medication prescribed and the prognosis was poor because there was non-acceptance of the condition.

21. Dr Rafiq was provided with the correspondence and bundle and requested by both the Guardian and TF to answer further questions which he did in a supplementary report dated 15 February 2022. A review of the documentation led to Dr Rafiq being more concerned and he reported:

    a. *"TF does require treatment. Due to his limited insight he is unwilling engage in any treatment (medication and targeted therapy).*
    b. *The documentation provided does indicate increased and ongoing hostility in him being offensive and it is likely to bring him in contact with the criminal justice system.*
    c. *I would recommend he is assessed by his local psychiatric team to determine if his mental disorder namely his delusional disorder is now of a nature and degree that requires urgent treatment under the provisions of the mental health act."*

22. Dr Rafiq was asked to reconsider the issue of risk and stated:

"I should have elaborated further on this matter. TF is low risk of direct physical harm to others and this does not evidence in his history although any threats should be dealt with seriously.

19. *However, TF remains a high risk of being hostile, abusive and making threats to various organisations including social services, the police, mental health staff and the judiciary. It must not be underestimated the fear and emotional impact of this behaviour on affected individuals. His risk of reoffending remains high in this respect."*

23. Dr Rafiq's evidence was not undermined by cross examination indeed he confirmed that the condition was difficult to treat because the sufferer does not recognise he has the condition. In reaching a diagnosis he particularly relied on the periods of inpatient admission which he regarded as the gold standard of assessment as other variables such as drug use could be removed, and the patient observed by teams of professionals over time.

TF

24. TF was polite with me at all times. He listened very carefully to evidence and played an appropriate but active role in assisting me with cross examination on his behalf. When decisions went against him, for example, on the applications made he appeared interested in the legal reasons given and did not question the outcomes. DL attended with screens and neither TF nor DL could contain themselves from commenting and making asides about the other person's evidence, however this was very much tit for tat.

25. TF was clear he was far more involved in the children's lives then DL had informed the Guardian. He would see them regularly and for a period of time took E to school alone. He described the relationship as 'on and off' over ten years. By May 2020 he suggested DL was staying over at his flat with the children. He alleged the reason for the breakup with DL's infidelity. He described a situation where after the breakup a Mr Q, a friend of DL kept on contacting him. He was clear DL had come to see him during the currency of the proceedings and they had slept together, he believed this was in April 2022.

26. TF confirmed there were presently proceedings before the Family Court in X in relation to his youngest son where the Local Authority are pursuing public law orders. He was clear that as a result of those proceedings for some months he stopped drinking and using cannabis.

27. When taken through the various applications and comments made, he did not take back or regret any of the comments. He reiterated that he believed that individuals should be hung for child abduction. When asked to comment on the picture of the noose he stated: *"I believe the police officers, judges and doctors should be hung."*. He was asked to comment on his description of DL as a *'child abusing whore'* after thinking about that he said he felt that was not fair and she was in reality a *'child abusing slag'*.

28. He said the Guardian's actions were a bit *'noncy'* and felt it was fair to call the court a load of 'bacons' which appeared to effectively mean the same. He was clear that his litigation was entirely legitimate but conceded he might sometimes make applications which might be interpreted in the wrong way.

DL

29. DL had prepared fairly brief evidence. She indicated she was very young when she met TF being younger than sixteen with him being thirty. She described the events which let to intervention by Children's Services in 2013/14 and gave details of the life she had with the children where they all live with her parents.

30. When giving evidence she misled the court. It was suggested to her that she had received a threat from a man called K who said he would rape E. It was suggested she had then continued to be friendly with this man. She was presented with an electronic communication sent by her to TF which reported this threat. She denied it was her account alleging it was a fake account. Once TF had spent the night printing out copies of all the emails from that account' she conceded that it was her account. She then indicated she had forgotten this threat which was not credible in relation to the nature of the threat. She again denied meeting

TF in April of this year, she was absolutely clear about this. She was again confronted with evidence she had met up and she then accepted she had. It matters not why they met up but the meeting was preceded by sexualised texting from TF. What matters is her untruthfulness about this to the court and to the Guardian. She also accepted that she had conspired with the same individual who had made the threats to E to make TF believe they were sleeping together and she accepted that she knew that would 'wind him up'. She conceded she was *'good at poking the hornet's nest'* as far as TF was concerned. She stated she was now working as a support worker and the care of the children was split 50/50 between herself and her parents.

31. It is important to note that DL also embarked on abusive language with regard to TF.

CAFCASS

32. The safeguarding letter dated 5 August 2020 reports TF has 10 convictions covering 34 offences. He also has a significant number of matters where no further action was taken or allegations were withdrawn. It is stated DL has a caution for battery which appears to relate to a domestic incident involving TF. DL indicated that she had applied for that caution to be set aside due to her age and the circumstances of her relationship with DL. She exhibited a CRB check which appeared not to show it which would support that contention. The family were known to X Local Authority and concerns were raised in 2018 when DL denied previous local authority involvement, presumable in the context of ante natal care for P which was not true. It appears that the midwifery team were asked to monitor the situation and no action was taken following P's birth.

33. During the initial interview process DL had said TF had disowned the children in May 2020. She did not have concerns about TF seeing the children but she was concerned about his delusional disorder. She indicated that TF has messaged E to say *"because your mother is a fat slag you are going to be disowned"* but she intercepted the message before E read it. TF said that DL had whipped E with a tea towel, was not fit to be a parent and brings black

men to the house who deal 'crack, monkey dust, heroin and weed'. He reported that DL was associating with a man who had been reported for sexual offences.

34. The officer reported TF continually using extremely derogatory terms in relation to DL and she was highly concerned about the level of anger TF displayed towards DL and the impact this could have on the children.

35. David Faulkner was the writer of a Section 7 report dated 31 March 2021. He reported much of the history and allegations made as reported above. He indicated that E was making progress in school and was a sociable little girl. E indicated that the people important to her were "Mummy, Nana, P and Grandad.". She spoke positively about these family members. She struggled to know where to place her father on the drawing and eventually she drew an angry face and referred to herself feeling sad and angry. She made references to her father shouting and being angry towards her and DL. She appeared anxious when the talk was about seeing TF and wanted reassurance from him that he was would not shout or become angry. P was described as being full of energy. Mr Faulkner's conclusion was that the children were thriving in the care of their mother, he did not discern E's responses to be rehearsed in any way. Mr Faulkner indicated there was evidence that needed to be collected and considered and advised that a guardian should be appointed.

36. Mr Faulkner briefly reported in in his new role as guardian on 4 August 2021 but simply indicated that he needed evidence in relation to TF's mental health before he could provide a full analysis. His final analysis was dated 22 March 2022. He made certain comments of note as follows:

    a. DL does not appear frightened of TF but has struggled with these proceedings and the use of language by TF which she finds offensive and derogatory. He stated *"I strongly suspect, having been in a relationship with him she is aware how to gain a reaction from him and has in some respects learnt to normalise or justify his actions due to his mental health."*

b. TF continued to state DL is in a relationship with a person who poses a risk to the children.

c. E had continued to do well in school and was described by the headteacher as a happy, sociable girl who enjoys school. P has some speech delay but otherwise his nursery have no concerns about his attendance, presentation, socialisation with others and behaviour.

d. Mr Faulkner believes that TF will not accept any decisions of the court and recommends Section 91(14) CA 89 order.

e. He comments:

"In short, I consider that TF has in many respects lost sight of the children within these proceedings and appears fixated on proving that others have failed his children and have somehow acted inappropriately towards him, particularly the police. TF does not accept the views of other professionals in relation to his children nor does he accept the view nor the recommendations of the psychiatrist."

f. He concludes:

"Having considered the matter carefully and as outlined above I do not consider that TF has the insight to meet the needs of E and P if he were to spend time with them or, they were to be placed in his care. I consider that from an emotional point of view the children would be at risk of harm through TF's action and behaviour."

37. Mr Faulkner advised the court that he felt the appropriate length of time for any Section 91(14) order was five years in light of how TF had presented himself at court and the way the evidence had come out he was worried about litigation being used as a means of coercion and control.

38. Under cross examination Mr Faulkner put on record that he had found the way he had been described in applications and documents was deeply offensive. He accepted there was evidence that DL had been dishonest and on occasions made derogatory comments. It was suggested he had failed in his duty by not recognising the threats DL's associates present to the children. In particular it was suggested he had failed to act in relation to the allegation that a person had threatened to rape E. His response was that the volume of documents sent to him, some highly offensive and many containing multiple attachments made it almost impossible for him to consider every exhibit and that was one he had not specifically seen. He denied being biased in any way.

39. It was put to him that there was no real evidence TF had harmed his children and his answer bears repeating in full:

"There are tiny snippets which indicated behaviour to the children is problematical but I am saying that his general behaviour towards all people to whom he comes into contact is such that reintroducing him to his children presents unmanageable risks."

40. Mr Faulkner directly and politely engaged in the questioning put to him by TF and behaved in a dignified understated way. His overall analysis was not undermined by the cross-examination process.

Factual Findings

41. *In Re A (No.2) (Children; Findings of Fact) [2019] EWCA Civ* 1947 Peter Jackson LJ said the questions for every fact finder, are What, When, Where, Who, How and Why? Some answers, he said, will be obvious, while other questions may be extremely hard or even unanswerable. Sometimes a question may not need answering at all. The answers to the questions will be provisional until they have been checked against each other to provide a coherent outcome.

42. The court is not bound by a schedule of findings sought and may reach an alternative solution of its own: *Re S (A Child) [2015] UKSC 20.* If, however, the court is to go 'off piste', there must be a good enough reason and solid evidential basis for doing so and procedural fairness must be maintained (the person against whom the finding is sought must know the nature of the allegation and the substance of the supporting evidence and have a reasonable opportunity to respond): *Re G and B (Fact-Finding Hearing) [2009] EWCA Civ 10. Re B (A Child) [2018 EWCA Civ 2127* and *A (No.2) (Children:Findings of Fact) [2019] EWCA Civ 1947.*

43. Where factual matters are in dispute the burden of proof is on the person making the allegations. That party must satisfy me the finding they seek are true on the balance of probabilities, meaning I must be satisfied it is more likely than not that the matters they assert are true. If a fact is proved it happened, it if it not proved it did not happen and must be disregarded- the so-called binary consequence. As a matter of common sense, the court can take into account inherent improbabilities in deciding whether the standard of proof has been met. *Re B [2018] UKHL 35.*

44. Findings of fact must be based on evidence, not speculation: see *Re A (A Child) (Fact-finding hearing; Speculation) 2011 EWCA Civ 12.* While the court may draw proper inferences from the evidence it must be careful not to reverse the burden of proof.

45. When carrying out the assessment of evidence the court invariably surveys a wide canvas. It must take into account all the evidence and, furthermore, consider each piece of evidence in the context of all the other evidence. It should exercise an overview of the totality of the evidence in order to come to the conclusion of whether the case put forward has been made out to the requisite standard of proof.

46. The evidence of parents is of the utmost importance and the court must make a clear assessment of their credibility and reliability: *Re W and another (Non-accidental injury) [2003] 2 FCR 346.* Of particular importance is the direction given to juries in the case of *R v Lucas [1981] QB 720.* It is not uncommon for witnesses to tell lies in the course of an

investigation and the hearing. Witnesses lie for different reasons, such as shame, misplaced loyalty, panic, fear and distress. The fact that a person has lied about one thing does not mean he has lied about everything. I have to be satisfied that the lie is relevant to the finding sought.

47. There is a different but related question of witness fallibility, which is a matter of reliability rather than credibility. The court should bear in mind the recall of events by a witness is a process of fallible reconstruction which may be affected by external influences and supervening events, moulded by the process of litigation and the drafting of lawyers, with past beliefs being reconstructed to make them more consistent with present beliefs and motivated by a desire to give a good impression; *Gestmin SGPS Sav Credit Suisse (UK) Ltd & Anor [2013] EWHC (Comm), Leggatt J.*

48. A number of factual findings in relation to TF are in reality not in dispute as they are set out in documentation before the court which is accepted to be genuine. I make these findings as follows:
    a. TF believes the entire justice system to be populated by child abusers and their sympathisers.
    b. His view is this scenario extends to social workers, doctors and police officers who all play a role in the corrupt system
    c. He relentlessly pursues litigation in an attempt to expose this.
    d. He has done so since at least 2014.
    e. He believes he has been particularly wronged by the system with the root of this being periods of unjustified detention in mental health institution.
    f. Three judges sitting at High Court level have confirmed that this ‘world view’ has no merit.
    g. The tone of applications and correspondence is deeply offensive, homophobic and sexist.
    h. Some correspondence goes beyond this to be directly threatening.
    i. TF regards all of his applications, correspondence and litigation to ultimately be justified due to the perceived injustices he has experienced.
    j. This abusiveness is also a feature of his interaction with intimate partners and in particular this has a sexually intrusive and racist element.

k. He has a deep contempt for DL and believes her to be promiscuous. He reserves the most offensive language for electronic communication either to her or on occasions about her.
l. He regards this view of her to be factually accurate and sees it as reasonable to share this attitude widely.
m. The input of professionals such as Mr Faulkner and Dr Rafiq is met initially with courtesy and generally when face to face with an element of rationality but the minute they make any assessment adverse to him they are subjected to the most vile abuse with attempts being made openly to question their integrity and motive.

49. A number of factual findings arise from the overwhelming body of evidence these are:
a. TF suffers from a delusional disorder which exhibits itself in a persecutory view of the world around him. Dr Rafiq's evidence was not challenged in any meaningful way and he politely explained the process by which clinicians over time reached a diagnosis with the benefit of length-controlled examination of TF.
b. Sadly, the prognosis is poor as persons with delusional disorders cannot appreciate that they have such a condition. The appropriate treatment is via medication and TF is unwilling to take such medication.
c. Whilst TF is not a physical threat his continued behaviour will cause emotional harm and on occasions fear in those to whom it is directed.
d. On reflection Dr Rafiq indicated that TF should be referred to his local mental health team.
e. All these findings are predominantly based on Dr Rafiq's evidence but entirely backed up TF's conduct in this matter and indeed over the last eight years.
f. The view of an experienced guardian is that this inability to recognise the unreasonableness and abusiveness of this behaviour presents real and present risks of emotional harm to those with whom TF seeks to interact including DL and his children. I find this assessment to be sound; it is one thing to be abused in court correspondence and then meet the abuser in a court room with security to hand and with the status of a judge. It is quite another to be abused openly on social media by someone who lives near you, knows where you live and pursues this process over a number of years. Dr Rafiq specifically commented on the harmful nature of such abuse.

50. A number of factual findings need to be made in relation to DL.

a. She did not tell the court the truth about receiving a threat from a person she continued to see. Her process of denying the account was genuine then being confronted by overwhelming documentary evidence that it was undermined her position on this. It is simply not credible to indicate she did not remember the threat being made.

b. She was dishonest about meeting up with TF in April this year. This was again proved with documentary evidence including a text of the word "Beep" when she arrived outside his house.

c. She was willing to engage in a process of baiting TF.

d. On occasions she used abusive language against TF.

e. She has provided the children with a safe home where they are thriving. This is the independent view of the school, nursery and supported by the analysis of the guardian.

f. DL was very young when she met TF and was in a sexual relationship with him from when she was sixteen with him being in his thirties. There was at least initially a gross power imbalance in the relationship and that may well explain why she has been unwilling to be honest about details of it and engages in what appears to be childish behaviour.

The Law

51. This is a case where the Guardian advises no contact as such the case law in relation to that type of decision is relevant. In determining Father's application, s.1(1) Children Act 1989 applies: the children's welfare must be the court's paramount consideration and the court's welfare assessment must be informed by an analysis of the factors in the welfare checklist under s.1(3).Further, s.1(2A) provides a presumption in favour of both parents being involved in a child's life unless that is proved to be contrary to the child's welfare. That involvement need not be equal and may be direct or indirect (s.1(2B)).

52. The significance of ending a case with an order which prevents direct contact was set out in the case *R (no order for contact after findings of domestic abuse)* [2020] EWFC B57 (03 December 2020) decided by HHJ Vincent where she stated:

"23. An order which effectively prevents a father from seeing his child is one of the greatest significance and would have potentially serious and lifelong consequences. I remind myself of the case of Re C (Direct Contact: Suspension) [2011] EWCA Civ 521, para 47, in which the Court of Appeal summarised the approach to parental contact as follows:

- *Contact between parent and child is a fundamental element of family life and is almost always in the interests of the child.*
- *Contact between parent and child is to be terminated only in exceptional circumstances, where there are cogent reasons for doing so and when there is no alternative. Contact is to be terminated only if it will be detrimental to the child's welfare.*
- *There is a positive obligation on the State, and therefore on the judge, to take measures to maintain and to reconstitute the relationship between parent and child, in short, to maintain or restore contact. The judge has a positive duty to attempt to promote contact. The judge must grapple with all the available alternatives before abandoning hope of achieving some contact. He must be careful not to come to a premature decision, for contact is to be stopped only as a last resort and only once it has become clear that the child will not benefit from continuing the attempt.*
- *The court should take both a medium-term and long-term view and not accord excessive weight to what appear likely to be short-term or transient problems.*
- *The key question, which requires 'stricter scrutiny', is whether the judge has taken all necessary steps to facilitate contact as can reasonably be demanded in the circumstances of the particular case.*
- *All that said, at the end of the day the welfare of the child is paramount; 'the child's interest must have precedence over any other consideration.'"*

53. The same ground was considered in the Court of Appeal in the case of *Re G (Children: Intractable Dispute)* [2019] EWCA Civ 548 where LJ Peter Jackson set out the scenario in detail and widened the enquiry to include the cases of blameless fathers. I set out the section of his judgment entitled 'Governing Principles' in full.

“The governing principles

44. The governing principles in proceedings of this kind are, of course, the welfare principle, the 'effect of delay' presumption, the parental involvement presumption, the overriding objective, and the parties' rights under ECHR Articles 6 and 8. In the present context, they have on many occasions been gathered together in authority of long standing, as for example by Black LJ in J-M (A child) [2014] EWCA Civ 434 at[25]:

(1) The welfare of the child is paramount.

(2) It is almost always in the interests of a child whose parents are separated that he or she should have contact with the parent with whom he or she is not living.

(3) There is a positive obligation on the State and therefore on the judge to take measures to promote contact, grappling with all available alternatives and taking all necessary steps that can reasonably be demanded, before abandoning hope of achieving contact.

(4) Excessive weight should not be accorded to short term problems and the court should take a medium and long term view.

(5) Contact should be terminated only in exceptional circumstances where there are cogent reasons for doing so, as a last resort, when there is no alternative, and only if contact will be detrimental to the child's welfare.

45. This clear guidance is echoed in the presumption in s.1(2A) Children Act 1989, introduced in October 2014, that unless the contrary is shown the involvement of a parent in the life of the child concerned will further the child's welfare. But by s.1(6) the presumption does not apply if involvement would put the child at risk of suffering harm.

46. So the presumption of parental involvement is very strong, but it is not absolute. As in all matters relating to the upbringing of a children, welfare prevails.

47. Next, the substantive link between delay and welfare is so clearly recognised that the presumption at s.1(2) that delay is likely to prejudice the child's welfare is preceded only by the welfare principle itself. Procedurally, the overriding objective at FPR r.1.1 to deal with cases justly requires the court to deal with them expeditiously and fairly. Our domestic laws therefore reflect the Article 6 right to a fair hearing within a reasonable time and are consonant with the procedural requirements of Article 8, which require the court as a public body to deal diligently with proceedings of this kind: Kopf v Austria (App. No 1598/06) [2012] 1 FLR 1199.

48. A thorough analysis of the Convention requirements that are engaged in these cases can be found in Re D [2004] EWHC 727 (Fam) at [26]-[35]. That was a case where a "wholly deserving" father had been denied contact for five years, a situation for which the mother was "wholly responsible". Munby J reviewed a number of decisions of the ECtHR, but for present purposes it is enough to recall what was said in Glaser v United Kingdom 33 EHRR 1 at [66]:

"The key consideration is whether [the national] authorities have taken all necessary steps to facilitate contact as can reasonably be demanded in the special circumstances of each case. Other important factors in proceedings concerning children are that time takes on a particular significance as there is always a danger that any procedural delay will result in the de facto determination of the issue before the court, and that the decision-making procedure provides requisite protection of parental interests."

49. Where delay has a direct and adverse impact on a party's position, a breach of the procedural aspects of Article 8 may be found. That is what happened in Re A (Contact: Human Rights Violations) [2013] EWCA Civ 1104, [2014] 1 FLR 1185, where McFarlane LJ said this at [53]:

> *"The conduct of human relationships, particularly following the breakdown in the relationship between the parents of a child, are not readily conducive to organisation and dictat by court order; nor are they the responsibility of the courts or the judges. But, courts and judges do have a responsibility to utilise such substantive and procedural resources as are available to them to determine issues relating to children in a manner which affords paramount consideration to the welfare of those children and to do so in a manner, within the limits of the court's powers, which is likely to be effective as opposed to ineffective."*

50. In that case an "unimpeachable" and "irreproachable" father was not given "a timely and effective process in circumstances where there was no overt justification for refusing contact other than the intractable and unjustified hostility of the mother." The failure was of such a degree that it amounted to an unjustified violation of the Art. 8 rights of the father and child. [65]

51. The judgment in Re A contains important guidance at [60] about the need in a potentially intractable case for judicial continuity, effective case management and timetabling, a judicially set strategy, consistency of approach and a predetermined willingness to enforce orders.

52. So the procedural question on this appeal is whether the history of these proceedings shows an unjustified failure by the court to deal diligently with the proceedings in a timely and effective way to such a degree as to amount to a breach of the rights of the father and children. The substantive question is whether the Judge took all reasonable measures to promote contact before abandoning hope of achieving it at this stage."

54. The position is summarised by Munby LJ as he then was in Re C as above where he stated:

> *"43. Finally I would refer to the pithy, but nonetheless correct, distillation of this approach in the judgment of Ward LJ in **Re P (Children) [2008] EWCA Civ 1431,** [2009] 1 FLR 1056 at paragraph 38 where it was said that "contact should not be stopped unless it is the last resort for the judge" and (paragraph 36) until "the judge has grappled with all the alternatives that were open to him"."*

Analysis

55. TF has received a polite and sympathetic hearing from this court, Dr Rafiq and the Guardian. That is in the starkest contrast to how he treats any individuals of authority he comes into contact with.

56. TF has used the vilest abuse against DL and sought to undermine every aspect of her personality and parenting. This amounts to domestic abuse in accordance with Section 1 (3) (e) of the Domestic Abuse Act 2021 being *'psychological, emotional or other abuse'*. As a result of this finding Practice Direction 12 J is directly engaged. Of immediate relevance is Paragraph 33 which reads:

"33 Following any determination of the nature and extent of domestic abuse, whether or not following a fact-finding hearing, the court must, if considering any form of contact or involvement of the parent in the child's life, consider-

(a) whether it would be assisted by any social work, psychiatric, psychological or other assessment (including an expert safety and risk assessment) of any party or the child and if so (subject to any

necessary consent) make directions for such assessment to be undertaken and for the filing of any consequent report. Any such report should address the factors set out in paragraphs 36 and 37 below, unless the court directs otherwise;

(b) whether any party should seek advice, treatment or other intervention as a precondition to any child arrangements order being made, and may (with the consent of that party) give directions for such attendance."

57. It is clear that TF does not accept that he has committed domestic abuse and where it might be otherwise possible for treatment to be effective has indicated that he does not accept his diagnosis, he maintains he is justified in his actions and will not accept the treatment recommended. This precludes any further useful assessment or plan of intervention.

58. In those circumstance the following provisions of the Practice Direction come into play:

"35 When deciding the issue of child arrangements the court should ensure that any order for contact will not expose the child to an unmanageable risk of harm and will be in the best interests of the child.

36

(1) In the light of-

(a) any findings of fact,

(b) admissions; or

(c) domestic abuse having otherwise been established,

the court should apply the individual matters in the welfare checklist with reference to the domestic abuse which has occurred and any expert risk assessment obtained.

(2) In particular, the court should in every case consider any harm-

(a) which the child as a victim of domestic abuse, and the parent with whom the child is living, has suffered as a consequence of that domestic abuse; and

(b) which the child and the parent with whom the child is living is at risk of suffering, if a child arrangements order is made.

(3) The court should make an order for contact only if it is satisfied-

(a) that the physical and emotional safety of the child and the parent with whom the child is living can, as far as possible, be secured before, during and after contact; and

(b) that the parent with whom the child is living will not be subjected to further domestic abuse by the other parent.

37 In every case where a finding or admission of domestic abuse is made, or where domestic abuse is otherwise established, the court should consider the conduct of both parents towards each other and towards the child and the impact of the same. In particular, the court should consider-

(a) the effect of the domestic abuse on the child and on the arrangements for where the child is living;

(b) the effect of the domestic abuse on the child and its effect on the child's relationship with the parents;

(c) whether the parent is motivated by a desire to promote the best interests of the child or is using the process to continue a form of domestic abuse against the other parent;

(d) the likely behaviour during contact of the parent against whom findings are made and its effect on the child; and

(e) the capacity of the parents to appreciate the effect of past domestic abuse and the potential for future domestic abuse."

59. This application fails on the basis of Paragraph 36(3)(b) alone. In light of the factual findings I have made I cannot properly satisfy myself that the physical and emotional safety of these children and DL can be secured both before and after contact. I can also not satisfy myself that DL would not be subject to further domestic abuse. Without self-realisation and treatment TF presents a clear and present risk to DL's emotional wellbeing and in my finding does not have the degree of empathy and understanding required to prevent such harm happening to his children as they grow older.

60. In many circumstances it is possible to protect the resident parent by using professionals or familial support to create a safe environment for children to see a previously abusive parent. TF's complete contempt for all professionals and DL's family make this impossible.

61. If I were wrong on this point Paragraphs 37 (c)(d) and (e) would preclude my ordering contact. TF enjoys litigation, his avenue to civil litigation has been significantly curtailed so he has used these proceedings as a means of considering his various crusades whilst littering his applications and evidence with abuse of DL. There is hardly a mention of the children in his evidence. I have grave doubts as to whether he wishes to see his children at all or understands the consistency required to be a father. I note he has little or no contact with any of his other children save for the child in care where that is closely supervised.

62. Turning to the Welfare Checklist the magnetic factor is 1(3) (e) CA 89. These children are at risk of emotional harm from their father and that risk cannot be mitigated to an acceptable level either by treatment or professional support. For the same reason the provisions of Section 1(6)(a) CA 89 apply, there is no method of involving TF in the children's lives which does not put the children at risk of suffering harm. This deals with issues of proportionality. It can never be proportionate to expose young children to unmitigated emotional harm. This also deals with the issue of whether the court has done all it can, there are no practical arrangements or viable treatments which TF would accept which the court could order.

63. In relation to DL the evidential process has raised issues in relation to her ability to be honest with the court and professionals. However, an experienced guardian has determined that the children are thriving within her home with her parents playing a significant role. Here relationship with TF is clearly toxic and began when she was very young. On balance I am satisfied that with the children thriving in her care it is not necessary to prolong these proceedings further. It is thus appropriate to make a Child Arrangement Order in her favour.

Litigation Conduct as a feature of Domestic Abuse

64. The courts have long recognised that the litigation process can be used as a method of post separation abuse and that is reflected in the new Section 91A CA 1989 brought in by Section 67(3) Domestic Abuse Act 2021. This reflects the concerns highlighted in The Harm Panel Report; *(Assessing Risk of Harm to Children and Parents in Private Law Cases) Ministry of Justice: Assessing Risk of Harm to Children and Parents in Private Law Children Cases; Professors Rosemary Hunter, Mandy Burton and Liz Trinder* which states

Para 8.5 page 125:

"The issue of repeat applications for child arrangements orders being used as a means of ongoing abuse has been raised as a concern by the judiciary in reported case law and in other contexts.[144] Chapter 3 described section 91(14) of the Children Act 1989, which allows the court to order that no further applications for child arrangements orders may be brought without leave of the court being obtained. If a party is 'barred' from making repeat applications without leave then this may provide some respite for victims of domestic abuse. There are other provisions which the court can use to prevent repeated unmeritorious applications but, as the literature review highlights, section 91(14) is the key provision for child arrangements cases. Case law shows, however, that even when perpetrators of abuse are 'barred' from making further applications, the process of applying for leave to apply can also be used as a tool of abuse. Thus, for example, in Re P and N (2019) Mr Justice Cobb, noted that an unmeritorious application for leave to apply may in itself put the resident parent under stress if she is made aware of it. It was observed that if all applications for leave to apply in cases where a section 91(14) order is in place required a response from the other party, then abusers would be provided with a legally sanctioned tool for continuing abuse, the very thing that section 91(14) is designed to prevent.

144 B Hale (1999) 'The view from court 45', Child and Family Law Quarterly 11(4): 377–86."

What this case illustrates is the potential abuse created by repeated applications within one set of proceedings. It is regrettable that this was not dealt with earlier as a standalone issue. The effect on DL is clear and in her witness statement she commented:

"In light of TF's mental health issues, and past issues involving the police and social services and his constant vexatious court application are totally without merit and is an extension of his abuse to harass using the Family Court process to reiterate issues which have already been dealt with in past applications and meetings with other agencies. It contravenes my children's rights as well as my rights, and family rights to lead a happy and peaceful life without disruption and interference. Whereby my children and I continually go through a process that is not in their best interest to pursue forced Arrangement to see TF. Our private lives are invaded and interrogated because of defamatory and false allegations made by TF on his vendetta to seek vengeance, is a cause for concern". (C6)

It should be noted that this statement is dated 29 April 2021. Most of the applications in this matter postdate that date. I have no difficulty however in identifying that the 13 applications within these proceedings amount to a continuation of domestic abuse via litigation conduct.

Family Court judges are exceptionally busy and interlocutory applications are often referred to them either electronically or on paper during days with full lists, at times without the substantive file. However, it is essential that patterns of repeated litigation activity are identified and if appropriately dealt with as an interim issue in order to avoid the experience that DL has gone through in this case.

Section 91(14) CA 1989

65. TF is aware that the Guardian recommends a Section 91(14) order for a period of 5 years. Practice Direction 12Q assists in setting out Key Principles as to the use of these orders and the following are of interest with the most relevant sections highlighted.

"2.Key principles

2.1 Section 91(14) orders are available to prevent a person from making future applications under the 1989 Act without leave of the court. They are a protective filter made by the court, in the interests of children.

2.2 The court has a discretion to determine the circumstances in which an order would be appropriate. These circumstances may be many and varied. They include circumstances where an application would put the child concerned, or another individual, at risk of harm (as provided in section 91A), such as psychological or emotional harm. The welfare of the child is paramount.

2.3 These circumstances can also include ***where one party has made repeated and unreasonable applications****; where a period of respite is needed following litigation; where a period of time is needed for certain actions to be taken for the protection of the child or other person;* ***or where a person's conduct overall is such that an order is merited to protect the welfare of the child directly, or indirectly due to damaging effects on a parent carer.*** *Such conduct could include harassment, or other oppressive or distressing behaviour beyond or within the proceedings including via social media and e-mail, and via third parties. Such conduct might also constitute domestic abuse."*

66. I have disposed of 13 separate applications in this case, none were successful and many irrational and abusive. However, most importantly DL needs some respite from constant abusive litigation. An order is thus warranted.

67. In different scenarios Justices of the High Court have reached the same conclusion.

68. I note that 7 years after the order of Simler J TF continues to use every opportunity to litigate and thus if not restrained he is likely to do so in the future. A period of five years thus appears appropriate.

69. Section 91(14) is not a bar but a filter; were TF to return to taking his medication and to desist from abusive behaviour and spurious litigation for a significant period of time then he is has a rational argument for suggesting leave should be granted.

Closing Remarks

70. It would have been impossible to conclude this case in the time allocated without the excellent assistance to the court and the parties provided by David Payne. I am deeply grateful for the work undertaken at short notice and often out of hours.

71. Finally, David Faulkner and Nina Skilton have been subject to intense, unpleasant, personal abuse from TF. None of it justified in any manner. They have performed their obligations to the children in an exemplary manner.

District Judge Webb
14 November 2022

SCHEDULE 1 (SCHEDULE OF APPLICATIONS)

DATE	**MADE BY / STATUS**	**SUMMARY OF ORDER SOUGHT**	**COMMENT**	**JUDICIAL DETERMINATION AND SUMMARY REASONS**
Final Hearing Oral Application	Guardian	For remote attendance of Dr Rafiq on Thursday 29th September 2022 to give evidence.	Application pursued by guardian, father did not oppose, mother did oppose.	**Granted**. Dr Rafiq to attend at 10:15am by Teams. Any other matters will be accommodated around his evidence. Under the FPR, the court is extended significant latitude as to how a witness gives evidence. Essential test of fairness and welfare. It is common for experts to use video link, can be done without affording any prejudice to the lay parties.
Final Hearing Oral Applications	TF	To be able to cross-examine the mother directly	Application opposed by the mother and the guardian.	**Dismissed**. The court applied s31(g) of the Matrimonial and Family Proceedings Act 1984, considered PD12J of the FPR and had regard to the judgment of Hayden J

				in PS v PB [2018] EWHC 1987, particularly para 34. Satisfied mother's evidence would be of less qualitive nature if direct cross-examination by the father is permitted. The parties to be afforded time and the court to review the proposed questions at the conclusion of the evidence of Dr Rafiq.
9th June 2020	TF C79 Form Used Has been Issued	• Enforcement • An order for £5,000 in compensation Contempt of the Mother (presumably committal for contempt)	There is no enforceable CAO as the order of HHJ Thomas on 4th December 2015 records the proceedings in 2015 ended with no Child Arrangements Order. [F1-F5]. DDJ O'Hagan recorded in the order of 23rd June 2021 "*AND UPON the Court agreeing that the applications*	Application dealt with by order of DDJ O'Hagan on 23rd June 2021. Court agrees there is no Child Arrangements Order to enforce in the order of 4th December 2015 and therefore the application for enforcement is ill-conceived. However, has already been determined the application will be treated as an application for a child arrangements order as both parties seek this (albeit it in different terms) and existing arrangements did not include P.

			made by the applicant father should be treated as an application for a child arrangements order in respect of both children with a view to spending time with them."	Applications for Compensation and contempt under section 11 fall away as there is no index order.
9th June 2020	TF FP2 Application Notice Used Unclear if has been issued by the court	• To vary a Child Arrangements Order • Order to include P • Committal for contempt of the mother • Publication of the "*full details of DL's actions*" in the press.	As above. The application contains offensive descriptions of the mother, including describing her as "*a child abusing whore*". [H16]	**Dismissed**. For the same reasons as discussed above. The court reserved a determination on the question of any publication (including the scope of publication) until the end of the proceedings.
5th September 2021	TF This is an email. No formal application has been seen on	For police disclosure (X Police).	TF describes having had "defamation proceedings against X Police & Children services."	**Dismissed**. The application does not appear to have been properly made in the Family Court. In any event, it has been dealt with in proceedings

	behalf of the children. The email from TF seemingly does not attach any application. It is unclear whether any application has been processed by the court.			regarding TF in the Crown Court.
1st October 2021	TF This is an email. No formal application has been seen on behalf of the children. The email from TF seemingly does not attach any application.	The email requests permission to appeal. The email chain suggests the appeal is against a judgment of HHJ Wood QC in an earlier civil action. TF appears to be complaining the judgment is a "falsified judgment" and has been used against him.	The email has been included because TF specifically included the Birmingham Family Court and the solicitor for the children as recipients.	**Dismissed**. The Family Court is not the appropriate court in which this application should be made as it relates to earlier civil proceedings in the County Court. In any event, Court has transcripts of judgments in other court proceedings from HHJ Wood QC and Recorder Easteal (as he then was).

	It is unclear whether any application has been processed by the court.			
4th October 2021	TF C2 Application It is unclear whether this application has been correctly issued or processed by the court.	Contempt of numerous persons not related to these proceedings.	The application also includes [another named child of TF] in addition to E and P. It lists X City Council, Plexus Law and Judge Easteal (now HHJ Easteal). It also cites the CPS, other judges and the 'Criminal Justice Mental Health Teams'. It refers to them as 'sex offenders' and 'criminal bacon breaths'. TF describes himself as a 'Civil Rights litigator against a	**Dismissed**. Upon clarification with TF, the application is effectively to seek that records held and repeated by the police are expunged on the basis of being incorrect on his case. The court considered that notwithstanding that it had no power to do so, this was not a matter on which the court would need to make findings to make appropriate determinations as to the welfare of the children. The individuals named are not relevant to the case relating to E and P.

			Bunch of Bacons'.	
7th October 2021	TF This is an email. No formal application has been seen on behalf of the children. The email from TF seemingly does not attach any application. It is unclear whether any application has been processed by the court.	A request for a Transcript (of what is not clear)	The email has been included because TF specifically included the Birmingham Family Court and the solicitor for the children as recipients. The email is offensive and threatening to the judiciary. It includes "*That Judge is obviously a bacon. You can't bring back capital punishment for bacons he even removed a Noose. Your have to hang the Court of Appeal & House of Lords cause its full of bacons like X combined court.*"	**Dismissed**. – For the same reasons as in relation to the application dated 1st October 2021. The Family Court is not the appropriate court in which this application should be made as it relates to earlier civil proceedings in the County Court. In any event, Court has transcripts of judgments in other court proceedings from HHJ Wood QC and Recorder Easteal (as he then was).

9th October 2021	TF C2 Application Form It is unclear whether any application has been processed by the court.	For 'Arrest & Restraint Orders'.	The application names various persons as respondents, including District Judge Webb. The descriptions of the various persons named are offensive.	**Dismissed**. TF explained his application was driven by the concern that Dr Rafiq had made conclusions about his capacity to conduct litigation. Dr Rafiq had not found the father lacked capacity. In any event, TF agreed the application was no longer pursued as matters had moved on.
9th October 2021	TF C2 Application Form It is unclear whether any application has been processed by the court.	It is not clear what the application is for. It appears to be a complaint as the conduct of various persons and mentions contempt.	The application includes various offensive and abusive terms, including towards the mother, the solicitor for the children and the guardian.	**Dismissed**. The court treated this as an application to discharge the guardian and the solicitor for the child. An earlier, informal, application to discharge the guardian was dismissed at the hearing on 31st August 2022. The court treated this as a fresh application. The court considered Re N (A Child) (Termination of children's guardian) [2022] EWFC B16 and the statements of the applicable law therein. The court was

				not satisfied that the situation established any of the criteria for discharge. The court observed TF had the right to challenge and probe the guardian in cross-examination and that it was open to the court not to follow the guardian's recommendations.
8th November 2021	TF FP2 Application Notice It is unclear whether this application has been correctly issued or processed by the court.	Disclosure of the s37 report to X Children's Services. Disclosure from X Police "A ruling of law" on the use of racist terminology.	The only s37 report was in the previous proceedings and is dated 18th November 2015. The application includes descriptions which most would consider offensive, abusive, and racist. It ends with the term "*David is a Bacon!*"	**Dismissed**. The section 37 report has apparently already been served. The court had made subsequent orders for police disclosure from X Police which had been complied with. The Court observed that it was not able to make binding 'Rulings of Law'. It may in considering the case, hear submissions and determine whether language in this case may be considered racist, abusive or offensive.

5th January 2022	TF C2 Application Form It is unclear whether any application has been processed by the court.	• An Urgent Hearing • To ‘arrest, detain and restrain all parties’ Permission to Stay	The application contains descriptions which most would consider offensive and abusive. TF alleges his rights under Article 8 and 14 of the Human Rights Act are being infringed. The application is supported by additional documentation which contains material which could be consider abusive and threatening toward the judiciary [H71]. **TF has also produced a statement, dated 5th January 2022 in support [H80-H84].** •	**Dismissed**. For the same reasons as for the dismissal of the application dated 4th October 2022.

30th March 2022	TF C2 Application Form It is unclear whether any application has been processed by the court.	• An Urgent Hearing • To 'arrest, detain and restrain all parties'	The application is similar to the one on 5th January 2022. The application suggests the solicitor for the children, the guardian, the 'Birmingham Combined Court' and others should be detained and put 'in the Crown Court'. The language used in the application is offensive and abusive.	**Dismissed**. For the same reasons as for the dismissal of the application dated 4th October 2022.
13th July 2022	TF FP2 Application Notice Has been issued by the court, but does	• An Urgent Hearing • Police disclosure • DNA Paternity Testing • Disclosure of mother's medical records	The application was considered by District Judge Webb on 11th April 2022 and ordered to be considered at the final hearing [B84].	The application for the urgent hearing was dealt with in the order of 11th April 2022 which adjourned the applications to this hearing. The application for police disclosure was **dismissed**. It was

	not appear to have been served at the time on the parties	• Disclosure of addresses of non-parties • Disclosure of alleged What's App audio recording • Return of property said to be held by the mother • The attendance of additional witnesses. • Disclosure of proceedings to another judge (HHJ Shape) • The extension of the final hearing to 4 days		ascertained this related to police conduct in 2016 when TF was detained under Mental Health Act powers. This led to proceedings in the Crown Court and also the High Court. The Family Court will not interfere with those, in any event the question is about TF's health now. The application. For DNA. Testing is **dismissed**. TF has treated the children as his own and maintains his application. Determination of paternity will not assist in the welfare exercise required at this final hearing. The application for the mother's medical records was **dismissed**. This would be a gross invasion of privacy and is seemingly pursued to find medical evidence around an alleged lamp throwing incident between the parties in or around

				2016. This will not assist the court. The application for disclosure of the address of a non-party was **dismissed**. There was no evidence from this person and the relevance had not been established. The parties could still rely on messages which they had appended to their statements, but not messages which they had not. For the same reason, the application for What's App messaging was **dismissed**. The application for the return of property was **dismissed**. The parties were not married and the Family Court held no power to order this, and certainly not in the confines of Children Act proceedings. The application for additional witnesses was **dismissed**. The

				proposed witnesses were not relevant to the issues in this case. The application for disclosure to other proceedings was **dismissed**, but would be reconsidered upon receipt of a properly formulated application emanating from those proceedings. The application for a longer listing of this final hearing was **dismissed**. The court had determined this by email at an earlier point in time.
20th September 2022	The Guardian C2 Application	An order under s91(14) of the Children Act 1989 to prevent further applications without leave in respect of the children for a defined period.	Such application would fall to be considered at the conclusion of the final hearing.	The application will be considered at the end of the hearing. This is the usual practice for such applications. The court was informed that upon greater knowledge of the extent of the applications made by the father, the

				guardian would invite such restriction to be for a period of 5 years, not 3 years as initially suggested in his final analysis.

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7th October 2022

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SCHEDULE 2 (SCHEDULE OF OFFENSIVE OR ABUSIVE COMMENTS)

This Schedule is omitted from this anonymised judgment