

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 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.

This is the final anonymised version. A copy was sent to the parties and responses in relation to the anonymisation were directed by 15th December 2023. A response has been received from the Mother's representatives and amendments made accordingly.

Case No: PR22P00884

Neutral citation: [2023] EWFC 265 (B)

IN THE FAMILY COURT SITTING AT REEDLEY

Before :

DISTRICT JUDGE BUCKLEY

Between :

FATHER

Applicant

- and -

MOTHER

Respondent

Ms Jasmin Shingler, Counsel, for the **Applicant**
The **Respondent** appearing in person, supported by McKenzie Friend

Intervener, Paternal grandfather, appearing in person

Hearing dates: 2nd – 5th October 2023

JUDGMENT – 10TH OCTOBER 2023

Introduction

1. I am concerned with the welfare of two children, MFM, a girl, now aged 6, born in March 2017, and IFM, a boy, now aged 4, born in May 2019.
2. The Father appears in person, supported by his McKenzie Friends
3. The Mother is represented by Ms Shingler, Counsel.
4. I will refer to the parties as Father and Mother throughout my Judgment. The children currently live with Mother and spend time with their Father twice per week on a Wednesday and Sunday via video calls.
5. There are interveners, the children's paternal grandparents, whom I will refer to as paternal grandparents throughout my Judgment. The paternal grandfather attended the hearing in person.
6. This written judgment follows a 4-day fact find hearing in which I was invited to determine a series of allegations made against the Father. I have considered the documents in the final hearing bundle (together with audio/video footage); the live evidence of (i) the parents (ii) maternal grandfather, (iii) maternal cousin, and (iv) Family Court Advisor, PH. The parties had agreed at the start of the hearing that the Court would be assisted by hearing oral evidence from PH. I also heard submissions from Ms Shingler, Father and Paternal Grandfather.
7. The hearing proceeded on an attended basis. Participation directions applied in the form of a screen during the hearing and appropriate breaks, when required, during the evidence.
8. Father and the Paternal Grandfather prepared written questions for Mother, and Mother's witnesses where appropriate. Father had prepared 142 written questions for Mother, and was given time to prepare additional questions also. An application was made and determined at the outset of the hearing for Mother to rely upon an additional witness/substitute a witness; the application was opposed by Father and was refused.

The allegations

9. I case managed this fact find. The mother provided a schedule of allegations and supporting statements in which she alleged the following during the relationship between August 2016 and September 2019, and her allegations as to domestic abuse extended to August 2022:-
 - a Emotional Abuse (Verbal)
 - b Emotional and Psychological Abuse (Intimidation and Threats)
 - c Emotional and Psychological Abuse (Restricting Freedom)
 - d Physical Abuse on a number of occasions, including four specific incidents that are alleged to have taken place on 8th July 2017, 16th October 2018, 30th October 2018 and 23rd August 2019.
 - e Domestic abuse impacting upon Mother's Mental Health.
10. Mother also alleged Verbal, Emotional and Psychological Abuse towards MFM, including during the relationship, being treated unfairly by the paternal family and exhibiting a pattern of manipulative, coercive and controlling behaviour towards the children – particularly MFM – between February 2022 and August 2022.
11. It is accepted that although Mother made allegations in the previous proceedings regarding the parental relationship, these were not a bar to unsupervised contact with Father taking place or a progression to overnight contact once Father relocated to Lancashire, in accordance with the final consent order dated 4th February 2022. However, the totality of the allegations now require determination as Mother alleges that Father's behaviour towards herself and the children, particularly MFM, post February 2022 is a continuation of controlling and abusive behaviour.
12. Father has made it clear throughout his evidence that Mother has displayed alienating behaviours and has coached the children, and has constructed a narrative against him over several years. I determined that I would hear evidence in relation to this and form a holistic view of the parental relationship, Mother's allegations and whether there had been alienating behaviours as alleged by Father. I will also consider, as I am required

to do, any patterns of behaviour both during the parental relationship, and following separation.

The law

13. The basic principles of any fact finding are well established and can be summarised as follows:
 - a Whoever makes an allegation has the burden of proving it is true. It is not for the other party to disprove the allegation. An allegation will be proven by establishing it is more likely than not to have happened. If this standard is met, the allegation will be regarded as a fact. If not, it will be wholly disregarded.
 - b The Court acts on evidence, not suspicions or anecdotal evidence. The evidence of the key participants (here the parents) will be central to any evaluation and should be considered with care. However, all evidence is relevant and the Court should have regard to the wide canvas of evidence in assessing whether something happened.
 - c In cases involving alleged domestic abuse it may be helpful to focus on clusters of allegations. Over-reliance on schedules will likely be unhelpful. In cases in which controlling behaviour is alleged the Court is concerned with patterns of behaviour. The Court will benefit from a holistic evaluation and should avoid a compartmentalised approach.
 - d The Court can have regard to the inherent probability of an event taking place but should guard against over-reliance on this noting that there will be very many allegations which are inherently unlikely at a general population level but which are known to occur at a micro level in society. Over-reliance on inherent probability in such circumstances would lead to an incorrect outcome. The touchstone for all cases is for the Court to focus on the evidence before it and what it suggests as being accurate. Inherent probability is but one aspect of this assessment and should not be the determining factor. In any event the standard of proof is not changed by reference to the inherent probability of an event.

- e In considering where the truth lies the Court can have regard to the demeanour of a witness or the manner in which evidence was given but should approach this with care noting that in the case of emotive evidence a truthful witness may stumble and struggle in giving their evidence whilst an untruthful witness may give their evidence in a composed and attractive manner. The Court will find assistance in the internal consistency of evidence and how it fits with other parts of the evidence. The Court will often be faced by evidence of a party lying to the Court. Such a finding does not justify the Court rejecting the evidence of that witness wholesale. Rather the Court should approach the lies through the guidance set out in the authority of R v Lucas to establish whether the lies can be shown to be probative to the issues in dispute.

- f The Court is alive to the fact that abusive behaviour has at its heart an imbalance in power within the relationship and the exploitation of the same for the benefit of the abuser. Domestic abuse as with all abuse is the imposition of one party's wishes onto a weaker party. Domestic abuse typically occurs in the private sphere and with this comes real challenges as to assessment and obtaining of evidence. It will often be the case that the Court is left to evaluate the diametrically opposed evidence of the key participants without any help from extraneous sources. The Court can find guidance in Practice Direction 12J as to the concepts of domestic abuse including coercive and controlling behaviour. The Court is reminded through the guidance found in Re H-N & Others [2021] EWCA Civ 448 as to insidious nature of domestic abuse and the need for sophisticated analysis. This includes awareness as to the potential for abuse to be maintained notwithstanding parental separation and even so where there are protective orders in place.

- g At the same time the Court has to distinguish between abusive behaviour and poor behaviour which falls short of being domestically abusive and relevant within children proceedings. Not every act of unkindness, rudeness or misconduct will be such as to justify fact finding. The Court needs to clearly delineate between those findings which will have a material impact on child arrangements (if proven) and those which will not. It is not for the Court to resolve all disputes between adults and it is positively unhelpful for the court to allow the proceedings to become 'another battleground for adult conflict'.

h I have also taken into account the overriding objective and the Presidents recent guidance dated May 2022. I have also considered the principles as set out in the recent case of re B-B (Domestic Abuse Fact-Finding) [2022] EWHC 108 (Fam), and have considered the allegations in this particular case in a holistic way, and have taken fully into account the complex and disputed history between the parents.

Background/Litigation history

14. This is intended to be a summary of the known and agreed background to this case. Unfortunately, it is necessary to set out in some detail the litigation history prior to this hearing, as this is second set of proceedings and previous decisions were made not to proceed with a fact-finding exercise.
15. The parents met in November 2015, and married religiously in the same month but started living together in August 2016. The parties separated and reconciled on occasions during the course of their relationship until finally separating in September 2019 when Mother moved to the Lancashire area with the children. It is common ground that Father granted Mother an irrevocable divorce in August 2019. Father remained living in London and Father would travel to Lancashire approximately every fortnight at the weekend to spend time with the children, and daily video calls took place also.
16. Father made his original child arrangements order application, seeking for the children to be placed in his care, in October 2020. Father's statement in support of his application in 2020 invited the Court to determine his application without notice due to the Mother's mood and that her temper was volatile and had been throughout their relationship and had deteriorated since separation.
17. Father raised concerns in respect of Mother's mental health, suggesting psychiatric and psychological difficulties and that Mother was alienating the children against him and that Mother was the perpetrator of coercive and controlling behaviours and domestic abuse towards him.

18. Father was of the firm view that mother could not safely parent the children full-time as the children were at risk of psychological and emotional harm in her care.
19. Mother made counter allegations against Father alleging that Father was extremely controlling of the mother and her finances, and was verbally, emotionally, physically abusive and used MFM to punish the mother when in a relationship.
20. Mother further alleged that Father and the Paternal Grandparents used coercive and controlling behaviours towards her. Mother also raised concerns in respect to the father and paternal families' alleged cultural, patriarchal, and misogynistic practices and their views on how children should be raised, especially girls which Mother alleges MFM was subjected to from the age of 2 years.
21. During the proceedings, from the first hearing in January 2021 until their conclusion on 4th February 2022, the children lived with Mother and continued to spend time with Father in accordance with interim child arrangement orders on a Saturday and Sunday, in the Lancashire area, on a fortnightly basis. The video calls contact also continued.
22. Cafcass prepared and filed a Safeguarding Letter which recommended a Fact-Finding hearing. At the initial hearing on 9th February 2021, the Court determined, due to the children already spending unsupervised time with Father, that a Fact-Finding hearing was not required. A Section 7 report was then prepared dated 6th May 2021 which also recommended a Fact-Finding hearing and on the outcome of the hearing consideration should be given as to whether a Section 37 report was required, due to the counter allegations made by the parents against each other and Mother's allegations against the Paternal Grandparents.
23. On 3rd June 2021, the Court determined that a Fact-Finding hearing was necessary, in line with Cafcass recommendations, and made directions through to a 5-day hearing in August 2021, also directing Cafcass to prepare an addendum report in relation to the paternal grandparents.
24. Cafcass prepared an addendum report dated 12th July 2021, confirming the recommendation for a fact-finding hearing, and concluding that the paternal grandparents loved and missed the children and they had offered different solutions to

support the parents together and apart as a family. The grandparents denied the allegations made by Mother.

25. Unfortunately, the Finding of Fact hearing listed in August 2021 was adjourned, it was recorded on the order that Father had failed to file evidence as directed. The Finding of Fact hearing was re-listed, but further adjourned by the Court, until a final listing of w/c 4th February 2022.
26. In January 2022 Father wrote to the Court asking for leave to withdraw his application as the parents had agreed a plan forward, so the matter could be settled with a consent order.
27. I approved a consent order on 4th February 2022, having not case managed the proceedings previously. The order made provision for the children to live with Mother and continue to spend time with Father on fortnightly basis on a Saturday and Sunday. Mother was not opposed in principle to overnight stays starting if Father relocated to Lancashire as she remained concerned about the alleged behaviours of paternal grandparents towards MFM and the negative views they held in relation to Mother. Mother would not agree to the children travelling and spending time in London and Father agreed not to take the children to London. The order clearly recorded that if Father wished to spend time with the children at the paternal grandparents' home in London that he may need to make a fresh application.
28. The arrangements subsequently continued as per the order, however Father did not relocate to Lancashire. Mediation took place at the end of June 2022 but matters could not be resolved. Father made his application, issued on 26th July 2022, for a variation of the order to include overnight stays. Father makes reference in his application that he seeks a fulfilling relationship, especially as the geographical distance will no longer pose a problem. Father sought an urgent hearing as the children wished to spend more time with him over the school holidays and paternal grandparents would like to see the children as this had been stopped by Mother.
29. Cafcass prepared their safeguarding letter dated 31st August 2022. Mother raised allegations that MFM was being subjected to the same coercive and controlling behaviour that she was subject to. Cafcass advised Mother to cease direct contact due to these serious concerns and to reduce the indirect contact to one video call per week.

30. At a hearing on 12th September 2022, the Court determined, in line with Cafcass recommendations, that contact should be reduced to indirect only. It was recorded that Father last spent time with the children over the weekend of 27th/28th August 2022. Father referred also to a breakdown in communication between the parents. Mother sought a fact-finding hearing.
31. At the next hearing on 13th October 2022, Mother raised concern that the video contact once a week for two hours was too long for the children to stay focused. Father invited the Court to reinstate direct contact but the Court refused due to the contents of the safeguarding letter. The parties agreed that interim indirect contact would be varied to twice a week for a period of 30 minutes each on Wednesdays from 6pm-6:30pm and Saturdays from 11am-11:30am.
32. Directions were made for the exchange of schedules of allegations and witness statements in preparation for a hearing on 30th January 2023. The hearing was my first involvement case managing Father's second application. Father was directed to file his statement by 2nd December 2022, however the evidence was filed via email on the morning of the hearing.
33. At the hearing on 30th January 2023, Father confirmed that he continues to reside in London with the paternal family and his new wife. He said he was willing to relocate to Lancashire but only when he is sure he will have regular time with the children. I ordered Cafcass to file and serve a section 7 report; I determined at that stage that a finding of fact hearing was not necessary.
34. Cafcass filed a s7 report dated 13th April 2023. The Family Court Advisor, PH, was unable to make final or stepping recommendations until a finding of fact hearing had taken place. MFM had made allegations that Father had shouted at her and that Father favours IFM over her. Father remained entrenched in his view that Mother was deliberately preventing him from spending time with the children, and that her behaviours were alienating.
35. At the hearing on 28th April 2023, having regard to the consistent recommendations of Cafcass across three welfare reports, I found it necessary and proportionate for a

Finding of Fact Hearing to be listed. The paternal grandparents were joined as interveners limited for the purpose of the Finding of Fact Hearing. They were invited to attend the PTR, and the bundle be disclosed to them.

36. Mother served her updated, composite schedule, on 19th May 2023 as directed. Father's response and paternal grandparents' responses were only received on 6th September 2023. Father informed the Court in writing on 12th June 2023 that he required a further 4-6 weeks to complete his evidence, the documents having been directed to be filed by 9th June 2023. The evidence from Father and the paternal grandparents was emailed to the Court on the afternoon of 6th September 2023.
37. At the PTR on 7th September 2023, I considered FPR 4.6 and determined that any relief from sanctions would not be granted. The order sets out in detail the decision made to refuse Father and the paternal grandparents permission to rely on their evidence, there had been a pattern of non-compliance and the documents did not comply with the directions made.
38. The matter has therefore proceeded to this fact-find hearing. Although the paternal grandparents had no witness evidence to rely upon, I determined that they could attend the fact-finding hearing and put questions to the witnesses and make final submissions.

Summary of Evidence/Impressions of witnesses

39. Much depends upon how I perceive the parties' own live evidence, taking what help I can from the corroboration offered by evidence from, in this matter, a variety of external sources, for example police disclosure, medical evidence, messages, audio and video files and third parties. I will summarise my impressions of the witnesses in the order in which they were heard, the parents both gave extensive oral evidence for over a day each.

Mother

40. Mother was an articulate, intelligent witness.

41. Mother's evidence was balanced and demonstrated a clear recall of her lived experiences, consistent with her written evidence, particularly in relation to the meeting at N's house in December 2017 and the occasions when MFM was excluded by her cousins in the paternal grandparents' home.
42. Mother did not seek to deny that she had exported messages from Father's phone towards the end of the marriage, as evidenced within the bundle. Objectively, this is not healthy behaviour within a relationship, and Mother gave a plausible explanation why she did this due to concerns – well-founded – about what Father was saying about her and the relationship to his friends.
43. Mother's encouragement of the children spending time with Father was detailed and supported by documentary evidence, and also supported by Father, who accepted for example that Mother would send pdfs of bedtime stories via Whatsapp to read to the children.
44. Mother was consistent and compelling in her evidence when discussing the guilt she felt, and wanted to ensure that the children had a relationship with their Father following separation, and also the guilt she felt when returning to the relationship to try and make the marriage work.
45. Mother was reflective in acknowledging a pattern of behaviour and doubting the decisions she was making, and was self-critical in accepting it was inappropriate to make a homosexual reference when speaking to the police in September 2019 and that her actions did not make sense when looking back on that day.
46. Mother also accepted that she was not honest with Children's Social Care when referrals were made, as she feared the consequences.
47. Mother gave a plausible explanation when discussing her reasons for not agreeing previously to overnight contact, on the basis that it gave her personal comfort in the evenings knowing that the children would return.
48. Overall, Mother was a consistent, credible and reliable witness.

Maternal Grandfather, MHS

49. The maternal grandfather was a quietly-spoken, calm witness who gave short, succinct answers during his evidence.
50. The maternal grandfather was clear that despite his concerns for his daughter, and being constantly worried, he had respected her wishes when she returned to the relationship. He was balanced when referring to meeting the paternal family mainly at “*good times*,” and was not overly critical of Father or the paternal family. He also accepted when an incident of conflict occurred that he offered to be a witness.
51. The maternal grandfather explained clearly how he knew Mother was in a panic when she called early in the morning, texting him also for a recipe, and that she was abiding by her mother-in-law’s rules.
52. Although I heard briefly from the maternal grandfather and take into account that he is giving evidence to support his daughter, when considering his evidence alongside the totality of the evidence, I am satisfied that he was a genuine, balanced witness and I can place weight on his evidence.

AS

53. AS gave brief evidence and was a pleasant witness.
54. AS confirmed the evidence of both parents that Mother had worked briefly at her teaching institute, and accepted also that there had been some controversy there, but this took place at a later date.
55. AS explained in clear terms the incident when Mother asked her to collect MFM from the paternal grandparents’ home, with her husband; AS had clear recall, and described a volatile environment, and the paternal uncle in particular raising concerns about Mother’s mental health, and ultimately as the parents agree, she was not prevented from taking MFM with her.
56. AS confirmed aspects of the parents’ evidence in relation to these matters, and although her evidence was brief, she gave evidence entirely consistent with her witness statement – and consistent with the parents’ own evidence in certain aspects – and I am satisfied that I can place weight on her evidence.

PH, Family Court Advisor

57. PH was a balanced and child-focused witness.
58. PH had considered all the papers, and had undertaken direct work with MFM, who had been prepared for this and had utilised Cafcass tools both in relation to the ascertaining a child's wishes and feelings, and assessing alienating behaviours.
59. PH acknowledged that the discussion with Father had been difficult and accepted that Father disagreed with her professional opinion.
60. PH remained of the firm view that this was not a situation where Mother had demonstrated alienating behaviours, however it was her professional opinion that MFM was upset and confused, she had been exposed to parental conflict and she had yet to reach any final conclusions.
61. I have no hesitation in accepting PH's balanced, professional opinion and attach weight to this when making findings.

Father

62. Father, as with Mother, was an intelligent and articulate witness.
63. Father was robustly cross-examined at length by Ms Shingler, and throughout provided lengthy, detailed answers and was given every opportunity to give evidence in response to each allegation, and to place the many incidents and issues raised within his own context.
64. Father was generally consistent with his written evidence, and did not waver from his position that Mother has constructed a false narrative, dating back several years, and has issues with her mental health and that Mother has displayed alienating behaviours.
65. Father accepted the basic facts of many of the alleged incidents, including words he has said to Mother, what he has said in messages to friends, the contents of a detailed conversation with Mother; however in each instance explained that matters had been taken out of context, and he was not the husband and abusive partner he was being made out to be.

66. Father gave plausible explanations also for certain incidents that had taken place during the relationship.
67. However, there were aspects of Father's evidence that were troubling.
68. Father gave inconsistent evidence in relation to what Mother did for his parents, initially stating that she "*never cooked*" but later in his evidence accepting that it may have been "*once or twice*" and the same to making a cup of tea. I was concerned that Father was seeking to minimise the difficulties in the relationship between paternal grandparents, particularly paternal grandmother and Mother.
69. Father also sought to justify some of the language used to Mother, on the basis that it was said to his friends via message and not to her, failing to appreciate how Mother would feel that the words had been said at all and they were his feelings and views.
70. I was also concerned with Father's evidence on the occasion when he would not let Mother into the home during 2019, and admitted he did not want Mother to come in, and MFM, then aged 2, had to ask him to "*let mummy in*" and Father interpreted that situation as Mother coaching MFM to say this.
71. Father, on multiple occasions, referred to "*we*" and "*us*" when discussing problems with Mother, suggesting that he viewed himself and his parents as a collective against Mother, who was the one causing the paternal family all the problems. I considered this evidence alongside Mother's who was consistent in her views about the paternal grandparent's influence on Father and the difficulties he had in separating from them.
72. Father also corroborated Mother's evidence that he did not want her to work at a particular teaching institute, making his views clear, and Mother stopped working there and Father "*found her*" somewhere else to work. Although Father claimed this was due to knowing the local area better, in the context of the issues within the relationship, I was troubled that Father was dictating to Mother where she could and could not work.
73. Father also changed his narrative on one occasion when discussing the agreement signed by Mother at N's home in December 2017 to return to the relationship, changing his evidence to accept that no maternal family members were there when Mother signed the agreement.

74. Finally, I was particularly concerned with Father's evidence regarding the issue of not relocating to Lancashire and the impact of that on MFM, and IFM also. Father's intention when approaching the Court to withdraw his application in early January 2022 was that he accepted that the children were settled and it would be best to relocate to have a meaningful and positive relationship with them. Father told me that he spoke to MFM about this at the end of February 2022 and she displayed genuine excitement, saying it would be "*cool*." Father took MFM to school also at the end of March 2022, and explained that he would be having more involvement with the school once he relocates. MFM was looking forward to her Father moving to live close to her, on Father's own evidence, however the move has not taken place and Father was clear in his view that he was not letting MFM down. I am significantly troubled, and Father was given every opportunity to explain, that Father was unable to look at the situation from MFM's point of view, and sought to blame Mother for difficulties without looking at his own actions. Father gave unconvincing evidence about his intentions to relocate, he still intended to do so when making his application in July 2022 yet the move has not materialised and Father remains to date living with his parents, and his new wife.
75. Father therefore gave detailed and extensive oral evidence throughout, consistent with his written evidence, and at times certain explanations for situations were plausible and many basic facts for specific incidents were consistent with Mother's evidence. However his overall credibility was undermined through inconsistencies, his understanding of issues, and I found at times he was seeking to protect his parents and sought to deflect blame onto Mother.

TA

76. Mother's final witness and friend, TA, who provided a witness statement in 2021 did not attend Court, with no explanation given. Although I will take into account the messages Mother has sent to TA, in assessing the overall evidence, I attach little weight to the witness statement as Father was not given the opportunity to challenge the evidence.

Findings

Initial Discussion

77. The Court inevitably has to approach allegations in a linear fashion to make sense of the case and in a judgment to provide a sensible account of its analysis and findings. However, before reducing this judgment to writing I have stood back and reflected on the evidence holistically considering the wide canvas of evidence placed before me. There must be room for the Court to make mixed findings. The rejection of one allegation does not justify the Court in moving on to reject all allegations. However, at the same time the Court is bound to draw upon its assessment on one allegation to an extent when considering others. In a case in which controlling behaviour is alleged it is important that I take care to look for and, if identified, interpret patterns of behaviour present on the facts.
78. I make it clear that whilst I do not refer in this Judgment to every incident that has taken place both during and after the parental relationship ended, I have made findings having regard to the totality of the evidence.
79. This is a complex matter. The Court is invited to make findings in relation to what did or did not take place during the parental relationship in the context of previous proceedings concluding with an agreed position that the allegations made were not a bar to regular, unsupervised contact between Father and the children; such contact could progress to overnight once Father relocated to the Lancashire area. It could therefore be argued that it is not necessary to make any findings regarding the parental relationship itself, and this was my initial view when case managing the second set of proceedings for the first time in January 2023. However, Mother's case is clear: it is necessary to determine the allegations as there is a direct causal link between Father's behaviour during the relationship and Father's behaviour during time spent with the children that has caused MFM to say that her Father prefers IFM more than her.
80. I also need to reflect on Mother's position in relation to the paternal grandparents, and contact taking place in London. As evidenced throughout the previous proceedings and set out within the consent order, Mother has consistently raised her concerns about the children being taken to London, and the influence of paternal grandparents. I take into account that Mother was aware, although not the extent to which, the paternal

grandparents were continuing to spend time with the children during Father's weekend contact, and the reference to the grandparents being "*reintroduced*" to the children in the consent order recital was incorrect. Unfortunately, it is clear that the parties in subsequent discussions did not distinguish between recitals and the terms of the order, and this created issues between the parties that could easily have been clarified. For the avoidance of any doubt, I am satisfied that Mother was aware that the grandparents were spending some time with the children post separation, whilst with Father, and Mother did not breach the Court order after February 2022. There remains the issue regarding Father's decision not to relocate, I have already commented upon this when assessing Father's evidence and will do so again later within my Judgment.

Parental relationship

81. I will turn in due course to the multiple allegations I am invited to determine, and Father's allegation of alienating behaviours by Mother, and intend also to specifically consider Father's decision-making following the February 2022 consent order. I also intend to consider issues relating to Mother's mental health and Father's allegation that Mother has built a narrative over a number of years.
82. The marriage was a short and turbulent one, and was not a positive experience for either parent. The relationship had little, if any, stability with several moves, separations and reconciliations and extended periods of time when the couple did not live together. I was struck also by the extent to which this was a relationship that involved so many external parties. The parents both gave evidence about the involvement of their respective families, and the involvement of multiple mediators.
83. It is also important to note that Mother's family were primarily from a town in Lancashire and Father's family were primarily from London and this, in and of itself, created significant difficulties within the relationship, and the geographical issues continued to create problems following separation.
84. I will set out the broad chronology of the relationship. The couple, following their marriage, initially lived with the paternal grandparents in London, until MFM was born at the end of March 2017 when Mother returned to her parents' home for approximately 6 weeks. Thereafter, the couple rented a property together in London for around one

month and spent further time together in Lancashire, before deciding to rent a property in Leicester around the end of June/early July. On Saturday 22nd July 2017, Mother had suicidal ideations and following the involvement of the police to find Mother, and Mother being psychiatrically assessed, Mother and MFM returned to Lancashire and the couple separated for several months. Father blocked Mother on Whatsapp during this period.

85. A meeting took place in Lancashire in December 2017, prior to Mother travelling abroad with her family and MFM, and arrangements were made on return in February 2018 for the parents to resume their relationship living in London at the paternal grandparents' home, and arrangements made for the parents to have their own separate kitchen.
86. The parents remained together throughout 2018. A referral was made to Children's Social Care in October 2018, and Mother made a complaint to the police also, however Mother declined support from professionals.
87. During 2019, Mother briefly returned to Lancashire again following the birth of IFM, until matters escalated at the end of August/early September 2019 when Father granted Mother a divorce on 24th August 2019. The police were contacted by Father on 1st September 2019 accusing Mother of emotional blackmail and by Mother on 6th September 2019 due to an argument about taking out MFM, and not IFM too. A referral was also made to Children's Social Care, however again no further action was taken, and Mother re-located to Lancashire over the weekend of 7th/8th September 2019. The parents have remained separated since.

Mother's mental health

88. Mother's mental health has been raised as an issue throughout by Father, from his initial application and supporting statement, within which he seeks for the children to be cared for by him and that Mother poses a significant risk of harm to the children. Father believed that Mother may be suffering from a form of bi-polar or multiple/emotional personality disorder.
89. Mother provided evidence from her GP within the previous proceedings. The GP letter dated 3rd February 2021 confirms that Mother saw her GP on 19th September 2019,

upon her return from London, reporting stress and anxiety due to the marriage, and was started on anti-depressants and counselling recommended. Mother reported during a follow up appointment a few months later that she was still under stress, and was concerned about Father wanting to take the children to London. I note the reference relates to concerns about Father's family, and not Father, and this is entirely consistent with Mother's position throughout the previous proceedings as recorded on the consent order. Mother therefore sought to address her mental health difficulties upon her return to Lancashire, and during these appointments did not express any thoughts of suicide or self-harm, and was coping well.

90. Father's concerns primarily stem not only from his experiences of Mother during the relationship but from what took place in July 2017. Mother gave evidence regarding her suicidal ideations on 22nd July 2017, and became visibly upset both when she talked about this and when Father gave his evidence he described this as one of the worst days of his life. Mother sent a text to Father on 22nd July 2017. I will not recite the words within this Judgment, they are upsetting to read, Mother's intentions within the message are clear. The police were contacted and Mother was treated as a High Risk Missing Person, and was located by Leicestershire police and taken to hospital for a psychiatric assessment. I have the benefit of a detailed psychiatric triage form within the bundle.
91. In relation to the location of where Mother was eventually found, I reject Father's assertion that it is relevant that Mother was heading towards Leicester. I was also concerned with Father's lack of empathy for Mother regarding this incident, he felt it was emotional blackmail by Mother and Father repeated that Mother only had to wait another couple of weeks before they had the keys to the Leicester property.
92. Mother's evidence regarding this incident, corroborated by the psychiatric assessment record, was compelling. It is contemporaneous evidence, Mother presented with low mood and reported broken sleep, finding herself tearful due to social circumstances and stressors. Mother's initial plan was to drive to Luton and drop MFM off with a friend, and thought she might "*jump off a bridge or something.*" She denied acting on this plan and that MFM was a protective factor when she drove to motorway services to feed MFM.

93. The medical evidence supports Mother having suicidal ideations on one occasion in July 2017, and following the breakdown of the marriage seeking support for her mental health in late 2019. I reject Father's suggestion that Mother was emotionally blackmailing him in July 2017.
94. Father has not dealt with his concerns regarding Mother's mental health in a positive manner. In an exchange of messages during the relationship, Father stated "*you need more than pills*" and during messages exchanged on 17th December 2019, Father calls Mother "*a psycho,*" "*a monster,*" "*a prisoner of your mind*" and "*weirdo.*" Further, on 10th April 2020, "*the hell-hole is in your mind*"
95. Whilst I appreciate these messages are likely to be a snapshot of a wider conversation, Father does not dispute sending the messages. They are emotionally abusive and deeply unpleasant, and portrays Mother as the partner in the relationship who had mental health issues, or in other words, the one "with the problem." Father was unable to appreciate or take responsibility for using these words when communicating with Mother, or the emotional impact they would have on her.

Father's beliefs

96. The marriage was Father's first relationship, he had never dated before and he had not lived away from his parents. I do not doubt that Father made practical attempts to resolve issues in their marriage, particularly in the summer of 2017 when proposing a move to Leicester and signing a tenancy agreement. It was suggested that Leicester was chosen as a mid-way point between Lancashire and London, however neither parent had any significant family members in the area. Although it may have appeared to be a compromise, a consistent theme occurred in relation to the parents disagreeing about the amount of time Father would spend with the paternal family. Father did not want to spend long periods away from his family and Mother, due to her negative experiences in the paternal family home, did not want to spend time there.
97. I am unclear as to the attempts Father made emotionally during the marriage, the evidence suggests as I have already found that Father saw Mother as the one who had problems, mentally, that needed to be resolved.

98. The couple had a conversation before reconciling in 2018. A transcript is within the bundle, and I have had the benefit of listening to the audio also. I do not intend to set out the entirety of the conversation, but note the following said by Father:-

“Whatever I say, this is the way things go. After discussion and you think about it, this is how it’s going to be, this is how it’s going to be. You can’t rebel to me.”

“No, that’s not something you need to think about. You should have thought about it before marriage whether you can’t come under the guardianship of a husband. You will be under his guardianship and whatever he says, will go.

“You need to realise that, at the end of the day, whatever your husband says will go”

“Look, you must think, I’m not going to say like you have to make this many rotis, nothing like that. I’m talking about main things in life – where we live, what we do, where you go, when you go, the call is going to be on me. You understand that.” (my underline)

“I believe in a patriarchal order where Allah had made the man dominant over the woman” (My underline)

“Right, at the end of the day, I’m not saying I’m going to be cruel and evil like that but that’s how it is. That’s the...it’s cruel but that’s how it is at the end of the day. I really don’t want you to go somewhere, you don’t go somewhere. I don’t want you to leave the home without my permission.” (My underline)

“One day if I say you’re not going shopping, you can’t go shopping, you can’t go”

“What I should have done is not let you go and remember I said to you, you need to be more domestic in the beginning. Did I not say that to you? Integrate with the family. Learn to serve my parents a bit right. Did I not say that to you?” (My underline)

“First of all, take that Facebook page down. Actually, keep it up for a while so that I can see who was messaging you but that’s how protective I am.”

99. The words of Father speak for themselves, the audio of the conversation only seeks to emphasise these. Father meant the words he was saying.
100. I reject any suggestion from Father that these are not his true beliefs. Father seeks to distance himself from these. It is evident within the first few comments that Father feels that he is only saying these words now *“after all you’ve (Mother) done.”* Father’s actions on many occasions, the words used against Mother, the words used in private to friends and his acceptance that he said such matters, lead me to conclude that Father holds such beliefs and held these as he entered and was involved in his relationship with Mother.
101. The issues within the relationship, patterns of behaviour, incidents of conflict and abuse all need to be considered within this context and Father’s belief in a patriarchal order.
102. I reject entirely Father’s position that Mother has sought to “build a narrative” throughout the past few years. Mother has repeatedly provided contemporaneous evidence to support her allegations, including messages and medical evidence, and has provided a genuine, honest account of difficulties within the relationship, all within the context of Father’s beliefs and controlling behaviour.

Paternal family

103. During the psychiatric triage assessment in July 2017, Mother spoke about the numerous social stressors, a summary is as follows:-
 - a She married into a family that have a complete different mentality (sic) to her although they are from the same race, religion and culture
 - b She reports she feels that she has gone beyond her duties as a daughter in law but yet they are still not satisfied with her
 - c Husband is not supportive of her and is having issues with the mother in law and more recently father in law
 - d Whilst pregnant she would wake up early to cook and clean before heading out to work and come home to continue

104. I again rely on this contemporaneous evidence, both in relation to the impact on Mother's mental health but also the difficulties she was experiencing at the time in the home of the paternal grandparents. I take into account the short amount of time that the parents lived with paternal grandparents, particularly as the paternal grandparents also spent time in India following the parents' marriage and before MFM was born. However, Mother has been consistent regarding her lived experiences. Mother's evidence was supported by her Father's evidence and that Mother would call early in the morning worried about how to cook a certain recipe. The conversation referred to earlier in my Judgment supports the expectations of Mother, when Father stated that Mother needed to "*learn to serve my parents right.*" Father gave inconsistent and evasive evidence in relation to the extent to which Mother was expected to cook for the family, initially stating "*never*" cooked but then changing to one or two times. I found Father to be protective of his Mother.
105. Father himself in a conversation with Mother accepts when discussing the paternal grandmother that "*She's got a bit of a cruel surface isn't it.*"
106. I find Father minimised the impact his own mother's behaviour had on Mother. There were clear expectations on Mother within the paternal grandparents' home.
107. Mother was also referred to the Wish Centre via the health visitor in September 2017, and received support from an IDVA, and disclosed that she had left an abusive relationship from her husband and his parents and a controlled toxic environment. Mother disclosed some physical abuse, and regular verbal and emotional abuse from her husband and his parents. Again, this is relevant contemporaneous evidence I can place weight on in supporting Mother's allegations of patterns of behaviour.
108. It is again relevant to note that Mother is not only reporting issues about Father to professionals but about the paternal grandparents also. This was a common theme within the evidence.

109. This is understandable when considering the evidence holistically. I have no doubt that Father is close to his parents, and his family, and I note that Father has remained to date living in his parents' home, now with his new wife.
110. In his original statement dated 22nd October 2020, when discussing being pressured to relocate to Lancashire, Father questioned "what about his parents" and "how can he explain it to them." Also, when discussing the aborted move to Leicester in July 2017, again Father in the same statement raised concern that he did not have access to his parents for 3-4 weeks and that he felt sad, alone and upset for his parents about how they may be feeling about it.
111. Father also sent an email to Mother on 16th March 2020, during a time when the parents were communicating about the breakdown of the relationship, stating "*A little value and respect towards the husband's family at the end of the day would have gone a long way.*" This is indicative of how Father expected Mother to act towards his own parents.
112. The paternal grandparents were heavily involved in the parental relationship, from the marriage until the divorce. Father struggled to separate himself from his parents, and the family saw Mother as the problem.
113. I find it more likely than not that Father's beliefs stem from those of his parents, and the expectations on Mother. Mother has been consistent throughout about the way she was treated initially during the marriage when living in the family home.
114. The evidence would also suggest that difficulties extended to wider members of the paternal family. I rely on AS's evidence of the paternal uncle being angry and blaming the issues on Mother when she went to collect MFM, and also the instruction from the paternal family for the children not to play with MFM – then aged two – when no other adults were around. Father's justification for this is that Mother would make false allegations, and it was to protect the children from further allegations that an adult should be there. Father failed to appreciate the impact this would have on MFM, irrespective of the reason why, that other children of varying ages would be directed not to be alone with her. She was two, and she was expected to somehow understand why her cousins, for example, would run away from her when she woke up. I am satisfied from Mother's evidence that the paternal grandparents, and Father as

evidenced through messages in this bundle, were aware of this at the time and did not stop this.

Breakdown of relationship/police and social care involvement

115. I have the benefit of the contemporaneous police and Children's social care evidence to assist in understanding the breakdown of the relationship in 2019. The police report by Father on 1st September 2019 is consistent with both parents' account that the divorce was given and Mother had been given two months to leave the home, Father states this clearly to the police. The police report also makes clear reference to the views of the paternal grandfather, who also did not want Mother to remain in the property any longer than the two months. A further example of a family member being involved in the parental relationship. The police evidence also supports the parents' evidence that there was an issue in relation to £15,000. Mother was clear in her evidence that Father owed this amount from money she had given from savings at the start of the marriage, whilst it was Father's case that Mother was refusing to leave until she was given the money.
116. Thereafter on 4th September 2019 a referral was made to Children's Social Care by Mother's GP, following Mother disclosing a one-off incident of domestic abuse with Father. The referral details what is accepted between the parties that Father had divorced Mother, yet the parents continue to reside in the same address, with Mother in the upstairs flat conversion; and also references the history of conflict between Mother and paternal family. The analysis within the CYPS single assessment highlights conversations took place with Mother, Father and paternal grandparents, and that the couples' accounts varied greatly and Father provided a lengthy script of significant events according to him; such observations are entirely consistent with my own observations, with allegations and counter allegations made. Again, it is difficult to ignore the reference to paternal grandparents being spoken to also, highlighting the consistent pattern that issues did not remain between husband and wife, and also involved paternal grandmother and grandfather.
117. It is evident that tensions were high within the relationship and the family home, leading to Mother making the call to the police on 6th September 2019. I have the benefit of video evidence produced by Father, recording Mother making the call to the police.

The incident does not reflect positively on either parent. I am concerned that Father felt it necessary to video Mother making the call, and Mother herself admitted that she was wrong to make a homosexual reference about Father's friend during the call. Although Mother told me that she was worried that Father was more likely to return the children if he took both of them, it was wholly unnecessary to involve the police in a parental dispute. The police explained to all parties that they should act "*like grown ups*" and that there is "*a lot of tit for tat and counter arguments from each side which is...quite childish.*" I refute Father's suggestion that this was a plot by Mother to seek assistance, as he told the police at the time. Mother accepted her behaviour with the benefit of hindsight. Mother remained in the property and no further action was taken, and Mother left with the children over the next couple of days.

118. This is supported by the contemporaneous social care evidence. Mother spoke to a social worker on 6th September 2019 and was considering moving to Lancashire, and confirmed on 9th September 2019 that she had moved over the weekend. No further action was taken by Newham Children's Social Care as Mother moved to the Lancashire area. A referral was made onto local Children's Social Care, however again no further action was taken as the parents had separated and Mother was signposted to local agencies.

Has Mother displayed alienating behaviours?

119. Although there is no schedule of allegations or particularised findings sought on behalf of Father, the issue of alienating behaviours has been raised consistently by Father, and I explained to the parties that I would hear evidence, including from PH, and make findings in relation to this issue to assist the parties moving forward.
120. Father has remained unequivocal in his view, from his original application in October 2020 to date, that Mother has alienated the children from him, and has coached and manipulated the children not to have or want a relationship with him.
121. Mother is clear that she has not demonstrated alienating behaviours and has promoted regular contact with Father since the couple separated in September 2019.

122. It is a matter of fact that the children spent regular weekend time, on a Saturday and Sunday, with their Father in the Lancashire area on a fortnightly basis – and extensive video call contact - following parental separation in September 2019. The arrangements continued until the Court made an order on 12th September 2022, on the advice of Cafcass in its safeguarding letter dated 31st August 2022, to restrict the arrangements to indirect only. I note within her evidence that PH questioned the advice to cease direct contact 12 months ago.
123. Mother provided numerous examples of how she has promoted contact, including sending pdfs of a bedtime story to Father to read, which Father accepts, sending photographs of where the children have been, posting an EID present, buying an adult size Captain America T-Shirt, taking food for Father, and playing hide and seek with Father remotely using the Ipad. The parents would also work on homework tasks with MFM together, for example on a dinosaur project.
124. Father in his witness statement dated 29th January 2023 states clearly that “*Mother has always allowed contact with the children*” – and confirmed this during his oral evidence also.
125. Father’s own witness statement, and exhibits within these proceedings further highlight multiple examples - both in relation to positive communication and co-parenting – which includes amicably discussing the children’s naps and drop off times, but also of the efforts Mother made to promote and support contact. These include offering for Father to stay overnight at her house, and Mother understands and sympathises with Father, and that she would stay at her parents’ home. The proposed arrangement never took place, Father has not spent time overnight with the children at any time since the separation. Mother also supported MFM wanting to send pictures of her looking smart to her Father, and her completed Billy Goats Gruff project.
126. Father has produced videos in support of his concerns that MFM has been coached. The video when MFM talks, whilst smiling, of Father locking her in the kitchen is cut short, and during the video when MFM talks about having different stories, MFM in response to Father asking who told her to say things, responds that she – “*I*” - wanted to say them. I make one observation that it is concerning that any parent would choose

to record their own children during conversations, to present as evidence later in Court proceedings. I am not satisfied that these videos demonstrate that MFM has been coached by Mother.

127. My concerns extend to the videos of the indirect contact. Father felt that he had to do this to provide evidence of the reality of the situation. However, having viewed the videos they highlight that both parents are engaged in a factual dispute about what was said to MFM, in front of the children, when they were meant to be spending time with Father; and also challenging each other's parenting during a video call, following an altercation between the children. The evidence serves to highlight both the inappropriateness of recording video contact with the children and that the children were exposed to parental conflict, and differences in parenting responses.
128. It is also of significance that during one video call, Father seeks to reassure MFM that she does not have to go to London. I do not criticise Father for this, however it reinforces a message that there are concerns about the children going to London, and whatever anxieties MFM may have or why she has such anxieties, she is reassured by her Father that she will not be taken there.
129. I also have the benefit of a report from IFM's Nursery, dated 6th March 2022, which raises no concerns and when discussing parents' involvement states "*mum has always asked us to involve dad, allowing IFM to take something for both parents.*" (my underline)
130. It is difficult to understand, given the weight of such evidence including Father's own evidence, how Father has reached a firm and entrenched view that Mother has intentionally alienated the children from him. Mother has not wavered from her position that she did not agree with the children going to London, and the paternal family home, due to her own and MFM's negative experiences there, but has consistently promoted contact and Father's involvement in the children's lives.
131. PH's professional opinion, upon which I attach significant weight to, in addition to the accepted evidence of extensive spend time with arrangements between September 2019 and September 2022, is that this is not a situation where alienating behaviours are taking place. The relevant Cafcass tools were used, PH has considered all the evidence,

and her firm view is that the children have not been alienated from Father. The issues, which I agree, are more in-depth and include the exposure to parental conflict, and Mother has tried to consistently promote contact. Further, children can be impacted by domestic abuse in many ways, and can feel guilt, shame and torn; children need to see parents who can co-parent without issue. MFM does have a fairly adult vocabulary, evidenced also by the videos produced, and her lived experiences had impacted on her. MFM is aware of family conflict and is not wholly negative about Father, she has told the school that she misses him and has spoken positively about the time spent with him. MFM is struggling to make sense of what is happening, this is clearly evidenced through the school report on 31st January 2023 when MFM became upset and said in a raised voice:-

“Why does my mum not want to see my dad? Why does my dad not want to see my mum? We all used to live together”

132. Father has a firm view that MFM’s behaviour and wishes and feelings are influenced by Mother. PH was clear that MFM does not understand why contact was stopped.
133. MFM’s recent views have been consistent in relation to spending time with Father. I have considered Father’s view that the problems have only started since he made his current application, however there is clear reference within Mother’s initial statement dated 21st December 2020 regarding problems between February 2020 and October 2020. For example *“Mummy, my pappa says you are naughty”* and *“I don’t want to go. don’t want to go. Mummy, where are you?”* Also, *“Pappa was just on his phone all day and didn’t play with me”*
134. Father has also shared concerning examples of MFM in particular being involved in parental conflict, stating that she wanted *“a new pappa”* and acted out a situation in which Father and Paternal Grandparents had died.
135. Father was also called in the early hours one morning at 1am when MFM was having a nightmare, suggesting that such issues relating to MFM’s anxiety were present well before the summer of 2022.

136. During the s7 report in May 2021, MFM talked positively about her Father, as she has done to school and PH also. However, she has been consistent in how spending time with her Father was making her feel, including as follows:-
- a On 23rd September 2022, MFM completed a “This is me” sheet. One question was “one thing that makes me sad” and MFM wrote “*when I see my dad*” When asked about this, MFM replied “*because my dad never plays with me and only plays with my brother IFM, so I just play on my yoyo.*” Further that her mum has spoken to someone and “*sorting things out*” so she doesn’t need to go to her dad’s for a few weeks.
 - b On 2nd December 2022, when asked about speaking to her dad on the Ipad at the weekend, MFM’s response was “*it’s better than going to his house*”
 - c On 16th December 2022, MFM talked about the chats with dad on the Ipad and they were “*going good*”
 - d On 6th January 2023, following speaking to her dad on the Sunday, commented “*..he doesn’t really talk to me , only talks to my brother*”. MFM said this made her feel sad.
 - e On 24th and 31st January 2023, MFM references speaking to her dad every day “*but I don’t like it*” and “*what is the point if my dad doesn’t want to talk to me.*” During these discussions, MFM said that she missed her Father.
137. I have no doubt that the children have experienced many positive and happy times with Father since the separation in September 2019 and Father has been committed on a consistent basis to travel to spend time with the children. Father has provided multiple photographs with the children, looking happy and relaxed, and also a video of the paternal grandparents playing with the children.
138. There is a distinction, as PH makes, in relation to intentional alienating behaviours and parental conflict.
139. I am not satisfied that there have been intentional alienating behaviours, however it is likely that MFM has been exposed to Mother’s anxieties, and has her own anxieties and worries as a 6 year old about spending time with her Father, and the way her Father has responded to her and witnessing parental conflict. Father confirmed that he had

always had contact and, in his own words, that he is “*not sure if this is genuine parental alienation.*”

140. Mother did not cease any contact arrangements, the Court made the decision to reduce to indirect only on the advice of Cafcass within the safeguarding letter.
141. Overall, when assessing why MFM has raised concerns about seeing her Father, from a 6 years old perspective, she talks about being shouted at, her Father not taking her to the park when she wanted to, and spending more time with IFM than her. MFM says positive things also about her Father, and that she missed him also.

Father’s actions following consent order

142. It is necessary to highlight my concern, given the nature and spirit of the consent order, that Father did not, and has not, moved to the local area.
143. I make it clear that I am under no illusions that such a move would involve a commitment and upheaval by Father. However, in the context of the patterns of behaviour, the influence of paternal grandparents and Father continuing to reside in the paternal family home to date, I remain surprised that Father did not move.
144. Father gave unconvincing evidence about this. Father sought to blame Mother for controlling the arrangements around contact. As I have made clear, Mother has never wavered from her position that she had concerns about the children spending time in London and the paternal family home, these were made explicit within Court orders during the previous proceedings and throughout Mother’s evidence. Father accepted that there was no evidence to suggest otherwise.
145. Father, in his email to the Court on 19th January 2022, stated “*To increase my involvement in the children’s lives I have decided to relocate to the Lancashire region to which Mother is amicable to....I feel my decision to relocate closer to the children is in the best interest of all parties given the practical limitations and my strong desire to be involved in the children’s lives.*” Father’s words cannot be interpreted in any other way than a clear intention to relocate. Father, during his evidence, sought to explain that he had not moved as he could not be sure that he would continue to have contact with the children.

146. As set out earlier in my Judgment, Father spoke to MFM about this, and she was excited, he took MFM to school at the end of March and informed the school also and referred to a changing location within his July 2022 application.
147. Father failed to appreciate the impact of his actions on MFM emotionally and indeed Mother, in failing to move, having told MFM he would be. Mother sought to clarify this also at the mediation session at the end of June 2022.
148. I do not find that the failure to relocate, in and of itself, is the cause of MFM's anxieties, however I do not underestimate the impact it could have had on MFM's confusion and upset during 2022.
149. Sadly, neither the parents or the children will know what could have happened with the spending time arrangements following the previous proceedings concluding if Father had relocated as he intended.
150. I remain unclear, moving forward, if Father will relocate to live closer to the children, regardless of the final welfare decision in this matter.

Mother's Allegations

151. I will now finally turn to the schedule of allegations made by Mother, and consider these now in the context of the findings made having formed a holistic view of the relationship overall and subsequent actions and behaviours of the parties.

Emotional Abuse – Verbal (paragraph 3)

152. I am satisfied that during the relationship Father was verbally abusive to Mother, both in person and within messages. I accept that there were arguments between the couple, and Mother also called Father “*thick*” in August 2019. Father has used words towards Mother including “*hypersensitive*,” “*dramatic*” “*retarded*” and that during the relationship Mother was “*a psycho*” and “*a monster*” and “*mental*.”

153. I am also satisfied that verbal abuse took place both within the presence of paternal grandparents and when the couple were alone together. Father has accepted the use of the words referred to, and Mother has given clear and consistent evidence regarding this, Father accept the use of the word “*retard*” towards his nephews too, and I find Mother has given a credible account that this has taken place in front of MFM also.

154. Mother also disclosed the verbal abuse and emotional abuse to a health visitor and IDVA in September 2017 and the nurse when she attended A and E in October 2018, as corroborated by the documentary evidence.

155. I find this allegation proven.

Emotional and Psychological Abuse – Intimidation and Threats (paragraph 4)

156. I am not satisfied that Mother has discharged the burden of proof in its entirety in relation to each the specific allegations made, however I am satisfied that Mother was emotionally and psychologically abused by Father during the relationship.

157. I accept that Mother had expectations upon her within the paternal grandparents home such that made her suffer emotionally, and that she was referred to as a “*troublemaker*.”

158. In relation to the allegation of snatching and withholding of MFM, an incident took place on 10th May 2017 when Mother left the home following an incident of conflict within the paternal grandparents' home. I accept as credible Mother's account that she was referred to as a "troublemaker" by the paternal grandfather, and that she left without MFM. Mother's contemporaneous message to her brother at the time states "*Made me leave her saying I can't keep her hostage from them. She's theirs too.*" Father's evidence regarding this was also credible, informing me that MFM was asleep. I accept Mother did not feel able to return to collect MFM and asked AS and her husband to do so, and this is accepted by Father. As AS confirmed, she and her husband were able to take MFM with little incident from the paternal grandparents' home. Although it was argued that Mother's actions were illogical, it is equally as plausible that Mother felt unable to take MFM due to the conflict, but ultimately the paternal family, including Father, on that occasion did not prevent AS from taking MFM, when Father could have exercised parental rights to keep MFM. I am not satisfied on this evidence that Father and the Paternal Grandparents purposely withheld MFM from Mother on this occasion. There was conflict on this occasion, involving the paternal grandfather, and Mother left feeling unable to take MFM with her due to the conflict.
159. An incident took place in the summer of 2018, Father could not recall this, when Mother saw two topless men in the park, Mother's evidence was given spontaneously and clearly recalled how Father had taken both her and MFM away from the park and cut the day short. I find this incident occurred as alleged by Mother, and as part of a pattern of controlling behaviour by Father.
160. An incident took place during a visit to Kew Gardens in August 2019, shortly before the parents separated. The parents gave conflicting accounts regarding this, whilst both accepting it involved MFM not having a nappy/ pull-up to change into to. I am satisfied that an argument took place in public on this date over the absence of a nappy, and that it was Father's decision – as he conceded in evidence – to end the day there and return home. This is consistent with a pattern of behaviour that Father was the dominant partner in the relationship, and his decision meant that the day was over for the family,

and also days later Father was still expecting Mother to apologise for her behaviour in public.

161. In relation to the allegations of Father driving recklessly with Mother and MFM in the car, there is some overlap with later allegations. On one occasion on 8th July 2017, Mother alleged that Father drove recklessly, as he wanted access to Mother's phone and twisted Mother's arm also. It is accepted by both that Mother threw her phone out of the window. I have considered this allegation in the context of Father's beliefs, and reference to wanting to check Mother's Facebook messages and displeasure at Mother having male contacts in her phone. Mother gave credible and consistent evidence regarding this, Father believed he had a right to know who Mother messaged and I find it more likely than not that he tried to access Mother's phone, an argument and likely physical altercation took place, with Father twisting Mother's arm, and Mother threw the phone out of the window in fear. Although it appears to be an irrational act by Mother, I find it more plausible than throwing the phone away to get rid of memories, as claimed by Father. Mother's version of events is supported by the maternal grandfather's witness statement, he was not challenged regarding this and he confirmed that the maternal grandparents looked after MFM whilst they went back to search for the phone.
162. A further incident took place in February 2019, following a trip to the supermarket. Mother's evidence was consistent and credible, explaining that she used her phone during the shopping trip, whilst Father remained in the car, and then Father again wanted to check Mother's phone on the way back from the supermarket, and drove recklessly. This is again consistent with a pattern of behaviour of Father checking Mother's phone; and I have the benefit also of Mother's contemporaneous message to T on 18th February 2019, in which she states "*Nearly smashed car and killed us. Was trying to get my phone from me & I wasnt giving in.*"
163. On the balance of probabilities, both these incidents took place as alleged, and I am also concerned that MFM was present in the car when these domestic incidents took place, placing her at risk of suffering emotional harm.

Emotional and Psychological Abuse – Restricting Freedom (Paragraph 5)

164. I have made findings earlier in my Judgment in relation to Father’s beliefs and views, more likely than not influenced by his parents. Father also did not deny sending a message to his friend on 19th August 2019 stating “*I think lesbianism is a plausible option for rebellious disobedient women.*” Father sought to place the message in the context of being satirical with his friends. The words, given their ordinary meaning, are clear and require no further comment.
165. I am already satisfied that Father would check Mother’s mobile phone activity and at times seek to snatch her phone from her; however, I also take into account, again evidencing an unhealthy relationship, that Mother would observe Father and work out his password to gain access to his phone to export messages towards the end of the relationship. Mother gave her reasons for doing so, but if both parties were seeking to check and access messages each other phones, there was a significant lack of trust in the relationship.
166. I am satisfied that Father and paternal grandparents expected Mother to behave in a certain manner within the family home during the early stages of the marriage, including getting up early to make food, make cups of tea and sit with the paternal grandmother and Mother was expected to conform within the home. As I have found earlier, Mother would get up early and would be anxious about cooking, contacting her Father on occasion for a recipe.
167. Father exerted control over Mother’s employment, specifically the role at the institute where AS, Mother’s cousin, worked. In February 2018, having previously worked for AS teaching online, Father made his views known, and Mother ceased her work and Father found her somewhere else to work. Father confirmed this in evidence and on the balance of probabilities Father dictated on this occasion where Mother could and could not work.
168. In the context of Father’s beliefs, Father sent a Whatsapp message to Mother stating “*I dictate when you go wherever you go. And MFM too.*” Again, Father’s words and their meaning are clear.

169. In relation to seeking medical assistance, Mother was at times able to seek medical assistance both independently for herself and for the children. On one occasion, in August 2018, Mother attended A and E with MFM, Father left a barbeque he was attending to meet Mother at the hospital, and was critical of Mother, both at the time an in oral evidence for overreacting. Mother also sent a Whatsapp message to Father on one occasion asking permission to make an appointment with a doctor to prescribe anxiety relief tablets. Father's response is concerning, saying "*we'll discuss this when I get home*" and "*you need more than pills.*" Again, highlighting the restricting behaviour of Father during the relationship and his views regarding Mother's mental health.
170. Finally, an incident took place in October 2018 when Mother attended a relatives wedding in the local area. I heard evidence from both parties regarding this. Father accepted that during the week leading up to the wedding, he had a day off and wanted to rest, and Mother discussed paying a parking penalty and "*kept pestering*" him and did not let him rest when he wanted to. Father said in frustration that he would not be going to the wedding. Father accepted also that an argument took place on the morning of the wedding, before Mother finally left via Uber to catch the train, with the tickets only being purchased on the morning of the wedding. Mother gave a credible account during her oral evidence. It is evident that no tickets were purchased until the morning, consistent with Mother's narrative that until the day she did not know whether she was going or not. The evidence regarding this incident needs to be considered alongside what Father said during the conversation with Mother before reconciliation in early 2018:-

"Looking back, one of the things I found offensive right when you wanted to go to (name of town) for when it was your cousin Y's wedding. You didn't tell me "Can I go to (name of town)? You were like "we're going to (name of town)." It was like that."

"Yeh, so you should have put it forward to me as can I go? I didn't have to come with you"

171. The conversation supports Mother's narrative that Father was unhappy with *how* Mother asked about going to the wedding, and that he expected Mother to ask his permission to go. Again, Father's own words speak for themselves. As such Mother

could reasonably assume that when Father said he would not be going, that she would not be going also given Father's beliefs, attitude and controlling behaviour.

172. I take into account that ultimately Mother did attend the wedding alone, with MFM whilst pregnant, and within a 2021 statement explains that this was allowed by the paternal family to preserve the reputation in the wider community. However, on return from the wedding an altercation took place. Although it relates to a specific allegation of physical abuse, and not restricting behaviours, I will make findings now to avoid repetition.
173. Father accepted in evidence that he was more or less asleep and Mother returned between 9-10pm, corroborating also Mother's evidence that Father did not collect Mother and MFM from the station. Mother's account of the altercation is supported by the contemporaneous evidence. Mother attended hospital on 17th October 2018 and it is recorded in the notes that "*Patient complaining that husband has been verbally, morally and physically abusePatient lives with the family of husband that also treats her badly....When physically more aggressive husband cause her bruises to the arms, shakes her, twists her arm.*" Again, Mother is informing professionals of the difficulties with Father and paternal family, the evidence is contemporaneous. This is further supported when considering the evidence from Children's social care. A referral was made following these disclosures by Mother, and Mother was spoken to by a social worker, Mother asked the social worker not to speak to Father and rejected any further professional help.
174. According to the single assessment completed, Mother "*vicariously denied*" that she had been the victim of domestic violence. Mother stated that the main cause of contention was the strained relationship between her and her mother-in-law. Mother accepted that Father had held her wrist when talking to her, but that there was "*no malice in his actions.*" The social worker as part of the analysis raised concern that Mother could be minimising domestic violence. Mother reflected and accepted in evidence that she was not honest with Children's social care as she was worried about the repercussions. Father believed that Mother contacted professionals and would take matters so far but no further as part of building the narrative of an abusive relationship. I reject this. Mother confided in a medical professional and a referral was made, and

Mother more likely than not minimised the abuse to Children's social care – as she now accepts – due to fearing intervention from social care. Mother has provided a credible and consistent account of the incident, supported by contemporaneous evidence, and Mother presenting in a manner not uncommon to those within an abusive relationship, and I am satisfied Father used physical force on this occasion as alleged by Mother.

175. Considering this allegation overall, I am satisfied that Mother suffered emotional and psychological abuse through her freedom being restricted and controlled at times by Father during the relationship.

Physical Abuse

176. I have previously made a finding that Mother's arm was twisted by Father in the car on 8th July 2017; and also that Father was physically abusive towards Mother by gripping and twisting her arms and shaking her violently, and threatening to strangle Mother, in the presence of MFM, whilst pregnant with IFM, when she returned late in the evening from a family members wedding on 16th October 2018.
177. Mother alleged on 30th October 2018 that Father had thrown a bottle at her when she was pregnant, and was holding MFM in her lap. In oral evidence, Father referred to the creativity of Mother's allegations and denied this. Mother explained the situation within her oral evidence, demonstrated a clear recall of an event nearly five years ago. I also have the benefit, again, of contemporaneous evidence of a Whatapp message sent by Mother to a sibling dated 31st October 2018 "*Chucked a bottle of water at me ystrdy as I was putting MFM to sleep. And it hit her straight in the face. Poor thing cried away hugging me tight*"
178. I have refuted Father's suggestion that Mother was building a narrative, and there is no other logical reason why Mother would say this in a message at the time, other than to tell someone close to her what had happened the previous day. Mother has provided credible and consistent evidence, supported by the message sent at the time, I am satisfied this incident took place as Mother alleged.

179. On 23rd August 2019, the parents both agree that an argument took place, and I have no doubt it was a volatile situation as this resulted in Father granting Mother a revocable divorce. Mother accepted on that occasion during the argument that she called Father “*thick*.” Mother has given a consistent account regarding this incident, which again is supported by contemporaneous evidence. Mother messaged one of her siblings that Father “*will shake me or grip my arms*” and provided screenshots of photographs of bruising, date/time stamped Wed 28 Aug 2019, 18.57. Mother also reported the incident, described as a one-off incident, to her GP during a follow-up appointment in early September 2019. AS also confirmed within her evidence that Mother had previously shown bruising to her, caused by Father.
180. Therefore, on balance, and preferring Mother’s evidence to Father’s, supported by contemporaneous and third party witness evidence, I am satisfied that Mother was physically assaulted by Father shaking her head in front of the children, in response to being called “*thick*” and in the context of the incident occurring days after the Kew Gardens visit, and Father cutting the day short and requiring an apology. Father also gripped Mother’s arms, as he had done on previous occasions, and pushed and prodded Mother’s chest.
181. I have made findings in relation to the domestic abuse significantly impacting upon Mother’s mental health (paragraphs 7 and 10). Mother had suicidal ideations and left in the car with MFM in July 2017 with the intention to end her life, and has sought support from health services on a few occasions:- Health Visitor (September 2017), The Wish Centre (September 2017 and June 2023), A&E doctor (October 2018), GP (September and December 2019) and NHS counselling services (2019 & 2021)
182. Mother did leave and return to the relationship, Mother felt guilty and wanted to make the marriage work, Mother was aware of Father’s beliefs before returning to the relationship in February 2018 as evidenced by the conversation between the parents.
183. I find that Mother was pressured by the paternal family, in December 2017, to sign a document accepting blame for the breakdown, and that it was all her fault and that her mother and father in law had never mistreated her. Father accepted in evidence that Mother did not know what to write, and Mother has given a consistent account that the paternal grandfather dictated the words of the agreement to her, which included that in

exchange for accepting blame, she could return to the relationship and paternal family home, with a private kitchen. Father was inconsistent in his evidence that the maternal family were present, accepting when challenged that they were not present when Mother signed the document. I am concerned that Father referred in evidence that the separate kitchen was "*a privilege.*" I am satisfied that Mother was coerced into signing a document, and returned to the paternal family home on their terms, and she was not supported by her maternal family to do so. The maternal grandfather was clear that although he did not agree and was always worried, he respected his daughter's wishes.

184. I accept Mother returned to the relationship through feelings of her own guilt, however I am not satisfied that Mother discharged the burden on her that she was manipulated and coerced with regards to contact with the children following separation. Mother has been consistent in promoting contact, in the children's best interests, as she wanted them to have a relationship with Father, and actively encouraged this, despite her own feelings.

185. I am also satisfied that, on occasion, Father was verbally abusive towards Mother in front of the children. In February 2019, during her pregnancy with IFM, Mother experienced hair growth on her chin and neck. Mother confided in a friend via message on 17th February 2019 that Father called her "*ugly and fat,*" and that he also said to MFM, "*your mum wants to act like a man...now shes got a beard to go with it.*" The words used are wholly insulting, and were used towards Mother via MFM.

Verbal, Emotional and Psychological Abuse towards MFM (paragraphs 11 to 19)

186. I am satisfied, having regard to the evidence as a whole, and relying on Mother's credible account and Father's beliefs and behaviours towards Mother, that it is more likely than not that Father extended this to towards MFM, particularly making links to Mother, for example "*you've inherited your clumsiness from your mother*" and "*stop being so melodramatic like your mother*". Father has repeatedly made clear his view that Mother over-exaggerated situations and was melodramatic, and the evidence is consistent with his known views.

187. I found Father to be unrealistic and evasive in his evidence that he had never shouted at MFM, only doing so when necessary if she was a distance away. Mother in an exchange of messages with Father when discussing MFM being upset, accepted in a balanced manner that she sometimes shouted at MFM.
188. I make no finding in relation to the issue of MFM removing Father's socks, accepting as credible Father's response that this was a game, as opposed to any expectation on MFM. However, I do find on balance taking into account Father's beliefs, Mother's consistent account and Mother confiding to her friend T in messages dated 18th February 2019 that Father did say that he wanted MFM to cook meals for her grandma when she became older, 13, and press her grandparents' legs daily. Father confirmed in evidence that this is something he does to support his parents as they are a close family.
189. I have previously made findings regarding the treatment of MFM by her cousins, as Father accepted in evidence. Father alleged this was to protect the other children from allegations by Mother, and although this took place in the paternal grandparents' home, and with their subsequent knowledge, it appears to be the sister-in-law who told the other children not to be alone with MFM, as corroborated by the message between Mother and her sister dated 30th July 2018. I make no findings against the sister-in-law, but find that this was taking place – regardless of the reason – within the knowledge of Father and paternal grandparents who did not prevent this. MFM was ostracised and will have suffered emotionally as a consequence, and no steps were taken to address this. Father, in his evidence, blamed this on Mother for making allegations against the other children, and failed to consider the emotional impact it would have on MFM.
190. I considered the allegation that Father treated MFM differently when he took the children to Home Bargains, but not to MFM's favourite restaurant nearby on the same day. I have the benefit of a message exchange between the parents on that day, and the parties' oral evidence. Father's evidence was consistent with the messages, dated 28th March 2022, and is in fact an example of positive co-parenting. An issue was raised and Father clarified, and Mother thanking Father for doing so. Father explained that he went to buy both children presents, and MFM suggested buying something for S, and IFM was unwell and the restaurant trip did not take place.

191. MFM has been clear in her views to Mother, school and to PH that she feels like Father plays with IFM more, it is boring at his flat, he did not take her to the park when she wanted to go, she does not like his food and that he shouts at her. I have found that Father gave unrealistic and somewhat idealised evidence in relation to his parenting, and distinguished between being stern and shouting at MFM to minimise any natural behaviour a parent may exhibit towards a child if angry with them.
192. Mother provides multiple examples within her evidence between February and August 2022 in support of the difficulties she was encountering with the children around spending time with Father.
193. It is not necessary to consider each and every example given. I note Mother was able to provide such a detailed account as she had previously been advised to keep a contact diary. I considered the totality of the evidence, alongside MFM's clear feelings as captured during the work with PH. I also take into account during this period that following the withdrawal of Father's application and the consent order - Mother making it clear that she agreed to this on advice and her concerns raised – that the position was confused. The reference to a re-introduction of the paternal grandparents to the children was incorrect within the recitals, and I am satisfied that Mother was aware that the grandparents were having some contact, but not the actual extent of this. I have also made clear findings that MFM was aware that Father would be moving to Lancashire, but the move never took place, and the parents lacked some understanding as to the difference between recitals and Court orders. The allegation that Father breached the Court order was, quite properly, withdrawn. Neither parent breached the final consent order.
194. I note in particular the following comments made by MFM
- i On 27th February 2022, *“he said he'll be lonely and he has to leave all his family and his friends because you took us far away”*
 - ii On 13th April 2022 *“I don't think my pappa's going to get heavenly rewards because he doesn't be kind back to you”*
 - iii On 4th May 2022 *“ I told my pappa I wanted to colour but he doesn't listen. He never listens”*

- iv On 19th June 2022 MFM returned upset saying “*We were missing you mummy and we wanted to come back to you but pappa said no*”
- v On 2nd July 2022 MFM shared that “*Pappa was very sad today. He said he misses dadi and dada (paternal grandparents). He said you said they can’t come anymore. I know you said because I don’t like it*”
- vi On the same date, MFM said “*Pappa said he can’t play with us much now because he doesn’t have dadi (grandma) to help him clean up*”
- vii On 3rd July 2022, MFM wrote a card to her Father stating that she loves him though he shouts at her.
- viii On 26th August 2022 when driving past Father’s flat, MFM became upset and said “*I don’t want to go to my Pappa tomorrow. He’s naughty. He always shouts at me*”

195. I find it more likely than not that Father made the comments as MFM has told her Mother, and MFM was expressing clear feelings about the way her Father was making her feel. I find this in the context of his feelings towards Mother, his belief that she was controlling the arrangements and the influence of the paternal grandparents. Further, MFM would have been aware of Mother’s own anxieties about London and the paternal grandparents also, and will no doubt have been confused and upset due to the parental conflict she was being exposed to.

196. Father was likely making MFM feel guilty and blaming Mother that his parents were not seeing the children. MFM has clearly expressed to her Mother, which I accept, on multiple occasions her concerns about not feeling comfortable with the parental grandparents. I accept entirely that the paternal grandparents love and miss the children, as they told Cafcass in 2021 when assessed, and that the children have spent positive times with them. However, the paternal grandparents and Father have clear, negative views of Mother. Father has minimised the way in which he has treated MFM, particularly in relation to shouting at her, and has been unable to put himself in MFM’s shoes and understand the emotional impact on what she has witnessed and how he has spoken to her and shouted at her.

197. I am not satisfied that there is a clear link between Father’s treatment of Mother during the marriage to Mother to the alleged treatment of MFM through coercive and

controlling behaviour, by reason of his family's strong patriarchal views. Father's actions and words have caused MFM emotional and psychological harm, and I am concerned about Father's understanding of the children's emotional needs. Father has shown an inability to appreciate the impact on the children emotionally, and has become entrenched in his view, in my view wrongly, that Mother has alienated the children from him.

198. Father denies that he treats the children differently. MFM's experiences within her Father's care during contact, and her clear, consistent and compelling words and emotional distress all support a finding that she feels that her Father favours IFM over her, she has not always enjoyed the time with her Father and he does not always listen to her. It is likely that Father has acted in such a way during his time with the children for MFM to feel that there is favouritism. MFM is aware of the parental conflict, is aware of her Father's views about her Mother in making him move, and has been told that Mother is "*naughty*", all portraying Mother in a negative light. MFM is an intelligent, and well-spoken, young girl and her experiences are such that she is protective of her Mother, and has been treated differently by her Father, shouted at by him and will no doubt have been let down by his actions and suffered emotionally through his treatment of her.

Concluding remarks

199. I am not invited to do, nor do I intend to, make findings against Father in relation to the following, but I find it necessary to pass comment on aspects of evidence and findings. There are multiple examples of Father behaving in a manner that he has alleged Mother to have behaved in:-
- a. Father informed a friend via message on 30th June 2019 that "*I'm just gathering evidence for custody while I can lol*"
 - b. Father has recorded both conversations with MFM and the indirect video calls, relying on both as evidence of alienating behaviours, which I have rejected
 - c. Father recorded Mother calling the police
 - d. Father was critical of Mother for contacting the police to allegedly build a narrative, yet Father contacted the police also in early September 2019

- e. Father is critical of Mother for accessing his phone, however I have found that he would regularly seek to control Mother's phone use
- f. Father seeks to blame the maternal family for their negative influence on Mother, yet I have found that it is Father's parents that have influenced his views
- g. Father alleges that Mother has been controlling in relationship to his spending time arrangements with the children, I have found she has actively promoted and encouraged contact. Father alleged that Mother was controlling his move to Lancashire, however Father himself decided he would do so and this was in the best interests of the children.

200. The proceedings can now progress to the welfare stage, and the parties can focus moving forward on considering the issue of father's relationship with MFM and IFM. I note PH has yet to make final recommendations, and will be directed to do so in due course.

201. That is my Judgment

District Judge Buckley

10th October 2023