



IN THE FAMILY COURT SITTING AT PORTSMOUTH

Neutral citation: [2024] EWFC 108 (B)

Case No. BK21P80016

IN THE MATTER OF THE CHILDREN ACT 1989

AND IN THE MATTER OF S (a child) and L (a child)

B E T W E E N :

F

Applicant

-and-

M

First Respondent

-and-

S & L

(Through their 16.4 Children’s Guardian Georgia Mills)

Second and Third Respondents

The Applicant father appeared in person

Ms Matthews for the Respondent mother

Ms Chalk for the children on instructions from the Children's Guardian

Hearing dates: 9, 10 and 11 January 2024

Approved Judgment

This judgment was handed down remotely at 10.30am on 5 February 2024 by circulation to the parties and/or their representatives by e-mail.

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HHJ LEVEY

HHJ Levey :

1. These proceedings are brought about by an application made by F (whom I shall call “the father” in this judgment) in respect of two children S and L. Mother of both children is M (whom I shall refer to as “the mother”). S is eight and a half, and L is seven years three months. Both have lived with the mother throughout their lives, and the father has parental responsibility for each of them. He sees them for contact at a contact centre.
2. This application was made by the father in 2021 and is for a child arrangements order specifying the time that he spends with the children. At some point during the proceedings, he informed the court and the parties that he sought a child arrangements order providing for the children to live with him. He has not made a formal application.
3. The children have been joined as parties to the application and appear by their guardian Georgia Mills.
4. The hearing was listed as a fact-finding hearing in order to set a factual background to enable the court to consider the welfare requirements of both children, following difficulties in being able to understand a clear history and context for the proceedings. The mother has the benefit of legal aid and was represented by Ms. Matthews of counsel and the children were represented by Ms. Chalk. Both counsel were of great help to the court and to the father who was unrepresented. The proceedings were started prior to the regulations requiring the court to appoint a QLR in appropriate cases, of which this would have been one, as the allegations involve domestic abuse.
5. I heard evidence from the parents and from the mother’s older daughter I who is over 18. Both parties had filed written evidence, although not necessarily in the correct form of witness statements. The father sent a great deal of material to the court without permission, some of which I read and had taken into account, some of which it was not possible to do so.

Background

6. The parties met in 2013, and their relationship started in 2014. The mother had been married before and she had older children from her marriage, including N and I. The father moved into the mother’s home.
7. The father is a religious man who is a pastor for his local church. I was told that he took bible study meetings. The mother stated that her sister H took part in such a group and that she indicated to the mother that she had feelings for the father. Later, the father told the mother that he wanted to have a relationship with both sisters, but the mother did not agree and ended the relationship. The parents separated, although I am not sure when precisely, although probably by early 2014.
8. The mother found out that she was pregnant with S in the autumn of 2014. Shortly after, as the mother was finding the pregnancy difficult, the father moved back in to help her.

9. In September or October 2015, the mother has said that she was assaulted by the father, although she did not report it to the authorities at the time. By the end of 2015, the parents had separated. The father moved to live in Stoke on Trent and had regular unsupervised contact with the children.
10. L was born in September 2016, which suggests that their sexual relationship at least continued, and the father would visit every two months or so to see the children. He used to stay with the mother and the children.
11. On Boxing Day 2018 the mother called the police, telling them that she had been assaulted by the father, and at the same time informing them of the alleged assault in 2015. The police began to investigate but decided to take no further action as the mother did not support prosecution.
12. In March 2020, because of the Covid pandemic, the father moved into the mother's home, in order to be with the children. In his evidence he asserted that he was extremely concerned about the consequences of the pandemic and took the risk of catching covid very seriously. It was not clear from the mother's evidence whether she acquiesced to his return, although I formed the impression that she had, perhaps reluctantly.
13. In the event the father moved out on 7 April 2020 and in June 2020 made a number of allegations to Childrens' Services and the police that the mother was abusing the children. The local authority investigated but found no evidence to support his allegations. He made similar allegations to the police, who, again, investigated but formed the view that the allegations were unsupported by evidence.
14. It was not until July 2021 that the father started proceedings, making an application for a child arrangements order specifying the time that the children were to spend with him. Initially both parties appeared in person, and it quickly became apparent to the court that this was a case with many allegations, with a complete lack of consensus between the parents as to the context for the proceedings. The court decided that a fact-finding hearing was necessary.
15. The FHDRA was on 25 August 2021. On 5 January 2022 District Judge Britton ordered a s37 report to be undertaken by Hampshire County Council. The report was filed by Kirsty Stuart social worker and dated 2 March 2022. It was the view of the local authority that it did not need to intervene.
16. The hearing to determine the allegations made by the parties was listed on 9 March 2022, but had to be adjourned for a number of reasons, but not least of which was that neither party had filed evidence in accordance with the order to do so. The material filed by the father in particular was extensive and chaotically organised and did not comply with the court's requirements. This unacceptable state of affairs continued and resulted in the fact-finding hearing being further adjourned on at least 2 more occasions until the matter was transferred to me. The court appointed a guardian to represent the interests of the children.
17. I am grateful to the solicitor and counsel instructed on behalf of the children who have assisted the court and indeed the parties since that appointment. Almost all of the preparation has been undertaken by the children's representatives, without whom, I

suspect, the court would have been in difficulty in conducting the fact-finding hearing starting on 9 January 2024, as it did. Throughout the proceedings and even during the final hearing the father persisted in filing documents without permission, together with an enormous number of recordings, both video and audio. The parties required assistance from the children's representatives in order to formulate their allegations against each other.

18. At a directions hearing on 3 November 2023, I approved the list of allegations which required to be determined and which were relevant to the application. As the allegations made by both parents involve allegations of domestic abuse, PD 12J was engaged, and I directed the father to provide a list of written questions to the court and to the solicitors for the children. I ruled as to which questions should be put, with the assistance of Ms Chalk on behalf of the children, and she put the questions to the mother at the hearing. Special measures were used, in particular screens to prevent the parents from being able to see each other, during the hearing. I was grateful to the parents for their flexibility in this, for example while the father gave evidence the mother sat behind a screen. When the mother gave evidence, they changed places. Even so there were times when the father tried to address the mother while giving his evidence or making submissions.
19. The list of allegations is attached at the end of this judgment.

The Law

20. I am grateful to Ms Chalk for her summary of the law. I remind myself of the following principles facing a court conducting a fact-finding exercise:
 - i) The burden of proof is the civil standard of proof, namely the balance of probabilities, in other words whether the fact alleged is more likely than not. The burden of proof falls on the person making the allegation. It is not on the other party to disprove the allegation. (Lancashire County Council v D and E [2010] 2 FLR 196 at paras [36] and [37])
 - ii) The standard of proof remains the same whether the matters alleged are of the utmost seriousness or not (*Re B (Care Proceedings: Standard of Proof)*[2008 UKHL 35
 - iii) The findings of fact must be based on evidence and not suspicion or speculation (*per Munby LJ in Re A (A Child) Fact Finding Hearing: Speculation* [2011] EWCA Civ 12)
 - iv) The judge must decide if the facts in issue have happened or not. This is a binary system and there is no room for a finding that something might have happened. (*Re B above*)
 - v) The court must have regard to all of the evidence, and not evaluate the evidence and assess it in separate compartments. The court must consider the wide canvas of the evidence. (*per Lord Nicholls in Re H and R (Child Sexual Abuse: Standard of Proof)* [1996] 1FLR 80)

- vi) The evidence of witnesses is of the utmost importance and the court must make a clear assessment of their credibility and their reliability.
- vii) Hearsay evidence is admissible in family proceedings but must be considered in the wider context given that it is not capable of challenge in the same way as first-hand evidence. The court must consider the extent to which it can be relied upon; the weight to be attached to it (*R v B County Council Ex parte P* [1991] 2 All ER 65)
- viii) The court should give itself a Lucas Direction, from *R v Lucas* [1981] QB 720: *that if the court concludes that a witness has lied about one matter it does not follow that he has lied about everything. A witness may lie for many reasons, for example out of shame, humiliation, misplaced loyalty, panic, fear, distress, confusion and emotional pressure.* The fact that a person has lied does not prove their guilt but is part of the overall evidential picture.
- ix) If in any case it is alleged, admitted or if there is reason to believe that a child or party has experienced or is at risk of experiencing domestic abuse, PD12J Family Procedure Rules 2010 applies. Domestic abuse is defined in paragraph 3 as including any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners of family members. The range of behaviour addressed is wide and includes psychological, physical, sexual, financial or emotional abuse. Under PD12J, the process to be adopted by the court where there are disputed allegations of abuse is considered. The court may hold a separate hearing to decide what has happened in order to provide the basis for a welfare report or risk assessment.
- x) In *Re H-N and Others (Domestic Abuse: Finding of Fact hearings)* [2021] EWCA Civ 448. The Court of Appeal held that if either or both parents asserted that there was a pattern of coercive or controlling behaviour then that should be the primary issue for determination unless any particular factual allegation was so serious that it justified determination regardless of any patterns of coercive and/or controlling behaviour. In that hearing all parties acknowledged the need for the court to concentrate on the wider context of a pattern of behaviour as opposed to a list of specific factual incidents, which are often set out in Scott Schedules. The court in that case observed that the Family Court should be concerned with how the parties behaved and what they did with regard to each other and their children, rather than whether that behaviour falls within a definition of rape, murder, manslaughter or other serious crimes. In other words, it is what they do with regard to each other as opposed to what it might or might not be called. Serious behaviour might not amount to the equivalence of a serious criminal offence but might still be profoundly abusive. Such behaviour should not be ignored.
- xi) In this case I indicated to the parties that although there are specific allegations made each against the other, that I would be concentrating on patterns of behaviour as opposed to working my way through the list of allegations, although I do consider the allegations in this judgement.

Evidence of the Parents

21. The evidence in this case was given by both parents and the mother's oldest daughter I. Other witnesses who could have assisted the court with evidence about allegations made, such as the mother's sister, H, and a young man called B who it is alleged that the father assaulted, and a security guard named A who worked with the mother were not called. This had the effect of significantly weakening the case run by each of the parties as there was very little independent, supporting or contemporaneous evidence.
22. The mother gave her evidence in a more measured way than the father. English did not appear to be her first language, but she appeared to have little difficulty understanding. In general terms she saw these proceedings in terms of defending herself against allegations made against her by the father, rather than considering the effect of the allegations on the children. However, she was able to reflect on this and I had the impression of a measure of insight as her evidence developed.
23. The father showed no such insight. Again, English may not have been his first language, but he did not seem to be disadvantaged by that. His approach to the proceedings was that he intended to prove the truth as he saw it, which took the form of his various allegations against the mother. He seemed not to understand or see the significance of the effect of the various allegations made by whichever parent on the children. His focus was entirely on the pursuit of his allegations against the mother, seeking to prove that she was, as he put it, evil or crazy, using his words.
24. He seemed unable to answer simple questions simply, his answers spiralling away into a series of allegations, often not linked to the question at all. His answers were long and at times not particularly coherent.
25. He has spent the whole of the proceedings being abusive towards the mother. He has filed with the court multiple documents, statements, and emails in which he says that she is "evil", or "an abuser", that she has tortured the children, and that she does not L them. When challenged about this he was unable to agree that she loved the children. At an earlier hearing I pointed out to him that he was using the proceedings as a way of abusing her, calling her names whenever he can, both in hearings and in his written material. It was difficult to understand how the parents' relationship had been when they were living together, but I have no doubt and find that since at least April 2020 when he left the mother's home, he has pursued a campaign against her which has been controlling and coercive. His behaviour towards her has been belittling, and oppressive, and I have no doubt that this has affected her response to him and to these proceedings.
26. The father can also be heard on the video recordings provided by him on many occasions making comments to the children which are either abusive towards the mother, or which are aimed at persuading them to agree that they have been hurt (an example is the father asking S in one video "...is Mummy hurting you" which S does not answer, but is repeated until S says "yes"). The father does appear to consider this behaviour to have been appropriate and justified. In my judgment this was emotionally abusive and calculated to alienate the children from their mother, with whom they live.

27. Some of the incidents about which I make findings (or not) later in this judgment clearly took place in front of the children or with the children in the home. My findings are that at times the children were exposed to the parents calling each other names and arguing in front of them, and on at least two occasions the arguments became physical and involved pushing around. Neither parent took action to prevent the children from this, although the videos demonstrate that the mother was aware of the extent to which this was inappropriate and raised it. The father did not appear to consider the effect on the children at all, either at the time or since.
28. The father consistently and covertly recorded conversations with the mother without her knowledge and recorded contact with the intention of proving that the mother was harming the children. It was during these contact sessions that he questioned the children and encouraged them to answer to the effect that the mother had harmed them. This behaviour was controlling towards the mother and emotionally abusive towards the children.
29. I will deal with specific allegations at the end of this judgment.

Written material from Other Agencies

30. Hampshire County Council prepared a s37 report in March 2022. In addition, it had undertaken four Child and Family Assessments, as a result of involvement in 2015, and then following the allegations made by the father in 2020 and 2021.
31. The s37 report of Kirsty Stuart (the author of the report) concluded that there were no concerns regarding the mother's care of the children. The children appeared happy and contented. No issues had been raised by the school, who provided positive feedback as regards the general demeanour, attainment and presentation of the children.
32. The mother was engaging with health services for the children and appeared to be meeting their needs.
33. Ms Stuart expressed some concern about the contact that she had observed between the father and the children, on video recordings provided by the father. She expressed concern that he was using the contact and the recordings to attempt to obtain evidence of harm. The contact was also chaotic. She felt that contact should no longer be supervised by the family, and that it should move to be supervised at a contact centre. She said that until the father accepts that the children are not at risk of harm in the care of the mother, there would be a high risk of harm if contact were not supervised. The harm would take the form of continued interrogation of the children by the father and denigration of the mother to the children by him.
34. She expressed some concern about the father's obsessive approach to the issue of trying to establish harm.
35. Police disclosure related to the allegation of an assault made by the mother in December 2018. Within the police notes there is a record that the mother told them about the incident in 2015 about which they had not previously been informed (see below). The police took no action after investigating as the mother did not support a prosecution and there was no independent evidence.

36. There were other reports made following allegations made to the police by the father in 2020 and 2021, none of which resulted in action taken by the police or the local authority.
37. Finally, the father produced a large number of video and audio recordings which were chaotic in form and were not clearly identified or numbered. Some of the recordings were lengthy. I have not been able to view all of them, there are too many and it is not proportionate to do so, but I have watched a number of them. I was grateful for assistance from Ms Chalk who had indicated in her opening note information and a summary of the material in the videos which were before the court.

Specific Findings

38. There were two incidents where violence is alleged by both parties and which I should deal with specifically.
39. The first is an incident on 26 December 2015, when the parents were living together at the mother's home. The mother alleges that she was punched by the father, knocking her unconscious. Her daughter I gave evidence in support of the allegation. Both parents gave evidence that an incident had taken place. It was common ground that there had been shouting by both parents against each other. The mother accepted that she had thrown a slipper at the father. Both accepted that she had been pushed towards a wardrobe. The father then said that the mother fell to the floor as he tried to push her away, in order to defend himself. The mother said that after she had thrown the slipper, she was cornered by the wardrobe, and that the father then punched her which knocked her unconscious. This is denied by the father. I confirmed the mother's account, although she later accepted that parts of her evidence, given by her as fact, were not actually witnessed by her, but were what she was told. She assured the court that she had seen the punch.
40. No medical assistance was sought, and the police were not called, which is very concerning given that it is said that the mother was unconscious and had to be revived. This matter was eventually reported to the police at the same time as the 2018 incident, so 3 years later. There was also some discrepancy as to whether this was 2015, as I was told, or 2016 which is what the police were told.
41. I do find that there was a significant incident in which both parents were involved, in which there was shouting at each other, and a physical struggle that involved at least pushing to the extent that the mother fell to the floor, as the father accepted. It does not matter who the ultimate aggressor was both were involved, and neither withdrew. The children were present in the house and were aware of what happened. Neither parent expressed concern about them or their appreciation of what had happened. I am not satisfied however, on the balance of probabilities, that the mother was punched unconscious. This is because there was no report to the police at the time, no medical help sought, and no independent evidence save for the evidence of I, which given her admission that some of her evidence was not witnessed is not sufficient to persuade me that the allegation is fully made out.
42. On 26 December 2018 the mother alleged that the father took her by the shoulders and shook her, following an argument. This is denied by the father. The incident occurred, it is said, while the father was feeding one of the children, and the mother

thought that the child was about to spit out the food. There was no supporting evidence although it was reported to the police who were concerned about the nature of the relationship between the parents.

43. Again, I am satisfied that there was an argument between the parents, but there is no evidence that persuades me on the balance of probabilities that the father shook the mother as alleged. Although the evidence at the hearing was broadly consistent with the report made to the police, there is no independent or supporting evidence. I was not able to assist the court about this incident. I am satisfied, however, that there was inappropriate shouting in the presence of the children, as this was admitted. In the context of the relationship as I have found it to be, it was likely to have been appropriate for the mother to call the police. It is clear from the police evidence that the police wished to pursue a prosecution but that the mother did not support that. That failure to act was, in my view, not protective of the children.
44. The arrangements between the parents do seem to have been unsatisfactory. The father had moved away to Stoke on Trent, but apparently came to stay when he wanted to have contact with the children. He would give the mother notice that he was coming to have contact but did not appear to give her any choice about whether he came or not. The fact that they continued to have arguments on many occasions while this contact took place should have alerted both of them that this was not a suitable or child focussed arrangement, but it appears that it did not.
45. There are many other allegations made between the parties which I shall deal with briefly. None are supported by other evidence, either from third parties, the police or medical evidence.
46. The father alleged that the mother had broken his jaw. His explanation of what happened was unclear although he seemed to be saying clearly that his jaw had been broken. There was no medical evidence to support this assertion. No report was made to the police. His description appeared to be more that his jaw hurt. As a result of the lack of supporting or contemporaneous evidence I am not persuaded that this allegation is proved.
47. There was an incident where the father alleges that the mother threw bread at him. The mother accepts that she did although there is some dispute as to the extent of the argument. The significance of this is that it took place in the presence of the children, which I find to have been likely to have caused them emotional harm.
48. The mother alleged that the father punched a work colleague named A. She said that A had called in after a christening and the father punched him. There was no evidence from this man, and no evidence that the matter had been reported to the police at the time. The mother did not even know his surname, when asked. I am not persuaded on the balance of the probabilities that the mother has proved this allegation.
49. The mother alleged that on another occasion the father was aggressive to someone that she knew called "B" (no surname) in the presence of the children. I have listened to a recording of this incident. It is clear from the recording that the mother was attempting to help this man, as she told me, by trying to get him assistance to find accommodation. The children can be heard to be present. The father and B are

aggressive towards each other. The mother can be heard trying to calm things down and being concerned about the children and trying to protect them from the two men, which is to her credit. There was certainly aggression between the two men, and the father participated in that. I am not able to find, on the basis of what I heard, that the father instigated the aggression, but he certainly did not back away. The father made allegations that B was not an appropriate person to be in the home because he was a drug addict – but no evidence was adduced about this, and I find it not proved.

50. The mother alleges that the father tried to, and for a time did, alienate her from her sister H. This appeared to be connected with his activities as a pastor, and although I can see that it might be relevant from the point of view that this was a controlling relationship, it was difficult to see how it is relevant to the question of the father's relationship with the children. There was no evidence from H, and I am not satisfied that this is relevant, or proved.
51. The father alleged that N had kicked S to the stomach making it bleed. He said that he was told this. There is no evidence relating to the allegation, nothing from N and no medical evidence to establish that there was an injury. A photograph of S's tummy did not show a scar. I am not satisfied that this is proved on the balance of probabilities.
52. The father made a number of allegations that the children had been assaulted by the mother. On one occasion he said that she had punched S – no evidence was adduced in relation to this and there was no evidence of injury. Most if not all of these allegations were made after inappropriate and repeated questioning of the children. I bear in mind, as well, that allegations were made by the father to the police and to Children's Services who investigated and found no evidence of either criminal activity or harm being caused to the children. I find them not proved on the balance of probabilities as a result of the lack of supporting evidence.
53. The father did allege that the mother had caused a mark to S's nose which can be seen on a photograph. The mother accepted that she had caused the mark but said that it was an accident. The father produced no evidence to persuade me that this was an inflicted injury. I find the allegation not proved.
54. The father also produced photographs of grazes on S's knees which he said were inflicted. The photographs certainly show grazing, but there is no medical evidence nor any other evidence to suggest that these are anything other than childhood grazes. The allegation is not proved.
55. The father suggests that the mother takes drugs. He relies upon a recording of S, in which he suggests that S tells him to "go pack heroin". The mother denies this. I have listened to the recording. It is not clear what S says, or what he means. The father's reaction to the comment is concerning as he hears S say whatever it is that he said (the words are very unclear) and the father then repeats "go pack your heroin" and ramps up the significance of his interpretation of what is said, using it as an opportunity to try to score points against the mother. I am not satisfied that whatever it was that S said, was related to illegal substances. Similarly, while the mother accepted trying substances when she was young, there is no evidence before the court that she is using drugs now or at any time during the children's lives.

56. The father alleges that the mother deliberately gave S covid19. He produces no evidence to establish that S caught covid, where he caught it or that it was likely to be from the mother. It seems to me that to suggest that this was a deliberate act underscores how the father took every opportunity to make allegations against the mother with no evidence to support them, as here.
57. Although not contained in the written evidence the father maintained in his evidence before the court that the mother had burned S's eye causing him "nearly to lose his sight". Again, there is no evidence in support of this. The father was not present and did not witness anything. There is no medical evidence. I find the allegation not proved and that the father appears to have made no real effort to investigate this allegation (as with others) but has simply made the allegation in an effort to weaken the mother's position and cause her distress.
58. The father alleges that the mother uses code words to alienate the children from him. The word he suggests is "papao", a Portuguese word which he suggests means beating. The mother suggested that it means a corrective punishment like a smack. A literal translation appears to be "blockhead". Whatever it means, the father produced no evidence to support what he said, giving no evidence about when it was used and the effect it had on the children. The allegation is not proved.
59. Finally, the father accuses the mother of making threats to kill him, along with a man called Y. There are photographs of a man, although I do not know whether this man is the man concerned. There is no specific evidence about what was said, where the parties were or the effect on the father. I am not satisfied that it is proved.

Conclusion

60. The issue in this case is the ability of the parents to understand the effect of the toxic nature of their relationship upon the children and to protect the children from that. their response to the findings that I have made will assist the court in understanding the steps that need to be taken in order to resolve the father's application for a child arrangements order. The court will have the welfare of the children at the forefront of its mind when doing so.
61. This judgment is handed down subject to editorial correction, which must be notified to the court by 4.00pm 8 February 2024.

HHJ Levey

Portsmouth

5 February 2024

F v M - BK21P80016
SCHEDULE OF ALLEGATIONS

Below are the allegations made by the mother and the Father against each other which will be determined at the fact-finding hearing which is listed for 9th, 10th and 11th January 2024. This schedule has been prepared by the Children's Guardian's counsel on the basis of the parents' narrative statement and was approved by the Court on 3rd November 2023.

Father's allegations against the Mother
Allegation
1. The mother has tortured and continually abused the children as evidenced by the following:
A. 2017 - Mother punched S nearly closing his left eye
B. June 2018 - beat S on his bottom causing wounds to his bottom
C. November 2018 - beat S causing bruising and bleeding. Exposed the children to a drug addict - B
D. 2018 - on N's birthday M punched S
E. July 2019 - On S' birthday, S said that N had dropped him on the floor and kicked him and that his back hurt. S showed father that she had made him bleed from his stomach. S then said Mummy did this to me.
F. Father's day 2020 during a video call with Father he witnessed the children being abused by their mother. The phone was thrown from S's hand and he was screaming. L described pain and agony on her bottom. When father asked what had happened the Mother ended the call.
G. The children have been subjected to physical abuse from mother including pinching, smacking and putting hands in L's mouth to make her mute.
H. During a video call S said that mother had hurt him and showed an injury to his nose. Mother in response grabbed S's neck and tried to twist his head to the other side to hide the injury.
2. The children have suffered emotional harm and been exposed to conflict between the parents including Mother being verbally and physically abusive to the Father as evidenced by the following:
A. December 2018 Christmas day - mother had a verbal argument with father in the presence of the children and called the police.
B. 2019 - Mother was verbally abusive to father in front of the children and hit him in front of the children.
C. 25 th March 2020 - S showed father scars on his leg from his mother torturing him.

D. On an occasion in 2020 the mother force fed the father in the presence of the children.
E. On the same occasion as 2D above, Mother started talking about her father raping her and tried to kill her. Mother started shouting and screaming at father in front of the children and “turned into a demon”.
F. The Mother would be verbally abusive to the Father in the presence of the children and would shout and scream at him.
3. The Mother has attempted to alienate the children from the Father as evidenced by the following:
A. Mother has attempted to alienate the children from him by saying that “Father’s are nothing”
ALLEGATION
MOTHER’S ALLEGATIONS AGAINST THE FATHER
4. The Father has been physically, verbally and emotionally abusive towards the Mother and her friends and family as evidenced by the following:
A. i. End of 2015 when S was 3 months old, the Father assaulted the Mother by punching her in the face. In response, the Mother grabbed a shoe and threw it at him. The Father cornered the Mother into the wardrobe and she fell unconscious and later woke up on the floor. The Father only stopped as Mother’s older daughter I intervened. ii. Mother was left with swelling, a black eye and unable to hear from her right ear for a period of time. The Mother had bruising on her face from this attack which she took photos of and stored on her laptop but these were later deleted by Father. . S was present during this assault.
B. In November 2018 the Father attended at Mother’s home and was aggressive and violent to her friend B who was present at the home.
C. The father has previously punched a work colleague of the Mother at the Mother’s family home.
D. 26 th December 2018 – Mother called the police as a result of father becoming aggressive. Father refused to leave when asked and whilst Mother was feeding S, the Father grabbed her on the shoulders and started to shake her and shout in her face. The Father was shouting and cursing at the Mother.
E. Post separation, during video calls with the children the Father would be verbally abusive to the Mother in the presence of the children.

<p>5. The Father has been controlling and coercive towards the Mother as evidenced by the following:</p>
<p>A. The Father would subject the Mother to verbal arguments referring to her having demons.</p>
<p>B. During the relationship, the Father belittled the Mother and complained about her body, appearance and way of dressing.</p>
<p>C. The father told lies to the Mother's sister and alienated the Mother from her sister.</p>
<p>D. The father would constantly tell the Mother she was demon, possessed or working with the devil.</p>
<p>E. The Father has on several occasions attempted to alienate the children from Mother by asking them to say bad things about the Mother and saying:</p> <ul style="list-style-type: none">a. "Your mother won't let me see you"b. I want to come but your mum won't let me"c. Is...hurting you"d. "Are you scared of...?"e. "you do not have to say sorry S"
<p>F. "Did.... hurt you?"</p>
<p>G. In March 2020 the Mother allowed the Father to stay with them as a result of the covid pandemic. During this time the Father would instigate fights with the mother and her older daughter and would interfere with daily routines. The Father would tell the children to ignore what the Mother was telling them and would undermine Mother by praising any behaviour that contradicted what Mother told them to do.</p>
<p>H. During the relationship, the Father was abusive to the Mother and harassed her as detailed above. The stress of the father's behaviour caused her to suffer a miscarriage.</p>
<p>I. The Father has made false allegations to children's services and the Court and other professionals.</p>
<p>J. The Father has attempted to alienate the children from the Mother by telling the children that the Mother has hurt the Father.</p>
<p>K. The father covertly recorded the mother frequently.</p>
<p>L. The father intentionally coaches the children and makes them believe the mother has hurt him.</p>
<p>M. The father has misrepresented the parties relationship to fit his narrative</p>
<p>N. The father has used these proceedings to continue to abuse and degrade the mother.</p>
<p>6. The Father has neglected the children's needs by way of example:</p>
<p>In July 2018 the Father dressed the children inappropriately for a hot day out at Alton Towers.</p>

HHJ LEVEY
Approved Judgment

Double-click to enter the short title