Neutral Citation Number: [2023] EWHC 1864 (Fam)

Case No: ZC18P01363

IN THE HIGH COURT OF JUSTICE
FAMILY DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 27/07/2023

Before :

MR JUSTICE KEEHAN

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Re A and B (Children: 'Parental Alienation') (No. 5)

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- -

Janet Bazley KC (instructed by **W Legal**) for the **Applicant**
The Respondent did not attend nor was she represented

Hearing dates: 16th May 2023

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Approved Judgment

This judgment was handed down remotely at 10.30am on 27th July 2023 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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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.

Mr Justice Keehan:

Introduction

1. This judgment should be read with the previous judgments I have given in this matter on 7 March 2019, 25 November 2020, 24 February 2021, 5 March 2021, 5 July 2021, 15 October 2021, 22 November 2021, 15 December 2021, 24 March 2022 and 5 October 2022. Four of these judgments have been published under the title *Re A and B (Parental Alienation)* No. 1 [2020] EWHC 3366 (Fam), No. 2 [2021] EWHC 2601 (Fam), No. 3 [2021] EWHC 2602 (Fam) and No. 4 [2021] EWHC 2603 (Fam). I also refer to the judgment of the Court of Appeal in this case reported as *Re B (Children: Police Investigation)* [2022] EWCA Civ 982.

2. I am concerned with two young people, Child A, who is 17 years old, and Child B, who is 14 years old. The applicant is their father, and the respondent is their mother. The father's wife, Ms A, shares parental responsibility for both children with the father by virtue of my order of 5 July 2021.

Background

3. This case has a long and tortuous history. It has been before me for at least the last four years. The case has involved the instruction of a child psychiatrist, Dr Julet Butler, a renowned expert in high parental conflict cases, Dr Janine Braier, who worked in association with a colleague, Ms Karen Woodall. Dr Braier and Ms Woodall worked for an extensive period of time of at least 15 months with the mother, the father and the children to try and resolve the conflict between the parents.

4. They ultimately came to the conclusion that they had failed to do so, that the mother had not achieved the degree of change required and that she had turned the children against the father and that if the children remained living with her it was undoubtedly the case that the emotional and psychological harm that the children had already suffered would be reinforced and would be detrimental to the children, not only for the balance of their minorities, but throughout the whole of their lives. It would have an adverse impact on their ability to form relationships with partners and would have an adverse impact on their own ability to parent their own future children.

5. Accordingly, having heard all the evidence and taking into account the expert evidence, I ordered a transfer of residence of the children from the mother to the father. The mother challenged that decision on appeal and that was unsuccessful.

6. In November 2020, the children moved to live with their father. There were two early episodes when they ran away. The police were involved to recover the children. They then appeared to settle. There were various applications made on behalf of the mother, including for the children to be joined as parties. I refused that application on the grounds that given the damage they had suffered, their real and true wishes and feelings could not be established. Having made that decision, the mother challenged it in the Court of Appeal. She was once again unsuccessful.

7. The children appeared to be happy and settled in their father's care until the events of the summer of 2021. The family travelled to the United States of America. Towards the end of that holiday, Child B ran away and went to the American police. He made allegations against his father. The police secured the returned of Child B to his father and they returned home to this jurisdiction. Shortly thereafter, Child A went missing and it later transpired that she had bought a mobile phone. There then followed a series of allegations made by the children against their father. They mirrored previous allegations which I had found to be untrue.

8. The mother made a further application which was heard on 14 October 2021, this time acting as a litigant in person, for the children to be joined as parties. Once again I refused that application. The very next day an urgent application was made by solicitors instructed on behalf of Child A and Child B for them to be joined as parties. They were represented by leading and junior counsel. There was a full hearing of the application. The mother, unsurprisingly, supported the application for the children to be joined as parties, the father opposed it. Having considered all of the submissions made and the evidence in the case, I dismissed that application 22 November 2021. There was no application to appeal that decision.

9. On 15 October 2021, I was notified that in light of the allegations made by the children which had been referred by their school, Westminster City Council Children Services Department and the Metropolitan Police wished to interview the children. I was clear that this was not in the welfare best interests of the two children with whom I was concerned. I made orders preventing the local authority and the Metropolitan Police from interviewing the children. The order in respect of the Metropolitan Police was subsequently varied. Since that time there have been various applications made by the police, most notably in January 2022, for me to review or discharge my order preventing the Metropolitan Police from interviewing the children.

10. The position of Westminster City Council is that they have satisfied themselves that the children are safe and well in the care of their father and there is no future role for them to play to ensure the safeguarding of either child. Accordingly, Westminster City Council Children Services Department did not pursue an application to interview the children.

11. In the late afternoon/early evening of 15 October 2021 Child A failed to return home to her father and was reported to be missing. I made a Collection Order. I was contacted out of hours by the Tipstaff who had located the whereabouts of Child A. The Tipstaff had spoken with Child A and invited me to consider making certain orders to enable Child A to feel able to return to her father's home, namely:

> "1. Child A and Child B be permitted to have free and unsupervised conversations and contact with their legal representative Ms Broadley of Goodman Ray solicitors by way of using the following telephone number [deleted].
>
> 2. Child A's personal mobile telephone number alleged to have been disabled by the applicant father earlier today is to be returned to Child A in working condition to enable her to use it upon her return home.
>
> 3. There be no "lockdown" by way of locking Child B and Child A in their bedrooms."

I made these order as sought.

12. On 22 November 2021 I refused the children's application to be joined as parties to these proceedings. At the same hearing I adjourned this matter to 8 December 2021 to undertake a fact finding hearing in relation to events that had occurred in this case since June 2021. The mother was ordered to attend this hearing in person.

13. On 8 December 2021 I adjourned the fact finding element of this hearing part heard to 12 January 2022 and repeated the order for the mother to attend the hearing in person. The mother failed to attend the hearing of 8 December in person and in breach of my order of 22 November 2021, she appeared remotely.

14. On 10 December 2022 the father made an application for a *Hadkinson* order against the mother.

15. On 15 December 2021 after an on notice hearing Ms Bazley, then QC, invited the court to hold a hearing without notice to the mother. I acceded to this request. At this without notice hearing I was told that the previous day at a session held by Ms Woodall with the children and the father the children had withdrawn their allegations against the father. Ms Woodall was called to give evidence. She told me that the children explained that they had been approached many times since the Spring of 2021 and put in contact with the mother. The children made reference to being approached by a 'strange' man on their way to school and/or to sporting activities. For the purposes of this judgment I shall refer to him as an 'unknown male'. They were given tracker devices by the unknown male and given mobile phones to contact the mother and, more occasionally, the maternal grandparents and were given cash to buy mobile telephones to have contact with their mother and maternal grandparents. During these conversations the children were told, inter alia, to run away from the father's home, told to make false allegations of abuse against and, as time progressed, to make more serious allegations against the father.

16. At the conclusion of the without notice hearing on 15 December 2021 I made directions that:

    i) it would not be appropriate that the children attend their schools until the hearing on 12 January 2022 to prevent them being approached by the unknown male;

    ii) Ms Woodall was to prepare a report setting out the allegations/disclosures made by the children on 14 December 2021; and

    iii) the transcript of Ms Woodall's evidence and the order made at the without notice hearing would not be made available to the mother or her legal team until the start of the hearing listed on 12 January 2022 when they would be given time to consider the same.

17. The mother appealed my decision unsuccessfully to set aside the order that she should attend the hearing on 12 January 2022 in person. In accordance with the decision of the Court of Appeal she renewed her application on 27 December 2021 to attend that hearing remotely because she had tested positive for Covid and in light of the prevailing Covid restrictions on international travel.

18. On 4 January 2022 I varied the order of 8 December 2021 to provide for a later date for the mother to travel to the UK but still required her to attend the hearing on 12 January in person.

19. The hearing on 12 January 2022 was adjourned to be listed on 19 January 2022. On 6 January 2022 the mother applied to adjourn this hearing because of the alleged failure to provide her with various parts of the disclosure required to be provided to her by the order of 15 December 2021.

20. On 18 January 2022 at a without notice hearing to the mother I made an order freezing specified assets of the mother. The reasons for making this order on a without notice basis were:

> "This order was made at a hearing without notice to the respondent. The reason why the order was made without notice to the respondent was that the court accepted that, were the respondent given notice of this application, there is a significant

> risk that she would take steps to release the shares held by Atlas Peak Capital Partners 2 on her behalf and thereafter to sell these and/or transfer them or their sale proceeds to a location or locations unknown to the applicant and the court. The respondent has the right to apply to the court to vary or discharge the order."

21. The mother failed to attend the hearing on 19 January 2022 in person. She was represented by leading counsel. An application was made for her to join the hearing remotely which I refused. During this hearing the mother's counsel and solicitors were served with copies of the transcribed evidence which Ms Woodall had given to the court on 15 December 2021. I adjourned the matter to 11 March 2022 to consider the following matters:

    i) the conclusion of the fact finding hearing;

    ii) consideration of the mother's explanations for her breaches of orders of this court;

    iii) the father's application for a *Hadkinson* order, in the event that such application is pursued;

    iv) the father's application for an order prohibiting the mother from exercising parental responsibility for the children;

    v) the determination of all costs previously reserved and not dealt with; and

    vi) any application the father may make to revisit the appointment of Ms Woodall's fees.

22. I ordered the mother to attend this hearing in person. I also made directions on a renewed application by the Metropolitan Police to interview the children.

23. On 31 January 2022 I granted an application made by the Metropolitan Police for the disclosure to them of transcripts of various court hearings from 18 October 2021 onwards.

24. On 24 March 2022 I refused the application by the Metropolitan Police to discharge my orders preventing the police from interviewing the children.

25. On 15 May 2022 Peter Jackson LJ granted the Metropolitan Police permission to appeal my order of 24 March 2022.

26. On 15 July 2022 the Court of Appeal allowed the Metropolitan Police's appeal against my order of 15 October 2021 as varied on 18 October 2021 to enable them to interview the children.

27. The mother then made an application for me to recuse myself from this case. On 5 October 2022 I refused that application.

28. On 18 October 2022 I made an order for the Metropolitan Police to disclose the witness statements of the father and his wife, any witness statement of the mother and the ABE interviews of the children by 9 January 2023 or at the conclusion of the police investigation, if later.

29. The mother's application for permission to appeal against my refusal to recuse myself from this case was refused by the Court of Appeal on 9 December 2022.

30. On 8 February 2023 I listed the pre-trial review of the fact finding hearing on 19 April 2023. I granted the mother permission to attend this hearing remotely.

31. On 18 April 2023 my order recorded that the PTR of 19 April 2023 and the fact finding hearing listed on 2nd and 4th May 2023 had been vacated and relisted. The PTR was listed for 4 May 2023. The final hearing of the fact finding hearing was listed for 16 to 17 May 2023. The mother was ordered to attend this hearing in person.

32. The mother made an application on 17 April 2023 to exclude the evidence of Ms Woodall. At the hearing on 4 May 2023 I refused the mother's application to exclude Ms Woodall's evidence. The mother's applications to vacate the final fact finding hearing and her application to attend the final fact finding hearing remotely rather than in person on 16 to 17 May were refused.

33. The mother made an application for permission to appeal my order of 4 May. In light of the impending fact finding hearing, Lord Justice Peter Jackson considered the application on 15 May and refused the application for permission to appeal.

34. After this order was served upon the mother she had no further communication with the court or with the father's legal team. She did not attend the fact finding hearing in person or remotely. I do not know the reason or reasons for her failure to attend the hearing.

Meeting with Child A and Child B

35. At the directions hearing on 4 May 2023 I was told that Child A and Child B wished to meet with me again. Arrangements were made for me to meet with them, in the company of Ms Woodall, on 15 May. The difference between the presentation of Child A and Child B could not have been more different than from the first time I met them in November 2020 to inform them of my decision to transfer their living arrangements from their mother to their father. Then, Child A was very angry and upset and Child B was very distressed. When I walked into court on 15 May I was met by two smiling young people who appeared to be very happy and relaxed. They told me that they now enjoyed their lives living with their father and stepmother, attending their schools and spending time with their respective friends.

36. Child A, speaking on behalf of herself and Child B, thanked me for the decisions I had made about them and for ensuring that there was judicial continuity.

37. Child A and Child B have endured some exceedingly distressing events over the last few years which have seen them subjected to extreme emotional and psychological pressure and abuse by or on behalf of their mother. It is a great testament to their resilience, to the deep love and devotion of their father and their stepmother and to the commitment and support of Ms Woodall that they are now so happy, settled, secure and confident young people. They were both a complete delight to meet. I have no doubt that they will both have happy and successful lives.

38. For the avoidance of any doubt, I have taken no account of what they said to me on that occasion of the events of early/late 2021. I did take account of their demeanour and of what they told me about their lives now in respect of (a) their school lives and (b) their outside interests and sporting activities and of their lives with their father and stepmother.

The Law

39. It is well established that the burden of proof at a fact-finding hearing falls upon the party making an allegation; and the standard of proof is the simple civil balance of

probabilities. See for example Baroness Hale in *Re B (Children)* [2008] UKHL 35, [2009] 1 AC 11 at [70]:

> "My Lords, for that reason I would go further and announce loud and clear that the standard of proof in finding the facts necessary to establish the threshold under section 31(2) or the welfare considerations in section 1 of the 1989 Act is the simple balance of probabilities, neither more nor less. Neither the seriousness of the allegation nor the seriousness of the consequences should make any difference to the standard of proof to be applied in determining the facts. The inherent probabilities are simply something to be taken into account, where relevant, in deciding where the truth lies."

40. In the context of a private law domestic abuse case, by reference to previous decisions of the Court of Appeal, Poole J recently summarised the approach to fact-finding hearings as follows - see *Re JK (A Child)(Domestic Abuse: Finding of Fact Hearing)* [2021] EWHC 1367 (Fam) at [17]:

> "The following principles apply to this finding of fact hearing:
>
> a. The burden of proof lies on the party that makes an allegation of fact and identifies the findings they invite the court to make.
>
> b. The standard of proof is the balance of probabilities.
>
> c. Findings must be based on evidence not suspicion or speculation - Lord Justice Munby in *Re A (A child) (Fact Finding Hearing: Speculation)* [2011] EWCA Civ 12.
>
> d. The court must take into account all the evidence and consider each piece of evidence in the context of all the other evidence – see Dame Elizabeth Butler-Sloss, President observed in *Re T* [2004] EWCA Civ 558, [2004] 2 FLR 838.
>
> e. It is not uncommon for witnesses in these cases to tell lies in the course of the investigation and the hearing. The court must be careful to bear in mind that a witness may lie for various reasons, such as shame, misplaced loyalty, panic, fear, distress. The fact that a witness may have lied does not necessarily mean they are guilty of the matter alleged against them and the fact that the witness has lied about some matters does not mean that he or she has lied about everything: see *R v Lucas* [1981] QB 720."

41. In *Re A (A Child*) [2020] EWCA Civ 1230 King LJ considered legal guidance in relation to issues of credibility, demeanour, and memory in the context of a fact-finding process in private law children's proceedings, and legal guidance from family and wider jurisdictions.

42. In the judgment, King LJ observed:

> "I have in mind the guidance given by Baker J (as he then was) in *Gloucestershire CC v RH and others* [2012] EWHC 1370 (Fam) and in particular at [42] his point 7:

"Seventh, the evidence of the parents and any other carers is of the utmost importance. It is essential that the court forms a clear assessment of their credibility and reliability. They must have the fullest opportunity to take part in the hearing and the court is likely to place considerable weight on the evidence and the impression it forms of them (*see Re W and another (Non-accidental injury)* [2003] FCR 346)."

33. The reasoning of Baker J *in Gloucestershire CC v RH and others* [2012] EWHC 1370 (Fam) was approved by the President in *Re M (Fact-Finding Hearing: Injuries to Skull)* [2013] 2 FLR 322, [2012] EWCA Civ 1710 at [30]. More recently, the courts have looked at the issue of what can, in broad terms, be identified as the fallibility of oral evidence. The issue of the extent to which a court should rely on the recollection of witnesses and the fallibility of human memory first arose in a commercial setting through observations made by Leggatt J (as he then was) in *Gestmin SGPS SA v Credit Suisse (UK) Ltd and Another* [2013] EWHC 3560 (Comm) (*'Gestmin'*) at [15] – [22], and more recently *in Blue v Ashley* [2017] EWHC 1928 (Comm) at [68] – [69].

34. In the *Gestmin* case, at [22], Leggatt J expressed the view that the best approach for a judge to adopt in a commercial trial was to place little, if any, reliance on a witness's recollection of what was said in meetings and conversations; rather factual findings were to be based on inferences drawn from documentary evidence and known or probable facts. This was followed in *Blue v Ashley*, where Leggatt J at [70], having rehearsed his own earlier observations in *Gestmin*, approached evidence of a crucial conversation in a way that was "[m]indful of the weaknesses of evidence based on recollection".

35. The Court of Appeal considered both of these cases in *Kogan v Martin and Others* [2019] EWCA Civ 1645 (*'Kogan'*). This was a case where the judge at first instance had wrongly regarded Leggatt J's statements in *Gestmin* and *Blue v Ashley* as an "admonition" against placing any reliance at all on the recollections of witnesses.

36. The Court of Appeal in *Kogan* emphasised the need for a balanced approach to the significance of oral evidence regardless of jurisdiction. Although it was a copyright dispute between former partners, the judgment was a judgment of the court with wider implications.

37. In relation to the treatment of the evidence of the Claimant, the Court in *Kogan* said:

"88. … We start by recalling that the judge read Leggatt J's statements in *Gestmin v Credit Suisse* and *Blue v Ashley* as an "admonition" against placing any reliance at all on the recollections of witnesses. We consider that to have been a serious error in the present case for a number of reasons. First, as has very recently been noted by HHJ Gore QC in *CBX v North West Anglia NHS Trust* [2019] 7 WLUK 57, *Gestmin* is

not to be taken as laying down any general principle for the assessment of evidence. It is one of a line of distinguished judicial observations that emphasise the fallibility of human memory and the need to assess witness evidence in its proper place alongside contemporaneous documentary evidence and evidence upon which undoubted or probable reliance can be placed. Earlier statements of this kind are discussed by Lord Bingham in his well-known essay *The Judge as Juror: The Judicial Determination of Factual Issues* (from The Business of Judging, Oxford 2000). But a proper awareness of the fallibility of memory does not relieve judges of the task of making findings of fact based upon all of the evidence. Heuristics or mental short cuts are no substitute for this essential judicial function. In particular, where a party's sworn evidence is disbelieved, the court must say why that is; it cannot simply ignore the evidence.

[…]

41. The court must, however, be mindful of the fallibility of memory and the pressures of giving evidence. The relative significance of oral and contemporaneous evidence will vary from case to case. What is important, as was highlighted in *Kogan*, is that the court assesses all the evidence in a manner suited to the case before it and does not inappropriately elevate one kind of evidence over another."

43. Later in her judgment King LJ made the following observations in respect of the discharge of the burden of proof:

"57. I accept that there may occasionally be cases where, at the conclusion of the evidence and submissions, the court will ultimately say that the local authority has not discharged the burden of proof to the requisite standard and thus decline to make the findings. That this is the case goes hand in hand with the well-established law that suspicion, or even strong suspicion, is not enough to discharge the burden of proof. The court must look at each possibility, both individually and together, factoring in all the evidence available including the medical evidence before deciding whether the "fact in issue more probably occurred than not" (*Re B*: Lord Hoffman).

58. In my judgment what one draws from *Popi M* and *Nulty Deceased* is that:

i) Judges will decide a case on the burden of proof alone only when driven to it and where no other course is open to him given the unsatisfactory state of the evidence.

ii) Consideration of such a case necessarily involves looking at the whole picture, including what gaps there are in the evidence, whether the individual factors relied upon are in themselves properly established, what factors may point away from the suggested explanation and what other explanation might fit the circumstances.

> iii) The court arrives at its conclusion by considering whether on an overall assessment of the evidence (i.e. on a preponderance of the evidence) the case for believing that the suggested event happened is more compelling than the case for not reaching that belief (which is not necessarily the same as believing positively that it did not happen) and not by reference to percentage possibilities or probabilities".

44. In respect of the value of oral testimony and demeanour Peter Jackson LJ in the case of *Re B-M* [2021] EWCA Civ 1371 said the following:

> "28. Of course in the present case, the issue concerned an alleged course of conduct spread across years. I do not accept that the Judge should have been driven by the dicta in the cases cited by the Appellants to exclude the impressions created by the manner in which B and C gave their evidence. In family cases at least, that would not only be unrealistic but, as I have said, may deprive a judge of valuable insights. There will be cases where the manner in which evidence is given about such personal matters will properly assume prominence. As Munby LJ said in *Re A (A Child) (No. 2)* [2011] EWCA Civ. 12 said at [104] in a passage described by the Judge as of considerable assistance in the present case: "Any judge who has had to conduct a fact-finding hearing such as this is likely to have had experience of a witness - as here a woman deposing to serious domestic violence and grave sexual abuse - whose evidence, although shot through with unreliability as to details, with gross exaggeration and even with lies, is nonetheless compelling and convincing as to the central core… Yet through all the lies, as experience teaches, one may nonetheless be left with a powerful conviction that on the essentials the witness is telling the truth, perhaps because of the way in which she gives her evidence, perhaps because of a number of small points which, although trivial in themselves, nonetheless suddenly illuminate the underlying realities."
>
> 29. Still further, demeanour is likely to be of real importance when the court is assessing the recorded interviews or live evidence of children. Here, it is not only entitled but expected to consider the child's demeanour as part of the process of assessing credibility, and the accumulated experience of listening to children's accounts sensitises the decision-maker to the many indicators of sound and unsound allegations."

45. The Court of Appeal considered the application of a *Lucas* direction *Re H-C [2016]* EWCA Civ 136. McFarlane LJ emphasised the following at paragraph 100:

> "One highly important aspect of the *Lucas* decision, and indeed the approach to lies generally in the criminal jurisdiction, needs to be borne fully in mind by family judges. It is this: in the criminal jurisdiction the "lie" is never taken, of itself, as direct proof of guilt. As is plain from the passage quoted from Lord Lane's judgment in *Lucas*, where the relevant conditions are satisfied the lie is "capable of amounting to a corroboration". In recent times the point has been most clearly made in the Court

> of Appeal Criminal Division in the case of *R v Middleton* [2001] Crim.L.R. 251.
>
> In my view there should be no distinction between the approach taken by the criminal court on the issue of lies to that adopted in the family court. Judges should therefore take care to ensure that they do not rely upon a conclusion that an individual has lied on a material issue as direct proof of guilt."

46. Findings of fact must be based on evidence, including inferences that can properly be drawn from the evidence and not on mere suspicion, surmise, speculation or assertion: *Re A (A Child) (Fact Finding Hearing: Speculation)* [2011] 1 FLR 1817 and *Re A (Application for a Care and Placement Orders: Local Authority Failings)* [2016] 1 FLR 1.

47. When considering the allegations made by Child A and/or Child B whether in their ABE interviews or elsewhere I bear in mind and apply the following:

    i) the greatest care needs to be taken if the risk of obtaining unreliable evidence from a child is to be minimised. Children are often poor historians and many are suggestible: *Re B (Allegation of Sexual Abuse: Child's Evidence)* [2006] 2 FLR 1071 at paragraphs 34 to 35, 37, 40 and 42 to 43;

    ii) the 2022 revision of Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, and Using Special Measures;

    iii) the court must acknowledge and carefully analyse material where there are numerous and substantial deviations from good or acceptable practice in ABE interviews or other procedures adopted for interviewing children and must consider whether or not flaws in the ABE process are so fundamental as to render the resulting interviews wholly unreliable: *Re E (A Child) (Family Proceedings Evidence)* [2016] EWCA Civ 473 at paragraph 35; and

    iv) a court considering the hearsay evidence of a child must consider what the child has said, the circumstances in which it was said and the circumstances in which any alleged abuse might have occurred: *R v B County Council ex parte P* [1991] 1 FLR 470 at page 478.

48. The Court of Appeal has given guidance on the issue of domestic abuse: see for example, McFarlane P in *Re H-N and Others (Children) (Domestic Abuse: Finding of Fact Hearings)* [2021] EWCA Civ 448:

> "[26] PD12J paragraph 3 includes the following definitions each of which it should be noted, refer to a pattern of acts or incidents:
>
> > "'domestic abuse' includes 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 or family members regardless of gender or sexuality. This can encompass, but is not limited to, psychological, physical, sexual, financial, or emotional abuse. Domestic abuse also includes culturally specific forms of abuse including, but not limited to, forced marriage, honour-based violence, dowry-related abuse and transnational marriage abandonment;

> ‘coercive behaviour’ means an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten the victim;
>
> ‘controlling behaviour’ means an act or pattern of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.”
>
> [30] The circumstances encompassed by the definition of ‘domestic abuse’ in PD12J fully recognise that coercive and/or controlling behaviour by one party may cause serious emotional and psychological harm to the other members of the family unit, whether or not there has been any actual episode of violence or sexual abuse. In short, a pattern of coercive and/or controlling behaviour can be as abusive as or more abusive than any particular factual incident that might be written down and included in a schedule in court proceedings (see ‘Scott Schedules’ at paragraph 42 -50). It follows that the harm to a child in an abusive household is not limited to cases of actual violence to the child or to the parent. A pattern of abusive behaviour is as relevant to the child as to the adult victim. The child can be harmed in any one or a combination of ways for example where the abusive behaviour:
>
> i) Is directed against, or witnessed by, the child;
>
> ii) Causes the victim of the abuse to be so frightened of provoking an outburst or reaction from the perpetrator that she/he is unable to give priority to the needs of her/his child;
>
> iii) Creates an atmosphere of fear and anxiety in the home which is inimical to the welfare of the child;
>
> iv) Risks inculcating, particularly in boys, a set of values which involve treating women as being inferior to men.

49. I respectfully agree with and have applied all of the authorities set out above in my consideration of the issues in this case and the finding of facts sought by the father.

Finding of Facts Sought

50. The father sought the following findings against the mother.

51. That during the 15-month contact trial during 2019 and 2020, the mother instructed the children not to do what Ms Woodall was instructing, as it would lead to them being removed from the mother, but to do what the mother was instructing them to do thereby seeking to undermine and thwart that work.

52. That in October and November 2020 in the lead-up to the final hearing in this matter in November 2020:

i) the mother informed the children that they may see her less and that if a transfer of residence was ordered, they were to run away and to keep running.

ii) Further, that as a result of this, when the final order was made, the children did run away, first to the mother's friend (Ms Y) and then secondly to (the children's tutor, Ms G) during which time they spoke to the mother via Ms G; Child B was instructed to "hang onto" furniture in her home if being removed from it; both children were informed that the "plan" was to immediately involved Children's Services; money was given to the children by Ms G.

53. From November 2020 onwards:

i) the mother gave Child A contact details for a London solicitor, Ms Janet Broadley and required Child A to 'instruct' this solicitor to act for her and Child B in these proceedings. The mother further instructed Child A that she and Child B must make false allegations to Ms Broadley that the father had abused and was mistreating them. In this context, the mother also contacted the children via friends of hers and Child A via social media. The pressure exerted by the mother was such that the children felt obliged to follow her instructions. It is likely that Ms Broadley triangulated into the false story and this caused her to pursue instructions from the children, including in a four-hour meeting at the children's home.

ii) The mother has incited third parties, including on social media, to attack Ms Woodall and her work, in an attempt to further undermine Ms Woodall's work and recommendations in this matter and more generally, and that the ultimate purpose of this was to undo His Lordship's orders in this matter.

iii) Further, that this incitement had a specific purpose on the part of the mother, namely to pressurise Ms Woodall into stepping down from work in this matter and to destabilise the children who have the ability to access the internet and social media and read such comments and allegations and to undermine the final orders in this matter.

iv) That the mother has sought to contact the children directly, including via social media including but not limited to Instagram, Snapchat, Spotify.

54. That since the final hearing in November 2020, the mother has embarked upon a sustained, conscious and deliberate campaign to continue to alienate the children from the father, to destabilise the final orders made in this matter, to undermine the therapeutic work of Ms Woodall, in continuing breach of His Lordship's orders. That this conduct on the part of the mother has caused the children significant emotional harm, has consumed significant Court and police resources, and has led to wholly unnecessary further costs being incurred by the father.

55. That the mother has misled the Court and professionals in this case both up to the final hearing in November 2020 and since.

56. Around April 2021:

i) That a man (unknown to the children) on instruction from the mother/her family, approached Child A with a picture on his phone of the mother's parents with a poster saying "we miss you", that poster being designed to induce Child A into trusting this man.

ii) That a man on instruction from the mother/her family approached Child B in a way similar to the above near the location of Child B's judo classes.

iii) This man informed the children that he had assisted in foiling a kidnapping gang, and that this was designed to persuade the children that they were being held as captives by the father/the High Court.

57. From around April 2021 onwards:

i) That this man (and a second man also) facilitated telephone calls with both children and the mother and the broader maternal family, including the mother's parents and the mother's brother, using telephones in this man's possession.

ii) That this man hid mobile telephones in London such as beside Child A's school, beside Child A's gym, and instructed Child A to use those telephones to call the mother and to then destroy the telephones following these calls.

iii) that during these calls between the mother and the children, the mother informed the children that if they made false allegations about the father, they would no longer have to live with him but would instead be permitted to live with her.

iv) that during at least one of these telephone calls, the maternal grandfather screamed at Child A that if she did not make these false allegations against the father, Child A would be betraying the maternal family and the family and they would no longer have "anything to do with her."

v) that during at least one other of these telephone calls, the mother joined Ms G to the call, and Ms G further informed Child A that she had to make these false allegations.

vi) that this man provided Child A with various papers and documents, one of which was the telephone number of solicitor Janet Broadley.

vii) that this man provided trackers to both children, telling them that they were to keep them on their person at all times, so if they were separated in the future, the mother would be able to locate the children. That Child B hid his tracker in a coat and Child A then hid the tracker in a speaker in her room at the father's home.

viii) that this man tied ribbons around trees around London, including on the father's street, as signs to the children that he was present and would shortly intercept them.

ix) that this man gave the children cash of around £200 - 400 in total, with instructions to use that money to purchase mobile telephones.

x) that the conduct of this man, on instruction by the mother, constitutes grooming.

xi) that the children were instructed by the mother to "run away" to their previous nanny, Ms M, as "she is loyal" but that when Child A recalled that Ms M does not speak English, Ms M's son was suggested in the alternative; the children were instructed to pretend to Ms Broadley and the court that they knew him well, despite barely knowing him; and that he was induced by the mother to provide false evidence to the High Court both written and oral.

xii) that during the trip to the US during summer 2021 with the father and his wife, the children were instructed by the mother to abscond together; that she

specifically informed Child B about the different legal system in the US; and that they were instructed to make false allegations including that the father had "hurt" them.

xiii) That the mother instructed Child B to hit Child A in order to leave a bruise; and that Child A hit herself with a shampoo bottle in order to bruise.

58. That in October 2021:

i) the mother induced the children to send letters to their schools to make false allegations against their father (including on 15 October 2021) and to make false allegations about him to the police, including but not limited that he hit them, locked them up, was violent towards them, and that their paternal grandfather had also hit Child B.

ii) Further, that the mother had herself prepared the letter(s) to the school and set up a Gmail account from which to send the letter(s) to the school.

59. That in December 2021, this man had appeared outside the father's house in London while the father's wife was with Child A, had coughed to gain Child A's attention.

60. By reason of the matters set out above, the mother has repeatedly and consistently breached each sub-paragraph of the orders in paragraphs 8, 9 and 12 respectively of the order of the Honourable Mr Justice Keehan made on 5 July 2021.

Expert Evidence

61. I have received and read a number of reports from Ms Woodall. The two most recent and relevant reports are dated 4 October 2022 and 27 April 2023. I heard brief oral evidence from Ms Woodall during which she confirmed the contents of these reports. In the report of 4 October 2022 Ms Woodall opined as follows:

i) Given the extraordinary lengths to which the mother has gone to undermine the Judgment and the harm that this has caused the children, I have no confidence that she is capable of co-operation with the orders of the Court, therapy with me, or co-parenting with the children's father. It is my view that the risk of harm to the children continues and that the mother is unlikely to gain insight at this late stage in proceedings, particularly in the light of her clear connections to women campaigning against my work and that of others in the field of children's rejection of parents. Currently, the mother is restricted from communications with the children's schools, health services and other areas in which parental responsibility is necessary. This restriction, in my view, must continue due to the risk of the mother attempting to triangulate others into her belief that the children are being held against their will.

ii) In the light of events as they have unfolded since the Judgment of 2020 and the impact upon the children of these events, it is my view that any contact between the children and their mother, until they reach the age of 18, would put them at risk of harm. Whilst I have considered the impact on the children of having no contact at all with their mother, I have balanced this in the light of the fact that any contact which takes place is likely to convince the mother that the children must be *rescued* (encouraging further attempts at interfering with the children's recovery from the harm she has caused to them). Alternatively, it will place responsibility onto the children to find a way to reassure or persuade her that they are not being held captive and that they wish to be able to get on with their lives normally. This is far too great a responsibility for these children, whose lives to date, have been experienced in

the crucible of attachment disruption of one form or another. Whilst there is undoubtably some risk of harm from prevention of all contact between the mother and the children until they reach 18 this is, in my view, far outweighed by the clear and obvious risks of contact, in circumstances where the mother simply lacks insight into the harm she has caused.

iii) In fact, when the children's wishes and feelings are ascertained in the context of the events which have taken place over the years, each child clearly says that they do not feel that contact with their mother is either practical or manageable in the current circumstances. Whilst Child A can explore the possibility of a WhatsApp group under my supervision, she is also able to express worries that this would encourage her mother to begin her covert campaign of pressuring her again. Each child has expressed a clear wish to be able to live without such subterfuge and the fear and anxiety it creates, and for their mother to understand that they do love their father and they are settled and well in his care. My view, in the light of this, is that an order prohibiting any direct or indirect contact between the mother and the children is now necessary; and

iv) The loss of their relationship with their mother in the childhood which is left to them is something that I am working on in therapy with the children. This loss includes the sense of love and closeness, identity and continuity which such a relationship entails. The gains however, in my view, outweigh the loss, in terms of protection from the relentless effort to persuade the children to make allegations, from the belief that the children are the people who want this drama to continue and from the easy way in which the mother uses covert manipulation to achieve outcomes. What the children gain by not having to navigate all of this is a peaceful experience of being parented by their father, their proximity to him which is protected and sustained, the support of Ms A in terms of their everyday lives and the right to live a normal life like other young people. When I consider all of this, in my view the gains outweigh the losses. The children have themselves, each expressed an acceptance that it is not possible to have contact with their mother and they have each expressed acceptance that their mother may suffer consequences for her actions against their father.

62. In her report of 27 April 2023 Ms Woodall described Child A in the following terms:

i) Child A is exceptionally bright and has just achieved excellent outputs in pre-university application exams. Her capacity to work hard and build upon her achievements is nothing less than remarkable, as is her capacity for understanding the complex psychological elements of the harm she has suffered. Child A has reached a point in her therapy where she is able to fully recognise the losses in her life, in terms of the way in which her relationship with her father was impacted by the sustained levels of dislike her mother displayed towards her father. She is also able to reflect upon and consider the different ways in which her mother's persistent focus upon ensuring that she (Child A) was aligned with her mother's view of her father, meant that she lost a great deal in terms of her need for emotional nurture.

ii) The most recent therapeutic work with Child A was undertaken on 26th April 2023 when I invited her to talk about those things she would like the Court to know. Child A took a long time to think through the fact that until now her voice has not been heard directly in proceedings and spoke of the relief she felt at not having to be involved. She expressed that she didn't feel that there was any need for her to say much at all, that she has trust in the Court to make

decisions which are right for her. She finally settled on wanting to say just a few sentences which she described as a victim impact statement, which she hopes may help the Court to understand her current position. Beyond that she is content for the Court to continue make decisions which she knows are in her best interests.

> *"I recognise things done by mom which were very bad and that justice will run its course. I also know, that things will never be as good as they should be with mom but I don't need revenge. In many ways if mom went to prison it wouldn't fix anything at all and in that respect, justice would ideally be restrictive/protective, rather than punitive although I accept that it is not for me to decide that. But I want mom to know, directly from me, that I am happier here than elsewhere, I have no desire to run away or illegally contact her, I am free and I am finally living the life that I want to live*."

63. She described Child B in the following terms:

i) Child B is no less remarkable than his sister, in that he has survived being involved in sustained campaigns of false allegations against his father. Child B's work in therapy has been focused upon the shame and guilt he has felt about his actions in the USA in 2021 when he ran away and the allegations that he made that his father had physically threatened him. Child B shows the underlying attachment distortions that were caused by his mother's parenting of him, in a range of different ways; from being unable to sustain concentration to continued dependence upon his sister for managing difficult times;

ii) Child B is a very different young person to the boy I met in 2019 who was dissociative and not at all able to function well in the outside world. The trouble in peer relationships, which was a feature of his school life, has disappeared and he is surrounded by strong friendship networks. Child B still has a propensity to lie, another feature of his presentation when I first met him, but in therapy, he is now able to understand why his reflexive tendency to tell lies, is so powerful. Child B recognises that living in a situation where he was encouraged to tell very serious lies, could only occur because he had been trained to tell lies easily. He recognises that the life that he lived with his mother, in which she expected him to lie to his father and to other people about his father, laid the groundwork for the bigger lies he was forced to tell in 2021.

iii) I have not worked with Child B in relation to the proceedings as he is content to allow decisions to be made about his life by the Court and his father and Ms A. He trusts the Court has made decisions in his best interests thus far and he does not wish to be involved. Child B continues to feel love for his mother whilst knowing that she has done some very bad things. He loves his father deeply and has completed a process of reparations in which he has sought forgiveness for his part in the allegations which were made against him. Child B recognises that his mother is likely to be unable to change and he also recognises and accepts that it will be a long time before he sees her again. Child B needs protection of his right to enjoy his life uninterrupted by adult matters and in my view, that is all that is necessary to say on his behalf.

64. Ms Woodall concluded this report with the following views and observations:

i) Nevertheless, the children have just experienced over a year of freedom from the pressures placed upon them by their mother and have flourished as a result. As a result of these two very clear positions (the mother's lack of insight or acceptance contrasted with the children's vastly improved wellbeing), I do not believe that there is any route to assisting her to have any direct contact with the children to their majority. It may be possible for there to be limited letterbox contact in the future which is monitored by their father, but the major concern must be the protection of the children from all forms of manipulation by their mother.

ii) In my last report I referenced balancing the harm which is caused by the children having no contact with their mother to their majority, against the harm caused by having to manage their mother's likely continued belief that they are being held captive by their father or brainwashed by me. I continue to believe that the latter outweighs the former, especially as their mother shows no sign of understanding or accepting her role in the harm caused to the children.

iii) I remain of the view that the manner in which the mother has used the ideological interests of others, to create a narrative that the children have been held against their will and brainwashed into loving an abusive father aided and abetted by me, necessitates a clear exposition of the truth of what has happened, which is made public in order to prevent the ongoing speculation surrounding this family case.

iv) I intend to continue to work with the children over the next 12-18 months, supporting Child A to make the shift to her chosen University and Child B through the period of time when his sister will no longer be continuously present in the family home. I will continue to support the children's father and step mother through this next phase which I very much hope will be a time when they can all, finally recover from the serious and sustained harms they have suffered.

65. I have no hesitation in accepting the opinions and recommendations of Ms Woodall in her report and in her oral evidence.

66. I wish to commend Ms Woodall for her professionalism and dedication in her work with this family over the last 4 years. She has been the subject of considerable comment and criticism by sections of the press and on social media. I can only comment on Ms Woodall's role as an expert witness where she has been instructed in cases before me and, most especially, in this case. I have always found Ms Woodall to be a very experienced, independent, dedicated and effective expert witness. She has faced very great challenges in working with the mother, the father and the children. She and Dr Braier formed the view after some 15 months of intense work with the family that the mother had and, if permitted, would continue to alienate the children from the father. The accuracy of this assessment has been underscored repeatedly over the last three plus years by the actions and behaviour of this mother and the numerous judgments given by this court.

67. The notion that Dr Braier and Ms Woodall wrongly assessed the mother as acting to alienate the children from their father is, I must emphasise, false, baseless and wholly misguided.

68. In accordance with the observations of the President at paragraph 103 of his judgment *Re C ('Parental Alienation': Instruction of Expert)* [2023] EWHC 345 (Fam), Ms

Woodall has focused on the behaviours of the mother rather than the label of 'parental alienation'.

Evidence

69. At the final hearing on 16 May 2023, in addition to hearing the oral evidence of Ms Woodall, I heard brief evidence from the father and from his wife. They both confirmed that the contents of their witness statements filed in these proceedings and the statements they had made voluntarily to the police were true to the best of their knowledge and belief.

70. Once more the father was highly emotional when giving his evidence and was occasionally distressed. In his witness statements he had set out the events from the summer of 2021. He described the challenging behaviours of Child A and Child B in the summer and latter part of 2021. Then he described the day when the children told him and Ms Woodall on 14 December 2021 of the role played by the mother and the maternal family in their lives from April 2021.

71. The changes in the children since they made these disclosures and in the absence of any contact with the mother or with members of the maternal family has been wholly remarkable. The father described in his latest witness statement how stable, relaxed and happy Child A and Child B have been over the last eighteen months or so. These observations were reflected and confirmed in what the children told me when I met with them on 15 May 2023.

72. In all that I have seen of this father and in all that I have heard or read about him, it is patently obvious that his commitment and devotion to and very great love for Child A and Child B is as profound as it is unwavering. Together with Ms A, and with the guidance and support of Ms Woodall, he has protected and nurtured both Child A and Child B through the turbulent periods in their young lives to the inestimable benefit of both of them.

The Metropolitan Police Service

73. On 15 October 2021 I made orders without notice to the police and the local authority preventing them from interviewing and/or speaking with either Child A or Child B. The police and the local authority were given leave to apply to vary or discharge these orders. On 18 October, on the application of the Metropolitan Police, I varied the order to prohibit any constable of Metropolitan Police interviewing and/or speaking with the children, as opposed to directing the order to the Commissioner.

74. I was extremely concerned about the welfare of both children and wanted to take steps to protect them and to prevent, or reduce the risks, of them emotionally and psychologically splitting from the father. I feared the making of their allegations against the father, whatever those circumstances had been, would leave them extremely vulnerable to splitting from their father.

75. The Metropolitan Police successfully challenged the order I had made at a hearing before the Court of Appeal on 28 June 2022. This order was set aside in the appeal court's judgment of 15 July 2022: *Re B (Children: Police Investigation)* [2022] EWCA Civ 982.

76. The children underwent ABE interviews with the investigating police officers on 3 September 2022. The police obtained witness statements from the father and from Ms A. The mother was not formally interviewed nor did she make a witness statement because she remained living abroad in Russia. So far as I am aware, the only contact

the police had with the mother was an exchange of emails in respect of the investigation.

77. The police investigation into this matter was concluded earlier this year with no further action to be taken.

78. The disclosure of the children's ABE and the father's and stepmother's witness statements was delayed until the conclusion of the police investigation. These documents were made available to the court and the parties on or about 4 April 2023.

The ABE Interviews of Child A and Child B

79. In light of the emails sent by Child A and Child B to their respective schools on 15 October 2021, making allegations of abuse by their father, their schools made safeguarding referrals to the local children's services department and to the Metropolitan Police. As a consequence two police officers attended the father's home that morning to see and to speak with the children. However, Child A had already left home for school and Child B remained at home. They asked to speak with Child B alone and the father readily agreed.

80. The informal interview with Child B was recorded on one of the officer's body worn cameras. I have viewed the recording. Child B was evidently highly emotional and distressed. He told the officers that he was frightened of the father.

81. The contrast with Child B's presentation during the formal ABE interview, undertaken on 3 September 2022, was extremely marked. During this interview he was clearly calm, relaxed and, indeed, chatty. He readily answered all of the officers' questions. Child A had a very similar presentation but was even more relaxed and forthcoming in her answers. Their appearance was very much akin to their demeanour when I had met with them on 15 May 2023: see paragraphs 35 to 38 above.

82. Both Child A and Child B spoke in great detail about the unknown male who had approached them on the street from Spring 2021. They explained how he had given a mobile phone to speak with their mother, gave them tracking devices to keep on their person, gave them mobile telephones to speak with the mother and the maternal grandparents, secreted other mobile phones around their home, their schools and/or their sports clubs in London and gave Child A cash to purchase other mobile telephones. He would tie ribbons in the trees of their locale when he wished to make contact with them.

83. In short they each spoke about each and every one of the allegations made by them against their mother and maternal grandparents as set out in paragraphs 50 to 60.

84. Their respective accounts to the police were entirely consistent with that which Ms Woodall had recorded them as reporting during the counselling session on 14 December 2021.

Analysis

85. Having viewed the recordings of Child A's and Child B's ABE interviews I found both of them to be compelling and credible historians. I gained no sense whatsoever that they had been forced to make false allegations against their mother or that they had been coached by their father or by any other person about what to say to the police.

86. It is of significance that on several occasions Child B said that he still loved his mother but he said, in terms, that he knew that it would not be in his welfare to see her

or to have contact with her for the foreseeable future.

87. In the written evidence and when she appeared at various directions hearings in 2022 and earlier this year, the mother stridently denied all of the children's allegations against her. In particular she denied arranging for the children to be given tracking devices and denied having used such devices to track the whereabouts or location of the children.

88. Child A, however, recounted one event when Child B had had a sleepover with a friend at the friend's home and on leaving the following morning he had forgotten to take his jacket with him; his tracking device was in one of the pockets of his jacket. It was not until some four dates later that he collected his jacket. Shortly thereafter in a telephone call with Child A she asked her why had Child B spent four days at a place other than his father's home. There is no credible exploration for the mother erroneously believing that Child B had spent four days at a place which was not his father's home other than she had indeed been using that device to track the movements of Child B and his location from time to time.

89. Child A had pointed out ribbons tied around trees near to the family home to her father. Ms A said in her police statement that she had seen ribbons tied to trees in the area around their home. Both the father and Ms A reported in their police witness statements of seeing an unknown male at times on the streets near to their home. They were highly concerned that this was the unknown male about whom the children had spoken.

90. In his police witness statement and in his statement for this hearing, the father, described how the children had handed over to him the tracking devices on the day that they made their disclosures to the father and to Ms Woodall in December 2021.

91. On my assessment of the children when they underwent their ABE interviews with the police in September of last year I am satisfied that the children gave true and honest accounts of events that they had experienced. The totality of the evidence entirely supports this conclusion. The findings of fact sought against the mother are entirely consistent with her behaviour and conduct towards the children and the father since, at least, the inception of these proceedings.

92. On the totality of the evidence, I am satisfied, at least, on the balance of probabilities that the father has proved each of the findings of fact sought against the mother. In the premises I have no hesitation in making all of the findings of fact sought by the father as set out in paragraphs 50 to 60 above.

The Use of Social Media

93. As I mentioned in paragraph 66 above, Ms Woodall has been the subject of criticism by a number of people on social media. Most of the posts are unfair and, in some cases, simply wrong in their adverse comments about the role of Ms Woodall as a forensic expert witness. I repeat that I have found Ms Woodall's reports and evidence, in this case and many others that I have heard, to be balanced, fair and insightful. I have never had occasion to doubt or question her evidence or her approach in any case before me. She has provided huge assistance to the father, his wife and, most importantly, to the children to enable them to settle in their father's care and to help the children understand and make sense of events in their lives over the last few years.

Conclusions

94. On the totality of the evidence which I have read, heard and seen I have no hesitation in concluding that the father has proved, on the balance of probabilities, each and

every one of the allegations set out in paragraphs 51 to 60 above. Accordingly I make the findings of fact as sought by the father.

95. Once more in the long history of this case the mother has pursued her own agenda and objectives without any regard whatsoever to the well-being and welfare best interests of the children. By the campaign she orchestrated of (a) tracking the children, (b) by making covert contact with them directly and through third parties and (c) of forcing them to make false allegations against their father and/or telling them to run away from the father, she has seriously abused Child A and Child B emotionally and psychologically.

96. The mother has had and has a very distorted and false view of her children, her abusive role in their lives and the devoted care given to them by this father. I am in no doubt that her actions amount to coercive and controlling behaviour towards the children and towards the father and I so find.

97. I am in no doubt whatsoever that if this mother were ever again to have a role in the children's lives by contact or any other means she would repeat her past abusive behaviour towards them without any regard for their well-being and their welfare. I see no prospect of the mother being able to effect any change in her distorted view of the world or in her distorted and abusive behaviour towards the children and the father.

98. It is with great sadness, which I believe is shared by the children, that it is imperative in their welfare best interests that she plays no future role of any description in their lives.

Costs

99. In light of the findings of fact I have made against the mother, the father sought an order for the costs of these proceedings since March 2021 against the mother. On the schedule filed at court and served upon the mother the father's costs total £240,954.

100. Further, a previous costs order made against the mother remains outstanding. On 18 January 2022 I made a freezing order in respect of specified assets owned by the mother. The father sought directions for these assets to be liquidated to satisfy, in whole or in part, the outstanding order for costs and any order for costs made at the conclusion of this part of the proceedings.

101. The default position in children's private and public law cases is that the court makes no order in respect of costs. In the case of *Re T (Children)* the Supreme Court concluded that in the absence of reprehensible behaviour or an unreasonable stance, orders for costs should not be made in proceedings relating to children. It is submitted that the mother's conduct within and during these proceedings can and should be characterised as reprehensible behaviour and/or of her taking an unreasonable stance. Accordingly, the court is invited to make an order for costs in favour of the father.

102. The mother has failed to respond to the schedule of costs served upon her by the father's solicitors. She has failed to attend this hearing in person, as she was ordered to do, or to appear remotely. In light of my findings of fact and of the observations I have made earlier in this judgment about (a) the mother's behaviour in the course of these proceedings and (b) her conduct of this litigation, I am entirely satisfied and find that the mother has clearly demonstrated reprehensible behaviour and she has adopted an unreasonable stance. In the premise I am fully justified in making an order for costs against the mother in favour of the father.

103. In order to save the expenditure of yet further costs in this case I will summarily assess the costs to be paid by the mother to the father in the sum of £240,954. Further, I will make the consequential directions for the liquidation of the mother's assets which are the subject of the freezing injunction in order to satisfy, in whole or in part, the order for costs which I have just made and the previous order for costs.