

IN THE FAMILY COURT
(Sitting at Middlesbrough)

No. NE19C00733

Middlesbrough County Court at Teesside Combined Court
The Law Courts
Russell Street
Middlesbrough
TS1 2AE

Wednesday, 18 November 2020

Before:

HER HONOUR JUDGE MATTHEWS QC

(In Private)

B E T W E E N :

Local Authority

Applicant

- and -

(1) RD

(2) T M

(3) (4) THE CHILDREN (by the Children's Guardian)

Respondents

MS S appeared on behalf of the Applicant Local Authority.

THE FIRST RESPONDENT appeared in Person.

MR H (instructed by Sparlings, Solicitors) appeared on behalf of the Second Respondent.

MS D (instructed by Hewitts, Solicitors) appeared on behalf of the Children's Guardian.

J U D G M E N T

(V i a H y b r i d h e a r i n g)

JUDGE MATTHEWS:

- 1 The court is concerned with the welfare of two delightful young children, whose photographs appear in the court bundle at D99, being SM, born [on a date in] 2015, who is five years and nine months, and NM, born [on a date in] 2013, who is seven years of age.
- 2 The mother of both children is the first respondent RD and their father is TM. The parents have not lived together for many years having separated in 2016, and at the time when care proceedings were initiated by the Local Authority on 1 October 2019, both children were living with their mother in the D area.
- 3 I handed down a very lengthy judgment in relation to the threshold criteria submitted in support of that application on 8 July of this year, which appears in the court bundle at B134. It is essential that any consideration of the court's approach to the welfare outcome in respect of these children fully considers the previous judgment. I do not, therefore, propose to rehearse the detail of the proceedings and the history which is set out therein.
- 4 This judgment is relatively short, bearing in mind the guidance set out in the President of the Family Division's "*Road Ahead*" document. The Family Court is, during the current period of national pandemic, experiencing an unprecedented workload. This case has already taken up a huge amount of court time, which has been disproportionate to the issues which have been aired, mainly because of mother's repeated focus on the wrong issues in the case and a lack of willingness on her part to accept the decisions of the court, for which reasons have already been given.
- 5 This is a very sad case in that the mother has wilfully refused to engage with the court, the local authority and the guardian. It has been a difficult and unusual case. The mother is intelligent and resourceful, she has refused to be represented in these public law proceedings despite freely available public funding which is non means tested. The likely reason for this is that she prefers to pilot her own case in her own way, rather than be given advice which she does not value.
- 6 My attempt to assist her by suggesting repeatedly that she would benefit from having legal representation has been interpreted by her as harassment. This attitude represents a choice made by her to present the professionals, including myself, as being against her. It has been demonstrated graphically that mother does not properly understand the process because of her fixation on the wrong aspects of the case.
- 7 Mother has been obsessed with the initiation of the proceedings by the local authority, which she says was unlawful and she has repeatedly sought to have the proceedings dismissed. Mother refuses to accept the decisions of the court and recycles the same arguments at each and every hearing. The tragedy of this position is that it has prevented her from addressing the real issues in respect of the welfare of the children and their future living arrangements.
- 8 I have pleaded with mother from the very start of the proceedings, including at a late night hearing on 23 October when the mother refused to listen to me, to look at the process from a different perspective. She is totally unable to do so. Mother has not appealed the threshold findings of the court from July 2020. She has not appealed the removal of the children under the interim care order. She has not appealed the interim s.34(4) order which suspended her direct contact with the children.

- 9 I have explained to mother that previous findings which have been made stand and are the foundation for welfare decision making at this final hearing. Unfortunately, this has been ignored by the mother who continues to make the same argument in respect of the illegitimacy of the proceedings despite the fact that this has been repeatedly ruled on, with reasons. Mother has only one plan, which is to get the proceedings dismissed. In her written submission dated 18 September 2020 for this final hearing, she concentrated on those arguments exclusively. She suggested that there were three options, but effectively there was only one: that I agreed with her and dismissed the proceedings.
- 10 This final welfare hearing was listed for four days initially but was reduced to two days at the issues resolution hearing on 8 October. At this hearing on 8 October, mother told the court that she did not require any of the local authority witnesses or the guardian for cross-examination, and she also declined to give evidence. She stated that she had only one witness to call, and that was myself. Mother has persistently alleged collusion between myself and the local authority, suggesting that I must have seen some other evidence upon which I had formed my decision on threshold as I effectively, putting it simply, *could not possibly have come to this decision on the evidence which she had seen*. The argument that I should “take the stand” as mother puts it, was raised by her in July after I had indicated my decision on threshold, not beforehand, as she attempted to suggest yesterday.
- 11 Mother wrote to the court, telling the court manager that she required me to give evidence. I told the mother at the hearing in July that I would not be giving evidence as I was the judge charged with dealing with the welfare of the children. Mother subsequently asked that I recuse myself from dealing with the proceedings, and indeed that two others of the family circuit judges here, being HHJ H and HHJ B also recused themselves. I refused to recuse myself as there was no reason to do so, as was agreed by the other parties.
- 12 HHJ H dealt with the hearing on 19 December, when the local authority applied to suspend direct contact between mother and the children. The judge’s decision to suspend contact in the interim was, as I have already indicated, not appealed by mother. HHJ B, to my knowledge, has never dealt with this matter, but mother has a number of persecutory theories about judicial collusion with the local authority, which are without foundation.
- 13 At the issues resolution hearing I explained to mother that I was not a witness, I had no evidence to give, I was loyal to my judicial oath to try cases fairly, and that she would have to accept my assertion that I had not been privy to any other information which she had not seen, only the varying versions of the court bundle which we have discussed at previous hearings. All of the papers that have been generated during the course of these proceedings have been filed and are saved in the digital court file. However, of course the bundle for each hearing contains relevant documents as I have tried to explain to mother. It is not that any documents have been lost or thrown away. They are all there and should she choose to appeal then they will all be available for any appellate court.
- 14 At this final hearing, mother maintained her assertion that I had to be the first witness, and when I told her that this would not happen and was not appropriate, she decided to pose a question to me in relation to consent to medical treatment. I attempted to clarify whether mother was asking this in relation to past issues which had already been decided, or as to the future if the children were to live with father under a care order to this local authority. The latter might have been a genuine enquiry. Sadly, mother refused to answer whether she was dealing with the past or the future and would not deal with any enquiries as to how she wished to proceed in respect of the witnesses and the evidence before the court.

- 15 In respect of all enquiries, she repeated that she wanted to cross-examine me. Therefore, I stated that I would proceed on the basis that she had no cross-examination for the social worker, father and guardian as she had indicated at the issues resolution hearing. I invited submissions, as nobody else required live evidence to be called, proceeding on the basis of the filed evidence, and I took the unusual step of allowing mother to go last. This was out of an abundance of fairness to the mother. She is not entitled to go last, but she was allowed to do so.
- 16 I was at pains to ask her to focus on the welfare outcome for the children, checking whether she understood that the local authority were asking me to place the children in father's care and authorise the local authority to refuse to promote direct contact between her and the children. I explained simply that the court was focusing on where the children should live and who they should have contact with. Mother said she was not ready to proceed. I offered her time, but she said this would not be enough and she said she required to think about it overnight.
- 17 Again, out of an abundance of fairness I agreed to the overnight adjournment, even though the case could have effectively concluded yesterday. I expressed my concern that mother had not focused on the real issues thus far and would be unlikely to do so, simply to take the opportunity to raise other points which she considered to be of procedural unfairness.
- 18 Overnight, mother has provided a further written document but, as I feared, she does not address the issues with regard to the children's potential care plans at all. She has not raised any issue with the plan to place the children with father. She remains obsessed with the inception of the proceedings and her ability to cross-examine me, "the judge" or as she refers to me as "the witness". Her three-page document exhibits questions which commence with a question as to whether I am a qualified lawyer, and if so for how long, and whether I understand the law of contract etc. Unfortunately, nothing does more to underscore how detached mother is from the reality of the issues in this case.
- 19 She has a plan to get the proceedings dismissed, but she has no back-up plan if the court does not agree with her. I will not recite all of the various schemes and ruses which the mother has employed to harass the local authority, as they are catalogued in the local authority's submissions in support of their application for a general civil restraint order, which is not being pursued at this stage.
- 20 I have explained to mother repeatedly that the child assessment order, which she did not secure leave to appeal from LJ K, and the interim care order subsequently and the plan for removal of the children from her care were all sanctioned by the court. This case commenced because of mother's refusal to present the children for medical investigation. The court considers that that investigation was appropriate. I have explained all this. Recorder B explained all this. Recorder O explained all this. I have listened to the mother extensively. I have heard her, but I do not agree with her. She shows no respect for the court. She considers that only she is right, everybody else is wrong. I have tried to explain to her repeatedly, but she is not listening.
- 21 Since 19 December, mother has refused to engage with the local authority at all. On this date, mother's direct contact was suspended by Judge H as a result of mother's repeatedly problematic behaviour at supervised contact, which had previously included abducting the children from supervised contact and necessitating the police being called. This was only a temporary suspension. Of course, such an order is a draconian order whether it be granted in the interim or at a final hearing. In the interim of course it is an exceptionally draconian order because it does not allow the child and the parent to spend time together which can be

observed by professionals who are attempting to carry out assessments. I have explained that to mother.

- 22 It was hoped that mother's contact could restart in the new year, but mother then stated she would not speak to the social worker and would not engage with the local authority. I provided the mother with a written ruling, dated 10 January, in respect of her application that the proceedings be declared null and void. That is in the court bundle. I had hoped that this matter, having been adjudicated upon at that stage, might cause mother to reflect, but it has not. On 14 January, I pleaded with mother to review her stance in respect of working with the local authority to restart direct contact. She flatly refused, stating that she would not work with "liars". I then requested the children's guardian, PB, to attempt to mediate with mother. Sadly, despite a concerted effort on his part as the independent representative for the children, she has been deaf to all arguments contrary to her cause.
- 23 In many ways, mother is no doubt a capable and loving parent, and yet she has reacted in such an extreme manner to the local authority's attempt to carry out their statutory duties that the situation has swiftly escalated. This is all of her making. She has brought all of this upon herself, but, more importantly, upon the children.
- 24 Unfortunately, the further the proceedings have progressed, more troubling aspects of the mother's parenting and personality have been revealed. Her response to the proceedings is totally disproportionate. Her inability to focus on her children and their needs at this difficult time has been deeply worrying. Many parents become upset during the course of care proceedings that the local authority has power over their children. Many parents object to this and can be aggressive. Even though they can behave in that manner, they usually still attend contact, they do not abrogate all responsibility or care for them as this mother has.
- 25 She has simply ignored the children. This is hard to understand. Mother has failed to make any contact at all with the children until very recently. She has failed to send anything for them at Christmas or on their respective birthdays in February and September. She has failed to make any enquiry as to their welfare of anyone, to the local authority, to the guardian or to the court as far as I am aware. Mother is fully aware that she can send indirect contact to the children through the social worker. She is fully aware that if she would speak to the local authority at all that direct contact could be restarted, but she has set her face against that. It is "*her way or the highway*" as far as she is concerned.
- 26 Recently, mother has, as is set out in the social worker's statement dated 22 October, sent letters to the children at the foster carer's home address. Part of this is likely to be a message she is sending to the foster carers that she knows where they are. She has also approached St J's school alleging kidnap by the local authority. She has approached the local authority in the locality in which the children are living to make the same allegation. She has alleged that court orders relating to the children are invalid. This is false on her part.
- 27 However, having said all of that, it is important that the court focuses on the children and their welfare, and that they are not lost in the drama generated by mother. Fortunately, this is not a case in which the children's future needs require them to be in long-term alternative care or, worse still, adoption. Father, in sharp contrast to mother, has been wholly co-operative with the local authority and the guardian.
- 28 As I indicated, the parents separated in 2016 when the children were only approximately one and three years of age. According to father, mother refused to attend mediation and did not promote contact. Mother has not denied that she prevented father having contact and I see

no reason not to accept what father says when the history of the children is viewed as a whole. Mother appears to have been isolating the children from professional agencies and family members and they also did not attend school.

- 29 When the care proceedings were initiated, father took a reasonable stance. Despite mother's failure to promote contact to him, he said that the children should not be removed from her care so long as she co-operated with the medical assessments required by the court. Of course, mother refused to co-operate. Father said that he would be prepared to care for the children if they had to be removed from mother's care. However, he accepted in due course, when mother failed to adhere to court orders, that given the absence in contact and his living arrangements at that time, that further assessment would be required before any placement of them in his care could be sanctioned by the court.
- 30 Father lives in the Midlands and his mother has been living in London. She intends to assist her son to care for the children. The parenting assessment of father is set out in the bundle at C286 dated 21 August 2020. This assessment is positive. Father has addressed the previous concerns raised in December last year by securing alternative accommodation and attending all contact with the children. It is unfortunate that they missed out on developing their relationship in the early years as a result of mother's attitude. The social worker says that the children have advised that they enjoy spending time with their father and are safe and happy in his care. His demonstrable commitment to them has been significant. The local authority are satisfied that he has demonstrated that he has the capacity to meet their needs. The local authority, of course, have not been able to carry out assessment work as a result of the intransigent stance of the mother with regard to her ability to meet their needs in the future.
- 31 The plan of the local authority is to place both children with father at the conclusion of the final hearing, under care orders. The rationale behind the care orders does not relate to any deficiency in care relating to the father, but rather to the perceived risk posed by the mother. The local authority and the guardian are concerned as to the realism of father's understanding of mother's likely future behaviour. The local authority want to offer father a high level of support and oversight of the placement.
- 32 In my judgment, mother is devious and manipulative and, even in the experience of this court, has shown an ingenuity which at times has been mendacious in her desperate attempts to secure the return of the children. She does not adhere to norms of behaviour and I would not be surprised at any new step that she may take. She has no conscience about wasting the time of professionals, the court, or in respect of upsetting the children. She has caused the police to be called at the time of removal sanctioned by Recorder O when she refused to state where the children were, which necessitated the making of a recovery order. She had no thought for the upset caused to the children by the police having to be called. All is sacrificed in pursuit of her goal. She prioritises her own needs to win over the emotional needs of the children. I agree that father needs maximum support and I do not see the need for care orders coming to an end in any short period.
- 33 The children have been in the care of excellent foster parents since their removal from mother's care in October last year. It is noticeable that, despite having lived with mother throughout their lives, the children showed little distress at removal from the mother. This is not a factor which I often am impressed by, but in this case it seems quite significant. The children made a remarkably easy transition into foster care. They have shown little distress at the absence of contact from their mother. However, that is not to say that they will not miss her in the longer-term, but their life is much more straightforward in the care of foster carers and will be so also with their father. They have coped very well with moving into a

school environment which I sanctioned in December last year against the strenuous opposition of the mother.

- 34 The children have been fortunate indeed to have such excellent carers at such a difficult point in their lives, when their mother absented herself from their lives. It is noticeable that mother attempted to intimidate the foster carers by sending them a letter before action in respect of an alleged suit for defamation, necessitating an application to the court by the local authority and the making of an inherent jurisdiction injunction. In my judgment, that was likely a deliberate attempt to undermine the children's placement with the foster parents. That action was in line with mother's conduct in snatching the children from supervised contact, again prompting the police to have to be called out, and also suggesting to the children during supervised contact that they should not take the medication they were being given in placement, eat the food they were given; or indeed that they should run away from their placement. Mother has talked a great deal about what she says is a false statement submitted by the local authority in respect of the foster carers, but she has not challenged that evidence despite having an opportunity to do so.
- 35 The children's guardian, Mr B, is a very experienced guardian. The mother attempted to have him removed as guardian on a number of occasions. It is important to see that application in context. She has also applied of course, as I have already indicated, to have me removed as the judge in addition to my two other judicial colleagues. She has also made two complaints in respect of myself to the Judicial Conduct Authority, neither of which have been upheld. I am quite satisfied that, whoever the guardian was, the mother would find fault with them as soon as they disagreed with her perception of events. Of course, I should not forget the social worker, who has worked hard to support the children throughout this difficult year. Mother has taken against her also, seemingly for no reason other than that the application has been made and pursued by the local authority.
- 36 The guardian's final report is dated 2 October, prepared in advance of the issues resolution hearing and set out in the bundle at E41, and his position statement dated 13 November at A82. The guardian, quite appropriately, raised a request for further detail of a transition plan for the children into the care of their father, and his position statement deals with his response to that detail being provided by the social worker, and indeed, the application for an order under s.34(4) of the Children Act 1989.
- 37 The guardian says this at E49 para.16:
- “N and S's safety and welfare has been assured by their placement since October 2019 with local authority foster carers. For professionals to be assured that the children could be safely returned to the care of their mother, there would need to be certainty that the likelihood of harm has reduced significantly and that the risks are manageable. In the very detailed judgment of the court, the threshold findings were made out and welfare findings were also made. Sadly, little has changed. Mother continues to invest all of her energies and effort in challenging the validity of those proceedings and the case put forward by the local authority.”
- 38 In her statement of 18 September, mother suggests dismissing the case for lack of evidence and that the matter is without merit, and in the alternative that the no order principle should be followed. He says:

“Mother does not address the welfare issues relating to her children. She shows no insight or willingness to accept the emotional harm she has caused

the children in not seeing them since 17 December 2019 and continues to be steadfast in unwillingness to engage with the professionals in working towards reinstating family time with the children. Not surprisingly, mother has continued to follow her own path and only this week has sent letters direct to her children, and also shared their birth certificates and the court order dated 29 May with education in the children's area.”

- 39 Sadly, I have to conclude and agree with the guardian that little has changed during the course of the proceedings. Mother has not moved one iota from her original position, and if the children were to be rehabilitated to her care, in my judgment, they would be significantly at physical and emotional risk as a result of the care that she would provide to them. I agree with the guardian also that undoubtedly there would be benefits to the children growing up in the care of their mother. Remaining within their birth family would contribute to their sense of identity and belonging that comes with being part of a family.
- 40 However, that has to be balanced against the risk of harm that they would be exposed to in their needs not being met by mother. They would, I am quite satisfied, in all likelihood be hidden from the scrutiny of professionals, including health, education, and children's services. Mother has shown, I agree and so find, a complete disregard for the jurisdiction of this court. In my opinion, there is no evidence that she is able to countenance acceptance and work under any order of the court. All the court could do if it agreed with mother would be to simply hand back the children, walk away, and tell the local authority never to darken her doors again. That would not meet the welfare interests of the children in my judgment. The risks in the care of mother are not manageable and it is not a realistic option for the children to return to the care of their mother at this stage. It would be likely, in my judgment, that they would not have contact with the father and their paternal grandmother. They would be hidden away by mother yet again. There is no likelihood that mother would co-operate with this or any other local authority, or indeed health authorities.
- 41 The guardian supports the placement of the children with father and he recommends that they are placed under the auspices of a care order. He also considers that father has shown a commitment to his children in such difficult times over the past six months, even during the lockdown and the continuing public health restrictions.
- 42 Given that mother has ignored the children since last December, it is only father and the paternal grandmother who have been the consistent family in their lives. Father has shown that he is capable of meeting the physical and emotional needs of the children. His relationship with the children has developed despite not having seen them for many years. It is much to father's credit that he responded so quickly to the issues raised in the independent social work assessment dated 10 December. He has established himself in the Birmingham area and settled there with his mother. He will provide necessary emotional and physical support and care for the children when placed.
- 43 The guardian considers that there are great benefits for the children in returning to the care of their father. He is prioritising their needs in the way in which mother is not. Father will be able to promote their sense of identity and strengthen their feelings of security and stability in a home. They will be afforded all of the opportunities that come with attending school, socialising with other children, activities in the local church, and health checks, if they are necessary. There are no identified risks in relation to father, save for the risk posed from mother and her capacity and likely wish to disrupt the children's placement with their father. Therefore it is vital that father is fully supported by the local authority to ensure ongoing stability.

- 44 It is therefore proportionate and correct, the guardian says, for care orders to be made. I agree with that assessment in that in a placement with father it is important that the local authority remain involved because I do not expect mother to stop her campaign at this point or accept the decision of the court any more than she has accepted any other decision of the court throughout the whole of the last year. I should set out my thanks to the guardian for the calm, professional support he has provided to the children in such a difficult case.
- 45 I remind myself of course that the local authority bear the burden of proving all facts which they say are capable of proof, and which support the threshold and welfare findings which are sought in this case. I apply the civil standard of proof, being the balance of probabilities. Where I find a fact occurred, I find that it more likely occurred than not. In making welfare decisions I apply the welfare checklist criteria set out at s.1(3) of the Children Act 1989. I do not propose to set out those factors in the statute *ad nauseum* or by rote in this judgment as this is a clear case for placement with father as is supported by the children's guardian.
- 46 I need to record that the mother has not actually challenged the potential placement with father. She has not raised any criticisms of the father's ability to care for the children at all. I bear in mind, of course, that I should make the least interventionist order or, potentially, no order. I am afraid, in all of the circumstances of this case, no order is not an appropriate course for this court to take.
- 47 The local authority seeks further welfare findings to those previously made in respect of mother's behaviour, which are set out in the local authority's opening note at A84 to A85 paras.1(a) to (d), and were previously set out in the opening note for the finding of fact hearing on 6 July.
- 48 The local authority rely upon mother's conduct throughout the proceedings, which continues, and her current attitude is set out in her document dated 18 September and her oral submissions yesterday and further written submissions today.
- 49 At the hearing in July, I gave mother an opportunity to review her position between the threshold hearing and now. This is a course often taken by the court, fairly, to a parent to allow them to take stock of the court's findings. Sadly, this mother has totally ignored the judgment. In fact, she gives the impression of not having read it at all. She fails to address any of the matters in that judgment or any of the welfare matters with which the court is now dealing in her written evidence or oral submissions to the court.
- 50 The welfare findings which I am about to rehearse are overwhelmingly made out on the evidence before me.
- (a) The mother is unlikely to engage in the future with any medical professional in relation to the assessment or treatment of the children, thereby exposing them to the risk of significant physical harm and/or neglect.
- (b) She is unlikely to engage with any social work or educational professional in the future, thereby exposing the children to the risk of significant physical and/or emotional and/or neglect of their educational needs. Of course, it is not against the law not to put a child in school but, in this case, with this mother and her history and attitude, school would be an important part of any child protection strategy for monitoring of the children. In this case, the children were hidden away by mother after she decided to withdraw her co-operation from the medical professionals.

(c) The mother is unlikely to comply with court orders or child protection plans in the future, thereby exposing the children to the risk of significant physical and/or emotional harm or neglect. It is not possible, sadly, to place the children in the care of the mother with a statutory order because mother would not co-operate with a statutory order, she would not co-operate with the local authority or indeed the court, so it is not possible to strengthen or oversee a placement with the mother and thereby protect the children by the making of statutory orders, as they would be unworkable.

(d) Mother is likely to prioritise her challenges to professional advice and/or support in relation to the children in the future, unless it accords with her own opinions, thereby exposing the children to the risk of significant physical and/or emotional harm and/or neglect.

- 51 As I have already indicated, there has been no change in the mother's approach throughout the whole of the last year to these matters. She does not accept any of the issues raised by the local authority, or the guardian, or the court with her. She continues to focus upon her challenge to the validity of the proceedings, the authority of the court, the actions of all of the professionals. She refused to co-operate with the guardian for the preparation of his final report. The views of all professionals are excluded. There has been no reflection by her upon her actions or the impact of her actions on the welfare of the children. She has no respect for professionals or the decision making process. She does not even accept that a decision has been made. She hammers on with the same argument over and over again, as yesterday when, in response to every question, she said that she wanted to cross-examine me. Anybody would know that this was not an appropriate course to take, but mother refuses to back down. There is no capacity for change demonstrated by the mother at all.
- 52 This is very sad. It does not please me in any way at all to have to make these findings against the mother. I have leant over backwards to be fair to her, despite her perceptions. She has been given a great deal of latitude but with respect to her, there has been no Damascene conversion. There has been no conversion at all. There has been no consideration of the court's findings.
- 53 I refrained from making these welfare findings at the fact-finding hearing, giving mother another opportunity to reflect. At that point, I said the following at B177 to B179:
- “There is no possibility currently that this mother will engage objectively with the issues contained within the paragraphs of the findings. However, at a welfare hearing I am likely to consider that such findings should be made if mother does not change her position.” [Para.118].
- 54 As of today, 18 November, mother has not changed her position. Therefore, what I continue to say remains “made out”. What she has demonstrated so far is that she will relentlessly campaign against any professional who attempts to interfere in her life, and she will make allegations against them even if they are without foundation. She has had a fair trial; she has been given a great deal of latitude and court time. In respect of the findings at paras 9 +10, although I allowed mother to revisit those at this later welfare hearing, she has not even bothered to address them because she is still fixated on the inception of proceedings.
- 55 Mother, in addressing me this morning, has talked about how she has a right to defend herself and that she cannot do that unless she gets to cross-examine the judge. This is a ridiculous submission on the part of the mother. It is a ruse, one of many, and her behaviour at times amounts to a type of professional bullying. She has pursued medical experts and complained about them. She has criticised the guardian, criticised the social worker,

criticised the local authority, complained to the Solicitors Regulation Authority in respect of officers at the Local Authority. She has attempted to prosecute the Local Authority in the Magistrates' Court for child abduction. There is nothing that she will not stoop to in her own single-minded pursuit of her own goal.

- 56 Sadly, because of all of this, the return of the children to the mother's care cannot be contemplated by the court because of the risks which I have already spelt out. There is no evidence before the court to support any contention that the children would be safe in her care at this time. They would be at risk of significant physical and emotional harm. It is reasonable to assume they would not see their father or paternal grandmother and would not be presented for medical attention. Medical attention is clearly a significant issue for mother, hence her repeated questioning yesterday of the court and her obsession with consent to medical treatment.
- 57 I invited counsel for the local authority, Ms S, to outline the position going forward under care orders in respect of the children, in respect of how medical treatment would be dealt with so mother is aware of that. I appreciate that medical treatment is not something that mother likes or approves of but, in accordance with my ruling now, this will be a matter for the local authority to deal with in conjunction with the father.
- 58 I am satisfied that they would be unlikely to be taken to school by mother if she had the care of them, and their diet again may be deficient, possibly leading to further health concerns. The local authority would not be able to protect them because the mother would not work with them and the children would again become invisible. On balance, their welfare needs are much better served and safely met in the care of their father.
- 59 It is much to be hoped that, in the future, mother will co-operate with the local authority. She must cease from fixating on her submissions about the validity of the proceedings because it does not allow her to move on to think about what the children need at this point. Many of her arguments have been convoluted but are essentially entirely without merit. She has failed to even focus on father or the plan to place the children with him. She has been offered an opportunity to cross-examine the witnesses, she has not taken it. She has refused to assist the court by actually giving evidence because she did not want to be asked any questions herself, even though she is desperate to ask me questions. She made no submissions at all in relation to the children's welfare; those simple issues I asked her to focus on of where should the children live and who should they have contact with.
- 60 Put simply, this court's decision is that, applying the welfare checklist factors, the best interests of the children will be met by them residing with their father. I endorse the final care plans dated 8 September as set out from D64. The court notes the addendum plans of 22 October set out at D96. There will now be a significant level of support and safeguarding for the children in father's care. The transition plan which was approved at the IRH is advanced and the children are looking forward to moving to live with their father.
- 61 Both the local authority and the guardian submit that care orders are essential to enable to support the father and safeguard the placement. Father accepts that now. It is agreed by the court that there is a clear and present risk to the stability of the placement, posed by mother. It does not matter what order I make, this mother is unlikely to respect it, and therefore the local authority must share parental responsibility with father to prevent any steps that the mother may take, whether that is attempted abduction or, as she has recently done, contacting local authorities to suggest that the proceedings or the court orders are false.

- 62 Mother's attempt to undermine the children's foster placement was a clear example of what she may do in the future if she does not desist from this campaigning. It seems highly unlikely, sadly, at the current time that mother will accept this court's decision.
- 63 Therefore, for all of the reasons I have set out, I approve the care plans advanced by the local authority, supported by the children's guardian and the father. I make care orders in respect of each child.
- 64 The local authority also seek orders under s.34(4) of the Children Act 1989, permitting the local authority to refuse to promote direct contact to the mother. As I have already set out, this is obviously a draconian order and it is with reluctance that I have to make such an order in this case. Mother has never explained why she did not appeal the interim order of Judge H. This order is a permissive rather than restrictive order. The local authority assures the court that they intend to use it in that way and I am satisfied that that is how they would approach the matter. The local authority has never wished to permanently stop the contact between mother and the children. They wished to work with her. They hope that she will relent.
- 65 The local authority, guardian, father and the court all dearly hope that mother will come to accept that she needs to work with the local authority in order to meet the emotional needs of the children. It would be better for them if they had some contact with their mother, but it is obvious at the current time that mother is not yet at that stage. I hope that after the legal proceedings have exhausted themselves, whenever that is, that things may change, and if my orders are not overturned this will be a test of mother's priorities. Is she prepared to prioritise the children over her principles?
- 66 I am sure that the children would benefit from seeing their mother if she should restrain herself from the type of inappropriate behaviour in which she indulged in the past, prior to Christmas last year. Any further recurrence of that type of behaviour would be directly damaging to the children. Mother refuses to accept this. She considers that anything she does is acceptable in pursuit of her goal even if it is upsetting to the children. Mother has to compromise her principles of blanket refusal to speak to or work with the local authority.
- 67 As I have indicated, the legal proceedings need to play themselves out. I presume that mother is going to appeal this order, and once the dust settles on the legal proceedings it may be appropriate for the local authority to consider whether a mediator could be instructed to attempt a liaison with mother. Sadly, unless my orders are overturned on appeal, mother will have to accept that the local authority have orders in respect of the children and that she needs to co-operate with them. She does not have to accept all that has gone before, all she needs to do is to indicate that she is prepared to co-operate with reasonable restrictions on her contact, such as not trying to undermine their placement and not upsetting the children by saying inappropriate things such as those which I have already set out.
- 68 Therefore, sadly, at the moment it is appropriate to make orders under s.34(4) permitting the local authority to refuse direct contact to the mother if she is not prepared to discuss with them reasonable terms for direct contact. Mother can, of course, send indirect contact through the social worker. It is important that the social worker acts as a filter to any inappropriate written communication that mother may send to the children, and so father will need to work with the local authority, in case mother tries to subvert the arrangements by going directly to him rather than through the social worker.

69 The orders that I make today are as I have already set out. The court order will need to exhibit the welfare findings. There will be a transcript of this judgment at public expense, given the difficulty of the case, and I will say that all applications concerning both of the children will remain reserved to me. It is important that I say to mother that it is highly unlikely that any other judge would have taken a different stance to that which I am taking on the evidence before me, all of which she has. This is not any sort of idiosyncratic approach on my part. I have a duty to promote and secure the welfare of the children, who are my paramount consideration. I have done that on the basis of the evidence which is before me, and it is with regret, but these orders are the ones which are required in the children's welfare interests.

