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Case Number: RG22P00139/RG23C50181

IN THE FAMILY COURT AT SLOUGH

The Law Courts
Windsor Road
Slough
SL1 2HE

Date: 20 November 2024

Before

HIS HONOUR JUDGE RICHARD CASE

Between

BUCKINGHAMSHIRE COUNCIL

Applicant

and

MOTHER (1)
FATHER (2)
C (THE CHILD) (3)

Respondents

Representation

For the Applicant:

Kezia Kernighan, counsel instructed by the Applicant Council

For the Respondents:

Paula Thomas, counsel instructed by the First Respondent Mother

James Norman, counsel instructed by the Second Respondent Father

Oliver Wraight, counsel instructed by the Third Respondent by her Children's Guardian, Isha Phillips

Hearing dates: 11-14 November and 18 November 2024

This judgment was delivered in private. The judge has given permission 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 and legal bloggers, must ensure that this condition is strictly complied with. Failure to do so may be a contempt of court.

APPROVED JUDGMENT

This judgment was handed down remotely at 08.30 on 20 November 2024 by circulation to the parties or their representatives by email.

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Summary

1. The Mother suffers from Paranoid Schizophrenia. She does not accept the diagnosis and is not compliant with medication. She is implacably opposed to C having contact with the Father. She has previously refused to comply with court orders in relation to contact (even on the making of an order committing her to prison) and attendance at court (necessitating arrest warrants) and indicated her likely future non-compliance.
2. The Maternal Grandparents do not accept the Mother's diagnosis. They are focused on Mother's needs and there is a risk of C's needs in their care not being met. There is a significant risk they would not promote contact with the Father if C was in their care.
3. Findings of serious domestic abuse were made against the Father in 2020 but whilst initially continuing to deny abuse he has recently accepted those findings and has acted to mitigate the risk he poses. He is supportive of C having time with the Mother and has shown a willingness to be guided by professionals in respect of his care of C and C having contact with her Mother.
4. It is in C's welfare interest to remain living with the Father and spending supervised time with the Mother.
5. The threshold for the making of public law orders is met. It is not proportionate to make a Care Order. A 12 month Supervision Order is both necessary and proportionate to enable the Local Authority to mediate arrangements for supervision of Mother's contact and enable work to be undertaken with Father's new wife.
6. An order under section 91(14) (barring order) for 3 years against the Mother is in C's welfare interest given this protracted litigation (2 years and 8 months) and the Mother's implacable hostility to the Father which risks further court applications. Prohibited Steps and Specific Issue Orders for C's minority together with a Non-Molestation for 12 months are also in C's welfare interest to ensure the Mother does not disrupt the placement and to enable the Father to effectively exercise parental responsibility.

Parties

7. I am concerned with a child of Reception age; she is of dual Pakistani and east European heritage. Her Mother is from eastern Europe and her Father from Pakistan. I will refer to them as C, Mother and Father respectively. This is for the purpose of anonymity and I mean no disrespect.

8. C has an older maternal half-sister (aged mid-teens) living with Maternal Grandparents under a Special Guardianship Order and younger (pre-school age) paternal half-sister living in Pakistan with Father's wife.

Background

Chronology

9. The Local Authority case summary sets out the background as follows:

a. 13 September 2019: the local authority issued the first set of care proceedings for C and her older maternal half-sister (C remained with the mother during the proceedings) (case no. MK19C00154).

b. December 2020: first set of care proceeding concluded with C to remain living with the mother, under a 12-month Supervision Order. C's older [maternal half-]sister was placed with her maternal grandparents under a Special Guardianship Order.

c. 25 February 2022: the father makes an application for a 'spends time with' Child Arrangements Order (case no. RG22P00139).

d. Throughout 2022 & 2023: 'spend time with' Child Arrangements Order made in favour of the father (every other Saturday). Not facilitated by the mother.

e. 11 August 2022: Prohibited Steps Order against the mother, prohibiting her from relocating to Birmingham with C.

f. 12 September 2023: Contempt proceedings commenced against the mother [this was in relation to non-compliance with an order related to arranging contact with the Father].

g. 4 October 2023:

i. Interim Care Order made of the court's own motion within the private law proceedings, with C to remain at home whilst a s37 report was completed.

ii. The mother sentenced to 28-day days in prison, suspended, for not facilitating contact with the father.

iii. Non-Molestation Order made against the mother until the conclusion of the Children Act 1989 proceedings, following the father making allegations that the mother had called him and said 'if you come to court tomorrow, we will kill you'.

h. 14 November 2023: Local authority issue these care proceedings.

- i. 16 November 2023: Interim Care Order extended, with C to remain at home with the mother.
- j. 1 December 2023: Court approves a plan for C to be placed in foster care.
- k. 19 February 2024:
 - i. The court approved the local authority's plan for C to undergo dental treatment recommended by [dentist] (extraction of ten of C's baby teeth due to tooth decay).
 - ii. Local authority's s34(4) application for permission to suspend the mother's contact granted until 4 March 2024.
- l. 1 March 2024: The mother deemed to have capacity to conduct the proceedings.
- m. 4 March 2024: The local authority's s34(4) application for permission to suspend the mother's contact granted.

10. I should add to this chronology that I had to attach penal notices to orders in relation to contact in private law proceedings (22 May 2023 [H117], 16 June 2023 [H133], 20 June 2023 [H141], 21 July 2023 [H179]) with warnings the Mother risked being committed to prison; there was still no compliance and ultimately, and reluctantly, I found she had breached one of the orders and committed the Mother to prison (suspended) at the time of making the Interim Care Order on 4 October 2023 (not in bundle). There was also some difficulty in ensuring the Mother's attendance at hearings, again orders to attend were made with penal notices and ultimately I issued a warrant for her arrest on 22 May 2023 (not in bundle) and on 17 October 2023 (not in bundle).

11. Further, the psychological assessment of the Mother assessed her not to have litigation capacity, but HHJ Tolson KC found she did in fact have capacity at a contested hearing on 1 March 2024. The Mother was sectioned under section 2 of the Mental Health Act for approximately 4 weeks from mid-March 2024; there is no reason in principle that she could not have had litigation capacity during that period or thereafter and no application has been made to review Judge Tolson KC's assessment.

12. At the Issues Resolution Hearing on 20 September 2024 I approved a transition plan for a move to Father's care from foster care under the Interim Care Order making it clear the same was without prejudice to the final hearing.

13. At that hearing the Mother confirmed the Maternal Grandparents sought to challenge their negative special guardianship assessment.

Current living arrangement

14. C has been living with the Father since 7 October 2024.

Parental responsibility

15. This is shared between the parents and the Local Authority under the Interim Care Order.

Positions

Local Authority

16. The Local Authority invite me to make a Child Arrangements Order for C to live with the Father, with arrangements to spend time with the Mother and a 12-month Supervision Order. The Local Authority also apply for a section 91(14) Children Act 1989 order for a duration of 3 years and on the basis that any application for permission to apply is initially dealt with on the papers and without notice to the Father.

17. In relation to contact the Local Authority support a phased reduction in contact as set out at [C146] such that contact settles at 3 hours every 6 weeks (2 hours with Mother, one hour with C's maternal half-sister and other family members joining) and 1.5 hours every 6 weeks with maternal half-sister in the community. The Local Authority committed to fund 3 months' supervision of contact and confirmed at the hearing a commitment to now fund up to 6 months' supervision of both Mother's (with extended family) and the maternal half-sibling's contact. It did not seek a defined contact order for Mother save to the extent of Father making C available for contact as recommended by the Local Authority during and at the end of the Supervision Order. Although I was not directly addressed on this I proceed on the assumption the Local Authority also accept the Guardian's recommendation of the same order in relation to contact between C and her half-sibling (i.e. as recommended by the Local Authority during and at the conclusion of the Supervision Order).

18. The Supervision Order Support Plan envisages communication between Father and Mother and maternal family via a co-parenting app, proposed supervisors (of maternal family contact) will be approved by the Local Authority during the period of the Supervision Order with consideration to handovers being supported. Work would be undertaken with the Maternal Grandmother so she could supervise the maternal half-sibling (for whom she holds a Special Guardianship Order) having contact with the Child. They would not support the maternal family supporting contact with the Mother because of the antipathy towards the paternal family and the lack of insight of the Maternal Grandparents into Mother's mental health difficulties. In relation to supervision of the half-sibling contact the plan proposes the Maternal Grandmother (who holds the Special Guardianship Order in respect of the maternal half-sibling) supervises the same.

19. Under the Support Plan the Father was to undertake domestic abuse work with a family support worker; this work has now in fact been completed.

20. The mother is to undertake positive co-parenting work with the same family support worker. The Maternal Grandmother is to be offered work with the same worker on supporting positive discussions about “the other parent”.

21. The Paternal Grandmother and Father’s wife (when she arrives in the UK) are to be offered domestic abuse and positive discussions work by the same worker. If the Father’s wife does not arrive in the UK within the currency of the Supervision Order the Local Authority considers there needs to be some agreement for her to access work thereafter and would agree to the same being included as a recital to the order.

22. The Local Authority supports the Father’s application for an extension of the Non-Molestation Order and invites the court to extend its terms to cover not approaching C.

23. The Local Authority supports the Father’s application for a Specific Issue Order (in relation to travel documents).

24. The Local Authority invites the court to make a Prohibited Steps Order to prevent the Mother from removing C from the Father’s care and not to apply for travel documents unless agreed.

25. Finally, the Local Authority supports a Specific Issue Order enabling the Father to apply to cancel C’s UK passport and east European ID card held by the Mother in the event she refuses to hand them over in court.

Mother

26. The Mother opposes the final care plan, the extension of the Non-Molestation Order, the making of a Prohibited Steps Order, the making of a Specific Issue Order and the making of a section 91(14) order.

27. In relation to the Non-Molestation Order she is concerned she may be unintentionally in breach as the parents live in close proximity and does not accept it is necessary.

28. If, contrary to her primary case, C lives with the Father, she says the spend time with element of the Child Arrangements Order should be defined and she should see C every day including overnight. In relation to the elder half-sibling she again thought there should be a defined order.

Father

29. The Father supports the Local Authority position. At the outset of the hearing his view was that the Supervision Order should be for 6 months to reduce the interference in C’s life but in the course of his evidence accepted 12 months would be in C’s welfare interest.

Children's Guardian

30. The Guardian supports the Local Authority position which was varied to accord with her recommendations and suggested an order for contact with the elder half-sibling being along the lines of that proposed for Mother.

Evidence Summary

31. I have considered the following evidence in particular:

- a) Threshold [A21];
- b) Judgment of Recorder Lofthouse in the previous public law proceedings [I331-395];
- c) Parenting assessment of the Father by Mandy Harley, independent social worker (ISW) [E43];
- d) Parenting assessment of the Mother by the ISW [E67];
- e) Psychological assessment of the Mother by Dr Campbell, clinical psychologist, dated [E21] and [E87];
- f) Report from Mother's treating psychiatrist [E39];
- g) Special guardianship assessment of the Maternal Grandparents [F95];
- h) Social worker's final statement [C57] and updating statement on the transition plan [C139];
- i) Final care plan [D27];
- j) Contact reduction plan [C146];
- k) Supervision Order Support Plan [D51];
- l) Mother's final witness statement [C111] and in relation to the alleged breaches of the Non-Molestation Order [C119];
- m) Father's final witness statement [C105] and statement in relation to alleged breaches of the Non-Molestation Order [C115];
- n) Maternal Grandmother's witness statement [C135];
- o) Maternal Grandfather's witness statement [C133]; and
- p) Guardian's final analysis [E91].

32. I heard oral evidence from the allocated social worker, the Special Guardianship assessor of the Maternal Grandparents, the independent social worker who assessed the parents, the Maternal Grandmother, the Mother, the Father and the Guardian.

Law

33. I remind myself that the burden of proving the need for a public law order rests with the Local Authority on the balance of probabilities.

Threshold

34. I must consider if the Local Authority has proved that the threshold test set out in section 31(2) Children Act 1989 is met. It provides:

- (2) A court may only make a care order or supervision order if it is satisfied –
 - (a) that the child concerned is suffering, or is likely to suffer, significant harm; and
 - (b) that the harm, or likelihood of harm, is attributable to –
 - (i) the care given to the child, or likely to be given to him if the order were not made, not being what it would be reasonable to expect a parent to give to him; or
 - (ii) the child's being beyond parental control.

35. I remind myself that the relevant date for the purposes of making the assessment is the date on which the Local Authority initiated the procedure (*Re M (Care Order: Threshold Conditions)* [1994] 2 FLR 577) but subsequent events and behaviour are capable of providing relevant evidence about the position before the relevant date (*Re L (Care: Threshold Criteria)* [2007] 1 FLR 2050).

36. I also consider Hedley J in the same case at para-49

“...society must be willing to tolerate very diverse standards of parenting, including the eccentric, the barely adequate and the inconsistent. It follows too that children will inevitably have both very different experiences of parenting and very unequal consequences flowing from it. It means that some children will experience disadvantage and harm, while others flourish in atmospheres of loving security and emotional stability. These are the consequences of our fallible humanity and it is not the provenance of the state to spare children all the consequences of defective parenting. In any event, it simply could not be done.”

Fact Finding

37. I remind myself of the fact-finding self-directions that I must give myself adapted from the helpful summary of Munby P in *Re X (Children) (No 3)* [2015] EWHC 3651:

20. ...The principles are conveniently set out in the judgment of Baker J in *Re L and M (Children)* [2013] EWHC 1569 (Fam), to which I was taken. So far as material for present purposes what Baker J said (and I respectfully agree) was this:

“First, the burden of proof lies at all times with the local authority.
Secondly, the standard of proof is the balance of probabilities.

Third, findings of fact in these cases must be based on evidence, including inferences that can properly be drawn from the evidence and not on suspicion or speculation ... Fourthly, when considering cases of suspected child abuse the court must take into account all the evidence and furthermore consider each piece of evidence in the context of all the other evidence. The court invariably surveys a wide canvas. A judge in these difficult cases must have regard to the relevance of each piece of evidence to other evidence and to exercise an overview of the totality of the evidence in order to come to the conclusion whether the case put forward by the local authority has been made out to the appropriate standard of proof.

Fifthly, ... Whilst appropriate attention must be paid to the opinion of ... experts, those opinions need to be considered in the context of all the other evidence. It is important to remember that the roles of the court and the expert are distinct and it is the court that is in the position to weigh up the expert evidence against its findings on the other evidence. It is the judge who makes the final decision.

Sixth, ... The court must be careful to ensure that each expert keeps within the bounds of their own expertise and defers, where appropriate, to the expertise of others.

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.

38. Munby P continued:

21. To this admirable summary I add three further points.

22. First, that the legal concept of proof on a balance of probabilities “must be applied with common sense”, as Lord Brandon of Oakbrook said in *The Popi M, Rhesa Shipping Co SA v Edmunds*, *Rhesa Shipping Co SA v Fenton Insurance Co Ltd* [1985] 1 WLR 948, 956.

23. Secondly, that the court can have regard to the inherent probabilities: see Lady Hale in *In re B (Children) (Care Proceedings: Standard of Proof) (CAFCASS intervening)* [2008] UKHL 35, [2009] 1 AC 11, para 31. But this does *not* affect the legal standard of proof, as Lord Hoffmann emphasised in the same case (para 15):

“There is only one rule of law, namely that the occurrence of the fact in issue must be proved to have been more probable than not. Common sense, not law, requires that in deciding this question, regard should be had, to whatever extent appropriate, to inherent probabilities. If a

child alleges sexual abuse by a parent, it is common sense to start with the assumption that most parents do not abuse their children. But this assumption may be swiftly dispelled by other compelling evidence of the relationship between parent and child or parent and other children. It would be absurd to suggest that the tribunal must in all cases assume that serious conduct is unlikely to have occurred. In many cases, the other evidence will show that it was all too likely.”

Domestic Abuse

39. In *Re H-N and Others (Children)(Domestic Abuse: find of fact hearings)* [2021] EWCA Civ 448 the Court Appeal gave the following guidance in relation to allegations of domestic abuse:

4. Where past domestic abuse is found to have taken place, the court must consider the impact that abuse has had on both the child and parent and thereafter determine what orders are to be made for the future protection and welfare of parent and child in the light of those findings. Depending upon the circumstances, such orders may substantially restrict, or even close down, the continuing relationship between the abusive parent and their child.

40. The Court of Appeal noted the ways in which a child may be harmed by domestic abuse at paragraph 31:

- 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.

Welfare

41. So far as the law on welfare issues is concerned my paramount concern is the child’s welfare. In assessing whether to make an order I must take account of the matters set out in section 1(3) Children Act 1989 (welfare checklist). I must then have regard to the realistic options put forward taking a holistic and balanced as opposed to linear approach to them consistent with the guidance given in *Re B-S (Children)* [2013] EWCA Civ 1146.

42. In reaching a final decision I must start from the position that the least interventionist alternative is to be preferred applying section 1(5) of the Children Act; I must not make an order unless I consider that doing so would be better for the child than making no order.

43. I remind myself I must also have regard to Article 6 and 8 ECHR rights. Pursuant to *Re B (Care: Interference with Family Life)* [2003] 2 FLR 813 I must not make a public law order unless I am satisfied it is both necessary and proportionate and no other less radical form of order would achieve the need to promote the welfare of the child.

44. When assessing risk of harm I must ask (by reference to the summary of Jackson LJ in *K (Children: Placement Orders)* [2020] EWCA Civ 1503):

(1) What is the type of harm that might arise?

(2) What is the likelihood of it arising?

(3) What consequences would there be for the child if it arose?

(4) What steps could be taken to reduce the likelihood of harm arising or to mitigate the effects on the child if it did?

The answers are then placed alongside other factors in the welfare equation so that the court can ask itself:

(5) How do the overall welfare advantages and disadvantages of the realistic options compare, one with another?

(6) Ultimately, is adoption necessary and proportionate – are the risks bad enough to justify the remedy?

45. That is as much the case in an application for a supervision order as in a care and placement applications (see *In re H-W (Children)* [2022] UKSC 17).

46. The consideration of a Special Guardianship Order under section 14A Children Act 1989 engages the welfare checklist (section 1(4)(b)) and it must be proportionate. I can only make such order if there is a report before me (section 14A(11)) and before making such an order I must consider if I should make a Child Arrangements Order (section 14B(1)).

Section 91(14) Order

47. I am grateful to counsel for the Local Authority who has summarised the law in relation to section 91(14) Children Act 1989 (with my emphasis):

1. s.91(14) Children Act 1989 provides as follows with respect to the making of orders:

91. Effect and duration of orders etc.

(14) On disposing of any application for an order under this Act, the court may (whether or not it makes any other order in response to the application) order that no application for an order under this Act of any specified kind may be made with respect to the child concerned by any person named in the order without leave of the court.

2. The Children Act 1989 has been amended by s.67(3) Domestic Abuse Act 2021, which inserted s.91A into the Children Act 1989:

91A. Section 91(14) orders: further provision

(1) This section makes further provision about orders under section 91(14) (referred to in this section as "section 91(14) orders").

(2) The circumstances in which the court may make a section 91(14) order include, among others, where the court is satisfied that the making of an application for an order under this Act of a specified kind by any person who is to be named in the section 91(14) order would put—

- (a) the child concerned, or
- (b) another individual ("the relevant individual"),

at risk of harm.

(3) In the case of a child or other individual who has reached the age of eighteen, the reference in subsection (2) to "harm" is to be read as a reference to ill-treatment or the impairment of physical or mental health.

(4) Where a person who is named in a section 91(14) order applies for leave to make an application of a specified kind, the court must, in determining whether to grant leave, consider whether there has been a material change of circumstances since the order was made.

(5) A section 91(14) order may be made by the court—

- (a) on an application made—
 - (i) by the relevant individual;
 - (ii) by or on behalf of the child concerned;
 - (iii) by any other person who is a party to the application being disposed of by the court;
- (b) of its own motion.

(6) In this section, "the child concerned" means the child referred to in section 91(14)."

3. PD12B and PD12Q contain guidance on the application of s.91(14) Children Act 1989. The Practice Directions point up that orders under s.91(14) are available to prevent a person from making future applications under that Act without leave of the court and that s.91(14) leaves a discretion to the court to determine the circumstances in which an order should be made. The Practice Directions highlight that the circumstances in which such an order may be made are many and varied. Those circumstances include where an application would put the child concerned, or another individual, at risk of harm as provided in s.91A. In exercising the court's discretion, the Practice Directions make clear that the welfare of the child is paramount. With respect to the type of conduct that may justify an order, paragraph 13A.2 of PD12B provide as follows:

13A.2 These circumstances can also include where one party has made repeated and unreasonable applications; where a period of respite is needed following litigation; where a period of time is needed for certain actions to be taken for the protection of the child or other person; or where a person's conduct overall is such that an order is merited to protect the welfare of the child directly, or indirectly due to damaging effects on a parent carer. Such conduct could include harassment, or other oppressive or distressing behaviour beyond or within the proceedings including via social media and e-mail, and via third parties. Such conduct might also constitute domestic abuse. A future application could also be part of a pattern of coercive or controlling behaviour or other domestic abuse toward the victim, such that a section 91(14) order is also merited due to the risk of harm to the child or other individual.

4. With respect to the procedure to be adopted when the court is considering making an order pursuant to s.91(14) of the Children Act 1989, Part 3 of PD 12Q states as follows:

...

3.6 If the court decides to make a section 91(14) order, the court should give consideration as to the following matters:

- a. the duration of the order (see section 4);
- b. whether the order should cover all or only certain types of application under the 1989 Act;
- c. whether service of any subsequent application for leave should be prohibited until the court has made an initial determination of the merits of such an application (see section 6). Such an order delaying service would help to ensure that the very harm or other protective function that the order is intended to address, is not undermined; and

d. whether upon any subsequent application for leave, the court should make an initial determination of the merits of the application without an oral hearing (see section 6)."

48. In *Re A (Supervised Contact) (s 91(14))* [2021] EWCA Civ 1749 King LJ also observed that section 91(14) is not limited to cases where a party has made excessive applications, nor do the *Re P* guidelines say an order should only be made in exceptional circumstances (*Re P (Section 91(14) Guidelines) (Residence and Religious Heritage)* [1999] 2 FLR 573, CA) and at paragraph 40, "... it seems to me that in the changed landscape described...above there is considerable scope for the greater use of this protective filter in the interests of children. Those interests are served by the making of an order under s 91(14) in an appropriate case not only to protect an individual child from the effects of endless unproductive applications and/or a campaign of harassment by the absent parent, but tangentially also to benefit all those other children whose cases are delayed as court lists are clogged up...".

Non-Molestation Order

49. Section 42 of the Family Law Act 1996 provides:

(2) The court may make a non-molestation order –

(a) if an application for the order has been made (whether in other family proceedings or without any other family proceedings being instituted) by a person who is associated with the respondent; or

(b) if in any family proceedings to which the respondent is a party the court considers that the order should be made for the benefit of any other party to the proceedings or any relevant child even though no such application has been made.

...

(5) In deciding whether to exercise its powers under this section and, if so, in what manner, the court shall have regard to all the circumstances including the need to secure the health, safety and well-being –

(a) of the applicant; and

(b) of any relevant child.

50. The editors of the Family Court Practice identify the following criteria:

Paragraph 2.663[1]

The criteria for the making of a non-molestation order are in s 42(5), namely 'all the circumstances including the need to secure the health, safety and well-being of the applicant or

of any relevant child'. The following three principles should be considered when deciding whether to grant a non-molestation injunction:

(a) there must be evidence of molestation (*C v C (Non-Molestation Order: Jurisdiction)* [1998] 1 FLR 554, FD);

(b) the applicant (or child) must need protection; and

(c) the judge must be persuaded that judicial intervention is required to control the behaviour which is the subject of the complaint (see for example *C v C* [2001] EWCA Civ 1625).

Findings/Threshold

51. I have set out the specific allegations below, grouping them together as appropriate.

1: C has suffered physical harm because of Mother's inability to meet C's health needs

52. The Local Authority relies on the following allegations:

5)

a. Mother is unable to prioritise C's health needs, leading to C suffering severe, untreated tooth decay which has been painful and resulted in infection, requiring repeated antibiotics [F87].

b. C has required removal of 10 baby teeth, crowns placed on 2 baby teeth and fillings in 4 baby teeth under general anaesthetic [letter from dentist] .

c. Mother has refused to accept professional advice and guidance in relation to C's teeth which deteriorated and became painful [F11, F15, E25, E48].

d. Mother has given C Coca Cola from a bottle and states 'if she wanted to give her daughter cola and sweets she would' [E76, E77, F11]. She also allows C to snack throughout the day rather than provide her with meals which detracts C's nutrition and lifestyle [E48, E54, F16].

e. C does not eat very much due to the impact of her decayed teeth, causing pain, discomfort, and a constant bad taste in her mouth and has required softened, blended or pureed food to be able to eat [F85, F88, F89]. The dental decay, if left untreated, would have worsened and also impacted on the healthy development of her adult teeth [F87].

f. C has suffered significant physical harm and neglect due to her untreated medical needs and is at risk of further significant physical harm and neglect should Mother continue to fail to follow professional advice.

53. All the allegations are denied by the Mother save that in respect of (5b) she agrees C has had the treatment but she did not agree to it. This is in effect an admission of allegation (5a) insofar as the lack of prioritisation manifested itself in a refusal to consent to removal. She continues to deny causing tooth decay.

54. There is a note from the treating dentist recording “ongoing pain episodes and there is a repeated need for analgesia” and “repeated antibiotics prescribed”. C is described as having a “high” need for dental treatment [F87]. Leading up to this report C was in the care of the Mother. Accordingly, **I am satisfied on the balance of probabilities that the Local Authority have proved allegation (5a).**

55. The same document recommended:

- Removal of grossly decayed and poor prognosis baby teeth URD URB URA ULA ULB ULD LRE LRD LLD LLE (10 baby teeth)
- Fillings in URC ULC LLC LRC – 4 baby teeth (pending x-rays – fillings will only be possible if decay is small)
- Fillings / silver crowns in URE ULE (pending x-rays – fillings/crowns will only be possible if decay is small)

56. There is no evidence to contradict this and accordingly, with Mother’s admission, **I am satisfied allegation (5b) is proved.**

57. In relation to (5c) the social worker recorded the Mother saying she would “continue to take C to routine appointments, but would not follow up on getting her teeth removed as she will lose them natural in a few years anyway” [F11] and “M has advised that the dentist has recommended C’s teeth are removed and M is not taking on board this advice, despite this advice being reiterated by the health visitor and the paediatrician” [F15]. That evidence connected with the admitted position that C had to have 10 teeth removed, 2 crowns and 4 fillings leads me to conclude **allegation (5c) is proved.**

58. In relation to allegation (5d) the parenting assessor reported:

[E77]

Mother continues to have the view that C can have cola and sweets if she wants and as her mother [she] has a right to give her what she wants to. Mother states that all children need sugar.

59. The social worker reported the following in the section 37 report dated 10 November 2023:

[F11]

In the CLA Review C drinking cola was discussed with her mother. The Health Visitor who attended the meeting shared that cola was one of the worst drinks to provide a child with, especially in a bottle. Mother dismissed this advice, stating that she felt C's teeth were a result of her not breast feeding C. She stated that she would not be taking on advice and would continue to give C cola in a bottle because she is a child and she should be able to have nice things and have a happy childhood.

[F15]

...her mother suggested at the CLA review meeting that when C is in her care she will not eat any meals and only eat snacks...

60. On this evidence I find allegation (5d) is proved.

61. As to allegation (5e) the Independent Reviewing Officer recorded the following after the second Looked After Child review:

[F85]

Carers have had to be very careful with food due to C's, extremely painful teeth. They provide a soft food diet.

62. The dentist reported a "theoretical risk to the developing crown of the underlying adult tooth" and:

[F87]

Foster mother expresses that there are challenges for C regarding eating – the act of eating causes pain...

[F88]

It was advised to give C soft foods. Foods that do not present a challenge with chewing. As the act of chewing seems to elicit pain.

63. Accordingly, I find the impact of decayed teeth was pain and the necessity for a soft food diet. I do not find that there was a “constant bad taste in her mouth” or that the dental decay “would have” impacted the development of adult teeth.

64. In relation to (5f) the above findings support an overall finding of significant physical harm due to untreated dental needs and accordingly a risk of further physical harm should Mother continue to fail to follow professional advice.

2: Mother suffers from a psychiatric diagnosis

65. The Local Authority alleges:

6)

a. Mother suffers from various paranoid delusions and has a diagnosis of Paranoid Schizophrenia, ICD-10 F20 [E39].

66. The Mother denies this. In her statement she said she has no mental health issues [C113/11].

67. The Mother’s treating psychiatrist recorded a diagnosis of paranoid schizophrenia as at admission on 16 March 2024 and at the date of the report on 29 March 2024. She also recorded that prior to admission there was a ‘persistent delusional disorder’ [E39].

68. I find that as at 16 March to 29 March 2024 the Mother suffered from paranoid schizophrenia. The psychiatrist identified this was a “psychotic illness of remitting and relapsing course, depending on compliance with medication” [E40] accordingly, I find the Mother continues to suffer paranoid schizophrenia.

3: Mother is non-compliant with intervention for her psychiatric condition to the detriment of C’s emotional welfare

69. The Local Authority alleges:

6)

b. Mother is supported by the Early Intervention Team but is not compliant with taking prescribed medication [E41, E73, F16, F91].

As C’s primary carer and role model, Mother’s thoughts and behaviours will influence C and impact her wellbeing.

e. Mother is unwilling or unable to take on board professional advice and engage in treatment to manage her mental health [E32, E87, E88, E89]

70. The Mother denies the allegations.

71. The section 37 report recorded the Mother was “not compliant with medication” [F16] and the ISW reported the Mother had “chosen to stop taking her prescribe[d] medication” [E73]. An undated letter from the Early Intervention Service reported non compliance “with her prescribed antipsychotic medication since 2022” [F91].

72. **On that evidence I find allegation (6b) is proved**, I am entitled to take judicial notice of the fact that a primary carer’s thoughts and behaviours will influence their child and impact their wellbeing.

73. The psychologist reported (my emphasis):

[E32]

[b] interpersonal relationships

65. There are certainly signs that Mother has difficulty trusting people, related to her paranoia, including professionals and people whom she may well be imagining exist, such as the homeless people who she believes have been getting into and stealing from her flat.

...

[c] capacity to change and make sustained changes

67. A good starting point for making changes is, needless to say, believing they need to be made. Mother came across to me as not seeing herself as having anything to address. Common sense gives us that, even if she were doing well, there would always be something to discuss, worry about, think about doing better and so on. This type of normal open-mindedness was not in her thinking, as far as I could tell.

[E87]

In my observations and based on what there is to read, Mother’s current mental health presentation has particular features which, as previously described, include a lack of insight paired with inflexibility regarding what she believes. And she shows clear enough signs of paranoia. These 3 factors (lack of insight, inflexibility, paranoia) remain central to why she is functioning poorly, in my view. These issues are unlikely to shift and ameliorate until she engages with treatment.

[E88]

My response to this instruction is to say that Mother may not shift her thinking much at all until she feels unhappy enough to start trying things she has to date not believed in. (This includes active psychiatric treatment, as well as following guidance from professionals.)

74. **I am satisfied that allegation (6e) is proved** on the basis of the Mother not taking medication (as above), having distrust of professionals and not feeling that anything needs to change when quite patently it does.

4: Mother's psychiatric condition has caused emotional harm to C through a denial of relationship with Father

75. The Local Authority alleges:

6)

c. Mother's paranoid delusions and preoccupation in her negative view of the Father have caused C significant emotional harm in that C has not been given the opportunity to have contact with and develop a relationship with her Father [E24, E32, E34, E40, E72].

d. Mother's refusal to allow C to have a relationship with her father is emotionally harmful to C. This is despite the Court directing Mother to make C available for contact with her Father and a penal notice being attached [H118, H143].

f. C has suffered significant emotional harm due to the Mother's inability to suitably manage her mental health needs and place C's need for a relationship with her Father above the Mother's own negative view of the Father. C is at risk of suffering further significant emotional harm as there is a high probability that the Mother would not allow future contact.

76. The Mother denies (6c) and (6f) but accepts the (6d) saying her refusal to comply "was to safeguard C".

77. The psychologist reported the Mother being "preoccupied" with negative views of the Father [E24], if the Mother was displaying paranoid thinking and behaviour this could affect her child and "a culture of fear can be very restricting to a child's social and interpersonal development" [E32] then:

[E34]

74. In my observations Mother has become very mentally rigid, which includes paranoid thinking. Father, as a mental entity in her mind, has been caught up in her paranoid thinking and become – I gather – someone who needs to be excluded.

78. The ISW reported:

[E72]

Mother is adamant that C should not have any contact with her father, which appears linked to the abusive [sic] that she has endured. She appears unable to separate the relationship that she has with Father with the one that C has. This does present some risk to C as Mother is unlikely to promote a relationship between C and her father.

...

It is highly unlikely that Mother will promote a positive relationship between C and Father. She states that she is looking to move so that Father does not know where she is living. There is a high probability that she would move with C and not allow contact.

79. I also make reference to the chronology recorded above: repeated orders were made for the Mother to allow contact between C and the Father. I attached a penal notice to the order of 20 June 2023, a penal notice to the order for contact and for her to attend a preliminary meeting at a contact centre to the order dated 21 July 2023 and a term of 28 days committal to prison (suspended) for failing to attend the contact centre as ordered by order dated 4 October 2023.

80. I am satisfied on the balance of probability the Mother has refused to allow C to have a relationship with the Father despite court orders. By the making of the orders I had considered it was in C's welfare interest and I do not accept the Mother's assertion that her refusal to comply was to safeguard C. **Accordingly allegation (6c) and (6d) are proved.**

81. In relation to allegation (6f) I find this proved based on finding (6c) and (6d) are proved.

Threshold

82. Having found all of the Threshold allegations proved as pleaded (save that I do not find there was a "constant bad taste in [C's] mouth" or that the dental decay "would have" impacted the development of adult teeth) I go on to consider if Threshold is met. I am satisfied that C was, at 14 November 2023, suffering significant harm attributable to the care being given by the Mother not being that which it would be reasonable for a parent to give her.

Breach of Non-Molestation Order

83. The Non-Molestation order is at [B49], it provides that the Mother must not “harass, pester or molest the applicant (Father), use or threaten violence against the applicant (Father) including by way of third party or a third-party medium and must not communicate with the applicant (Father) save for in accordance with any Court Order.”

84. The Mother gave undertakings to the court on 20 September 2024 recorded at [B118] as:

1. not attend [Father’s address]; and/or
2. not attend the nursery or school that C attends or is known to be attending.

85. The Father relies on 2 alleged breaches:

- a) A breach on 11 September 2024 being a message that uses abusive language and threatens to call the police against the Father [C117]; and
- b) A breach on 23 September 2024, where the Mother saw the Father with C in the community and called out to her and did not stop, following C and the Father, causing distress.

86. I am not considering the breaches for the purpose of enforcement (in any event alleged breaches of Non-Molestation Order are enforceable in the criminal courts) but for the purpose of considering if the Non-Molestation Order should be extended. Accordingly, the burden of proof is on the Father on the balance of probabilities.

87. The message at [C117] is alleged to have come into the Father’s hands via a third party, unnamed and who has not given evidence, asking for the friend to “spoke to that mother fucker” and pass on a message which is difficult to understand but seems to relate to an allegation the Father had changed the Mother’s address to where the Father is now living. On the face of it this would appear to be a breach of the Non-Molestation Order not to communicate with the Father. In her statement the Mother accepts sending the message, it was sent to her landlord. She said “When I am not at home someone is entering my home and things are left out of place. Sometimes things go missing. This was the reason I sent the message to [the landlord]. I have changed the locks to my flat many times. I just wanted [the landlord] to ask the father not to come to my flat” [C119/3]. When she gave oral evidence it was put to her “You used the word spoke, you wanted him to speak to Father”, her answer was “No, this is misunderstanding, I ask him to talk to Father”. **I find this is an admission of what amounts to a breach.**

88. As to 23 September the Father says that the Mother followed him and C around during contact in the community, was trying to speak to C and get her attention. On the face of it this appears to be a breach of the Non-Molestation Order's prohibition on harassing or pestering the Father. The Mother denies this saying that there was a chance meeting (the Father appears to accept this as a possibility) but she did not follow them or call out to them but "just said hello to C as she went past" and could not possibly ignore her.

89. In light of my analysis of the need for a Non-Molestation Order below it is not proportionate for me to make a finding on this second allegation.

Welfare checklist

90. I now turn now to the considerations under section 1(3) Children Act 1989.

Wishes and feelings

91. The Guardian is of the view C is too young to understand the proceedings and decisions that need to be made [E110].

Physical, emotional, educational needs and age, sex and background

92. As noted above, C is of dual heritage and each parent practices a different religion and speaks a different, non-English, language although both parents speak sufficient English to make themselves understood. C has an older maternal half sister with whom the social worker said she has a "good relationship" and a younger paternal half sister who she has not yet met as she is with the Father's wife overseas [C88].

93. The social worker sets out concerns from the health visitor about developmental delay and on medical review as a looked after child [C69] but C "has been improving in all areas and her speech is becoming clearer" [C66]. She also recorded that C would initially flit between activities when first placed in foster care but is now able to spend 40 minutes on one activity [C66].

94. C can sometimes become dysregulated seemingly triggered by boundaries particularly around food or routine but has become more compliant in placement [C68].

95. As set out above there was a need for extensive dental work.

96. C's new school will review whether a Speech and Language Therapy referral should be made as it is sometimes not possible to understand C.

97. The Guardian's view was that "Whilst there have been some difficult moments, on the whole, she has dealt with all the changes very well. C is making good progress with her development across all areas that were previously a concern" [E102].

98. However, the Guardian also said "When I observed C in family time with her mother, sister and grandmother I was shocked by her presentation. It was in complete contrast to what I had observed of her in the foster placement and when she was in her mother's care. She barely communicated, didn't hold much eye contact during the family time and wasn't as active and energetic as I had previously observed" [E103] although she also noted that in the contact records "C is reported to enjoy interaction with her mother and sister and enjoys playing with them" [E104].

99. In terms of her needs she said:

[E104/39]

...She has just started in reception at school and will need to work harder than her peers to help her catch up with the developmental gaps she has. She requires care that is better than average due to the things she has experienced in her life and the impact this may have on her as she grows.

Likely effect of change in circumstances

100. Under the Local Authority plan there would be no change in the current arrangements of C living with Father. There would be a reduction in time spent with Mother but this would be kept under review during the course of the Supervision Order. It may increase.

Capability of parents: Mother

101. I refer to the findings above on threshold.

102. The ISW concluded that the Mother "does not acknowledge the concerns, accept any responsibility, understand that impact upon C or recognise the need to change. Therefore prognosis for change is poor." [E71]; that she has some understanding of C's needs but is not willing to take on advice and guidance in respect of a healthy diet and "will struggle to meet C's needs now and in the future should she not work meaningfully with professionals" [E71]. Further:

[E73]

Mother continues to experience poor mental health and as a result appears to be unable to have a realistic view of the needs of C who is a young child who is dependent upon adults to meet her needs. Currently Mother's parenting capacity is likely to mean that C will continue to

suffer with her dental hygiene, her general health due to an unsuitable diet and not have a relationship with her father and paternal family.

Mother's main support networks are her parents who appear to hold the same views...They have recently undergone a special guardianship assessment which was negative. This would suggest that the support that they are able to offer would not be sufficient to mitigate the concerns.

103. In relation to the Mother's engagement with mental health services there is a letter dated 17 June 2024 from the Early Intervention Service recording:

[F275]

I am writing to let you know that Mother is being discharged from our service at her request and a joint decision by our team to discharge her because of non-engagement with our core interventions.

104. Having referred to the history and the sectioning in March 2024 the letter continued:

Mother however, stopped her medication in May 2024 due to side effects and denial of her mental health diagnosis. [my emphasis]

...

[F276]

The offer of psychology was to support her manage the stress and anxiety as she had stopped her anti-psychotic medication without the advice of doctors. Mother again declined access to psychology because at the time, she has requested to be discharged from our service.

...

Mother has consistently made it clear that she does not believe she has a mental illness and is not willing to consider medication or psychological intervention.

105. When the Mother gave evidence she was taken to the above letter and said "actually what they mention is lies", she said she did not agree with the psychiatrist's diagnosis of paranoid schizophrenia and he did so to "make it easier for themselves to stay in this country using me and my documentation or they can impersonate another person with my documents". I asked her to clarify if she was saying the paternal family spoke with the psychiatrist to get him to give a false diagnosis and she said "yes". When asked about Dr Campbell's assessment she said it was a report which was "not about me".

When she was asked about the Local Authority evidence that C was building her relationship with Father and had settled with him she said “it’s a lie, they lie”. She agreed her position was that “the psychiatrist, psychologist, social worker and dentist were all wrong in the advice they have given”. She said the Father was “just the biological man” not a father.

106. In her oral evidence the ISW said “Mother’s attitude to Father is a complex picture and unlikely to resolve even with professional support about the Father’s current functioning”.

107. In her final evidence the social worker expressed concern about Mother’s unmet mental health needs, reporting her to have alleged the ISW, psychologist and Local Authority had mixed her up with a woman who was homeless and could not care for her children and that C was removed from her care “based on lies and for immigration purposes” [C72]. Although contact time was affectionate and positive the Mother was reported to continue to bring sugary foods which she had been advised not to and “There is high level of distrust and allegations made against the family time service workers supervising the family time, especially when they either give advice or suggest things which Mother may not agree with” [C72].

108. In the updated statement the social worker reported that the CPS are considering what, if any, action to take about the alleged breach of the Non-Molestation Order on 23 September 2024 [C142].

109. The social worker recorded a troubling exchange with the Mother at contact on 7 October 2024 (my emphasis):

[C143]

Mother was informed that C will be starting a new school and that she has plenty of toys in father’s care and for her not to bring new toys or gifts at every family time session. She can bring the toys she already has for C from home and take them back with her. This was suggested as Mother said that there are no age appropriate toys for C. However, then she went on to say that C is her daughter and she will bring whatever she wants for her. I explained that C should come to the family time wanting to spend quality time with her rather than because of getting a gift or toy. Mother was not willing to listen nor understand the point being made and began to comment on unrelated matters, which was not appropriate for C to hear therefore, she was left to commence her family time...

[C144-5]

...she continues to send numerous text messages to me that appear to be with paranoid views and with derogatory comments about how C cared by unsafe people and C is being used for

immigration reasons. Mother continues to blame previous social workers of not telling the truth which resulted in C separated from her [*sic*]. In her view, there was nothing wrong with the level of care she provided to C and she had no issues with her teeth. Mother continues to state that she has no mental health or emotional wellbeing issues and the psychological assessment is not about her, rather it is about another woman and the professionals are mixing this woman with her.

110. In cross-examination she accepted the Mother had “to some extent” started providing more appropriate food in contact but advice was not taken on immediately, it needed reminding by the social worker and family support worker.

111. The Guardian’s assessment was:

[E96]

16. Sadly little has changed in relation to Mother’s parenting capacity since before these proceedings were issued. Her insight into her parenting of C remains very limited. When I met with her on 16th August, she shared that there were no concerns with her parenting...She reports C was healthy and had a very good lifestyle when she was in her care.

112. The latter comment is of course demonstrably untrue and I have made a contrary finding above.

113. In relation to the Mother’s ability to promote contact with the Father the Guardian reported the Mother saying “Even if the court forced her like they have done previously she would only allow it if she felt it was safe” [E99]. That is consistent with the fact I had to attach penal notices to orders in relation to contact in private law proceedings ultimately committing her to prison and on 2 occasions issuing warrants for her arrest.

Capability of parents: Father

114. In the previous proceedings although no order was made the Local Authority were to arrange contact with the Father during the course of the Supervision Order which was made [I394]. Domestic abuse findings were made against the Father as recorded in the judgement of Recorder Lofthouse on 1 December 2020 [I331]:

- a) He hit the Mother’s upper left arm with a coat hanger;
- b) He grabbed her by the throat and pushed her against the wall saying he would kill her;
- c) He slapped her repeatedly to her face; and
- d) He threw a slipper at her pregnant stomach.

115. Findings were made against both parents that they had a toxic relationship and the Mother prioritised her relationship with the Father.

116. Importantly Recorder Lofthouse also concluded that:

[I394]

He would be well advised to follow the advice of the local authority. If he does, and he maintains his separation from the mother, there is no reason why, over time, he cannot build a fulfilling father/daughter relationship with [the Child], but he will need to be patient as well as open and honest about his past behaviour.

117. The section 37 report that dated 10 November 2023 recorded:

[F25]

I am concerned that Father seems no further forward in his understanding of domestic abuse now, than he was 4 years ago when Children's Services were last involved. Whilst there have been no reported incidents of domestic abuse, in my view this could be because Father's wife does not reside with him. Father shows no insight into what unhealthy relationship behaviour is, nor does he take any responsibility for his actions in his relationship with Mother. Father said he was shocked that his relationship with Mother ended as in his mind they were working well together, yet at the same time recounted how Mother changed the locks on him whilst he was out. His reasoning for the relationship clearly being okay was that Mother didn't end the relationship sooner; having no insight at all, even when I reflected back at how factors such as dependency with finances and housing can influence a victim feeling able to leave, he still denied that the relationship was abusive.

118. In his oral evidence the Father said he had not disputed the findings to the author of the section 37 report and he thought there was a "miscommunication". That is not credible when just 2 months before he had been reported to have said the same thing to the Guardian when she prepared her initial analysis in the private law proceedings [H233].

119. In her more recent report the ISW said that Father accepts there was abuse in the relationship with Mother and "acknowledges some responsibility for this" [E45]. She recounts research on effect of domestic abuse on children [E61]. She records no current evidence of current domestic abuse and reported:

[E63]

Father has engaged fully with this assessment and has attended parenting groups, being able to say what he has learnt from this, which demonstrate that he is able to work meaningfully with professionals. He is open to attending any further interventions that are identified. I have no evidence to suggest that he would not seek out support if required.

Father accepts that there was domestic abuse within his relationship with Mother and that he was also the perpetrator and victim. Whilst he initially denied this, he does appear to have been more open, honest, and able to reflect upon past behaviours.

120.Engagement with further domestic abuse work was recommended but this could be done whilst C is in his care.

121.She concluded that “there is no evidence suggest that Father would not be able to provide a good enough level of care for C” [E46/2.5].

122.She recorded that Father wishes for C to predominantly speak English, she will pick up words and phrases in his first language “naturally” and the ISW recorded C had been speaking predominantly the Mother’s first language when in her care [E51].

123.The social worker’s evidence was:

[C66]

I am mindful that a parenting assessment of Father has concluded positively, with him accepting some responsibility for his actions and engaging with courses, but I remain worried for the risk of C being exposed to domestic abuse in the future, this remains an untested area, with Father’s wife...who currently is residing in another country. There has been no report of any domestic abuse when [she] came to the UK in June 2024, and she shared that there have been no issues of any domestic abuse within their relationship. The Father has undertaken a parenting course and is keen to complete any domestic abuse awareness course to improve any gaps in his understanding and insight to the impact of domestic abuse to children and relationships.

124.She developed this at [C74]:

It is my view that the assessment did not explore fully concerns raised in the Initial Social Work Statement regarding concerns for unknown adults living in the family home, the suitability of the home for a small child (with a dangerous high drop in the back garden), and most

importantly, did not fully explore concerns of significant domestic abuse in the relationship between [the parents]...Whilst Father states the violence occurred before C was born, C's maternal half-sister was in presence, and the Father's understanding of the impact on her, remained unexplored. The assessment sets out 'there is no evidence of domestic abuse in the Father's current relationship' however the Father had not lived in the same country of his current wife, so in my view this very much remained untested.

125.She said that the gaps in the evidence were explored when the Father's wife visited in June 2024 and a home visit identified the high drop would be fenced by 10 September 2024 [C75]. The social worker also identified that the Father did not disagree with findings of domestic abuse made against him in previous proceedings and he was "keen to work with any domestic abuse" programme which has now begun [C75].

126.As to capacity to care she noted the Father had the support of the Paternal Grandmother and Paternal Aunt and that there may be an impact on C when Father's wife comes to the UK with the paternal half-sibling although there were practical steps which could be taken to address this (by indirect contact in advance) [C77].

127.She concluded the Father had insight into the effect of domestic abuse "but needs this to further strengthen" [C78].

128.The Guardian's evidence on domestic abuse was:

[E100/27]

In the previous proceedings he was found to have been domestically abusive to Mother when they were in a relationship. Until recently Father's insight into the domestic abuse has been very limited. Since engaging with the 1-1 domestic abuse work, he has been able to evidence changes in his insight around domestic abuse and his actions to Mother in the past. Positively he has learnt how to manage situations differently and is able to show more understanding about how domestic abuse impacts children.

129.The updated evidence is that C transitioned into Father's full time care on 7 October 2024 and started at a new school shortly thereafter and is reported to have settled in well and communication with the Father is positive. There is reported to be positive bonding with Father and Paternal Grandmother [C141] and overall the transition has been positive [C140]. The drop in the rear garden

has not been fenced because of delay by the landlord. During the transition period the social worker reports some distress from C on having to return to the foster carer.

130.The Guardians' conclusion was:

[E106/46]

A positive assessment has been completed of Father. I have also noted positive changes in since I started working with the family [sic]. This is a view shared and assessed by the other professionals involved with the family. He has engaged well with all that has been asked of him in these proceedings and his parenting is assessed to be at a level that is good enough for him to parent C.

131.The nature of the change in the Father's attitude was, I felt, exemplified in his willingness under fairly gentle cross-examination to agree to a 12 month rather than 6 month Supervision Order. His attitude was one of being guided by the professionals and I did not get the impression he was merely agreeing for the sake of appearing compliant. What I detected was a genuine willingness to focus on what was best for C.

Any harm suffered or at risk of suffering

132.I have covered harm above in relation to the capacity of the Mother and Father.

Capability of others

Maternal Uncles

133.Full special guardianship assessments were undertaken of Maternal Uncles. They were negative and they have not sought to challenge those.

Maternal Grandparents

134.A full special guardianship assessment was undertaken of the Maternal Grandparents which was also negative. The Maternal Grandparents have sought to challenge the conclusion and the Maternal Grandmother gave evidence before me.

135.The assessment records C appearing to be "happy and settled" when with the Maternal Grandparents [F103], the summary analysis was:

[F107]

Maternal Grandparents have both presented as open and honest throughout the assessment process. Whilst they have shared some difficulties trusting other professionals (as explored in section 5.17), they have presented as trusting, polite and welcoming to me. They have

demonstrated their commitment to C throughout the assessment process by making themselves available for lengthy and intensive assessment sessions, despite other commitments.

They present as having shared family values, and very much working well as a team to support their wider family.

136. Both are reported to have settled status [F109]. They live in the same town as the parents [F124]. C's maternal half-sibling lives with them pursuant to a Special Guardianship Order dated 18 December 2020 [I397] although there were some difficulties between them in October to December 2023 which led the maternal half-sibling to move in with Mother for a time. The analysis was that "positive strategies" had been identified and the relationship has improved [F142]. Although the maternal half-sibling speaks English there was a concern the Maternal Grandparents, who speak very little English, would not be able to assist C's development of English language skills [F163], in oral evidence the assessor confirmed the concern was about accessing support for C.

137. They are said to have a close and loving bond with C and they proactively supported Mother with her care before the Interim Care Order was made [F112], this was interrupted after the order as Maternal Grandmother found contact time difficult. They were reported as able to provide C with "support and reassurance...when she is dysregulated" [F147].

138. There was a concern about their ages; the Maternal Grandfather will be close to 80 by the time C turns 18.

139. However, the following significant negative concerns were expressed:

Insight into Mother's mental health

140. The assessor reported:

[F137]

Throughout the assessment process, the Maternal Grandparents have shown very little insight into Mother's mental health problems. Whilst there is some acknowledgement that mental health problems are present and that Mother, for whatever reason, has been unable to be open about this, I continue to be concerned that they minimise these difficulties and their potential impact on C.

141.And at [F158] she referred to the fact the Maternal Grandparents thought possibly the Father was responsible for the sectioning under the Mental Health Act.

142.In oral evidence the assessor said that she had set up a meeting between the Maternal Grandparents and the mental health service so they could improve their insight into the Mother's persistent delusional disorder "but they refused to go ahead with that meeting because they distrusted the professionals and questioned the diagnosis and the integrity of the doctors who made the diagnosis". She thought that some progress was nevertheless being made but the Maternal Grandparents have taken a step back; in the Maternal Grandmother's statement which the Maternal Grandfather agrees with she said she does not accept the Mother has mental health issues [C136/8].

143.In her oral evidence the assessor said that it might be possible to work on the distrust of professionals as they had a good relationship with her but the lack of insight into Mother's mental health problems was not something she felt work could ameliorate. That was amply demonstrated in cross-examination of the Maternal Grandmother when it was put to her that if it was correct that the Mother was discharged from community mental health follow-up because of a lack of engagement (both Mother and Maternal Grandmother dispute this was the reason so it was a hypothetical question) would she still think the Mother posed no risk to the Child and her answer was she would pose no danger.

144.It was further demonstrated by this exchange at the end of cross-examination by the Father when I asked a series of questions:

JQ Did you know court made orders [for contact with Father]

A I didn't know

JQ Did you know Mother refused to comply

A No but I came to know afterwards, when she was arrested

JQ Did you know I warned her she may be sent to prison

A I only found out when she was arrested

I know she didn't comply, this is why C taken out of her care

JQ Now you know that do you still think Mother is the best person to have C in her care

A As a mother she should have C in her care and I trust that she will change

JQ She didn't change even when I warned her she was at risk of being sent to prison

A Unfortunately yes

JQ Do you still think she is safe to care for C

A Yes because the child will change her

145. Not only does that place undue (on the professional evidence) weight on Mother's ability to change but it does not reflect the fact that C was in Mother's care right up to the point that I made the committal order (at which point I directed a section 37 report and then care proceedings were issued).

Focus on Mother's needs and missing C's needs

146. The assessor continued:

[F149]

During every assessment session, they have spoken of their strong commitment to reuniting Mother and C. It seems that they continue to view things through the narrow focus of Mother's perspective, rather than a wider view that incorporates C's experience. I am concerned that a continued focus on Mother's needs means that C's needs are unseen.

...

[F150]

They have both stated that they will remain committed to caring for Mother if they were to care for C long term. Whilst they did accept that their focus would need to change to C and that they would not have the capacity to continue to care for Mother in the same way, their unswerving commitment to Mother is such that I am unsure whether they are capable of the necessary shift in focus.

[F156]

It seems that they have begun to accept that Mother may be presenting mental health difficulties. However, for the most part, they continue to accept Mother's narrative unquestioningly, and do not fully trust that professionals are being honest in identifying and assessing her mental health needs. They are not able to recognise any impact on C at all from these, and as such are not able to protect C from the associated risks.

147. This concern is exemplified by what was said about C's "cleanliness mania" [F144] in relation to which there was inconsistency; sometimes they could recognise it as excessive but at other times justified it and they did not feel able to raise it with the Mother "because of Mother's aggressive behaviours towards them and an unwillingness to listen to them". She felt that the Maternal Grandparents having at one time referred to it as "cleanliness mania" they were minimising it in their statement saying:

[C137]

13. On some occasions C has washed herself a few times a day when she has been sweating or if her clothes get dirty. She always like to be clean and have clean clothes. As far as we are concerned it is good to be clean and cannot see why washing and changing clothes when they are dirty is an issue. The children and adults need to be clean and the environment around them need to be clean and tidy.

148. This evidence is given against the backdrop of having discussed with the special guardianship assessor C wanting to change her clothes up to 5 times a day even if she got a spot of water on one item and including changing her underwear.

149. The assessor also said in oral evidence that “throughout the whole assessment they advocated for C to be returned to Mother, that did not change even in the final session and the sessions when we went through Mother’s behaviour and the impact on C”. She did not feel that work could be undertaken to change the Maternal Grandparents’ view, “they will continue to prioritise their daughter’s needs”. She was challenged on this evidence by reference to the report by the Maternal Grandparents in proceedings in 2020 that the Mother had resumed a relationship with the Father (i.e. not prioritising Mother’s needs) but considered that would not change her overall view and said that she “attempted to do work over 3-4 months when seeing the Maternal Grandparents around once a week and it was unsuccessful” she did not feel they gained insight.

Ability to facilitate contact with Father

150. The assessors considered they had been able to prioritise the maternal half-sibling’s welfare over their own feelings in order to promote contact with her father notwithstanding he appears to have been responsible for very serious injuries to Maternal Uncle in a car crash [F143] but in relation to Father said:

[F159]

There is, understandably, a great deal of animosity towards Father. This is also shared by the other household members...Whilst they have stated that they commit to moving on from this and working hard to make family time work, I am unconvinced that they would be able to facilitate contact between C and her father whilst remaining in a neutral position.

Given that they are unable to accept or understand the risks presented to C by her mother, I am not confident that they would adhere to the Local Authority’s recommendation regarding the location, supervision or frequency of contact, despite their assurances otherwise.

151.The social worker reports Maternal Grandmother last had contact with the Father in 2018 and was initially reluctant to communicate with him about contact but then considered she would communicate via WhatsApp and acknowledged the importance of C being able to experience both her identities and for each family to talk positively of the other [C79-C80].

152.Maternal Grandmother’s attitude to the Father was demonstrated in this this exchange in cross-examination by the Guardian:

Q Do you think C would be safe on her own [with Father]

A No

Q What do you think he’s going to do to harm her

A She is not growing up getting love as he is unable to provide that love for her

To start with one can see that on her clothes that it’s not like that

He is always over her and wants to force his will on her

Paternal Grandmother

153.In relation to the Paternal Grandmother, who would be living with the Father, it was identified that she spoke limited English but reported that she had been taking steps to understand C’s maternal identity and culture (both ethnically and religiously) and she would not be primary carer for C. The social worker thought there would be initial barriers to communication but not for long as C and Paternal Grandmother lived together.

Father’s wife

154.In relation to Father’s wife she is reported to be a teacher, and appears to be empathetic to C, she has a “good command of the English language” and at the end of 4 contact sessions C was “very much at ease” around her and she was meeting C’s immediate care needs [C84]. There is no date for the Father’s wife to move to the UK as it is dependent on a passport being issued to C’s paternal half-sibling which has not yet happened. When she gave oral evidence the social worker said that the work proposed with her was to reinforce her existing skillset.

Range of powers

155.As to the duration of a Supervision Order the social worker’s evidence was that the first set of care proceedings was initiated when the Child was 10 days old and there was a 12 month Supervision Order on conclusion in December 2020 and less than 18 months later the Father started private law proceedings because the Mother was not permitting contact. She said a 12 month order in this case would allow time “for the dust to settle” but would also allow for a testing period of the Child in the Father’s care after the completion of the work required within the first 6 months (Father, Paternal

Grandmother and Father’s wife) and for the Father’s wife and C’s paternal half-sibling to come to the UK and C to adapt to that change. Although she acknowledged a public law order would be intrusive it would be more intrusive with the risk of different professionals being involved if it was necessary to intervene again after a 6 month Supervision Order came to an end and a problem arose.

156.The Guardian’s evidence on the point was:

[E108/54]

My view is that it will need to be 12 months. I have significant concerns about how Mother will manage an outcome that means C will not be returned to her care and in addition, her time with C will be restricted. Mother makes numerous reports and allegations about Father and is unlikely to stop this post final orders being made. I am very concerned about Mother making reports to the police and the impact that this will have on C especially if each time if these have to be investigated by new police officers and or Social Workers. If this were to happen, there is a risk that contact between C and her mother will need to be stopped altogether. I am also concerned about how Father will manage contact and communication with the maternal family. It is likely to take longer than 6 months to embed the new contact arrangement particularly if the reduction plan takes place over 7 weeks and then contact takes place once every 6 months [in fact this should read “weeks”].

Holistic balancing exercise

157.I come now to consider the balancing exercise that is required by *B-S*.

Realistic Option 1: with Father under Supervision Order and Child Arrangements Order

Factors in favour	Factors against
Living with a parent	Reduced time with Mother
Maintain relationship with Father and paternal family/culture/heritage	Previous findings of domestic abuse against Father mitigated by his changed attitude to the same
Contact with Mother and maternal family will be promoted	Ongoing risk of conflict between Mother and Father
Support from Paternal Grandmother	Uncertainty about untested placement with paternal half-sibling and Father’s wife
Local Authority support plan	

158.Although there now is now agreement in relation to the duration of any Supervision Order for completeness the factors in favour/against 12 months are set out below:

Factors in favour of 12 months	Factors against 12 months
Allows time for arrangements for contact after Local Authority supervision comes to an end to be agreed and to bed down	Longer period of Local Authority involvement
Allows time to test the placement after the Father, Paternal Grandmother and Father's wife have engaged in work	
Allows time to test the placement after the Father's wife and the paternal half-sibling arrive in the UK	
Avoids the risk of limited testing during a Supervision Order leading to a breakdown in arrangements and later Local Authority re-intervention with new professionals	

Realistic Option 2: with Mother under Supervision Order and Child Arrangements Order

Factors in favour	Factors against
Living with a parent	Reduced time with Father
Maintain relationship with Mother and maternal family/culture/heritage	
Contact with Father and paternal family will be promoted within the period of the Supervision Order	Mother unlikely to promote contact with paternal family noting non-compliance with court orders even on threat of imprisonment
Local Authority support plan	Concerns about effect of Mother's mental health on Child's physical and emotional wellbeing
	Ongoing risk of conflict between Mother and Father

Realistic Option 3: Care Order with either parent

Factors in favour (in addition to above)	Factors against (in addition to above)
Local Authority oversight	Continue to be a looked after child
Local Authority enabled to manage contact	

Realistic Option 4: Care Order with long term foster care

Factors in favour	Factors against
Safe care	Continue to be a looked after child
Dual heritage can be equally promoted	Risk of future placement breakdowns
Local Authority enabled to manage contact	

Realistic Option 5: Special Guardianship Order to Maternal Grandparents

Factors in favour	Factors against
Care within the family	
Close bond with C	
Support of C's maternal heritage	Limited English speaking
Able to promote contact with Mother	Concerns about ability to safeguard C from Mother through a lack of recognition of her mental health needs
Demonstrable ability to care for maternal half-sibling	Concerns about ability to recognise C's needs because of a focus on Mother's needs
Demonstrable ability to promote contact with maternal half-sibling's father	Concerns about ability to promote contact with Father

Conclusions

Comparison of public law/live with options

159. Given that C can be safely cared for by Father and he has shown a willingness to promote contact with the Mother it is hard to see a Care Order either in the care of the Father or with a plan of long term foster care would meet the test of necessity and proportionality given it would be a significant intrusion in C's life for the rest of her minority. The only element a care order would add would be an ongoing obligation on the Local Authority to ensure that contact happens by way of supervision of the Mother's care.

160. The Maternal Grandparents have not been positively assessed for the reasons set out above and it is difficult to see that as a better option when compared to a placement with the Father.

161. On balance therefore the placement best meeting C's needs whilst ensuring proportionality is a placement with Father. Some public law intervention is required in order to assist with transitioning from Local Authority supervised contact with Mother to some other form of supervision. It has not been possible to achieve this within proceedings given the more recent transition into the Father's full time care following the Issues Resolution Hearing and the Mother's implacable hostility to the Local Authority plan. Once she comes to understand the final order has been made I hope she will engage more positively with the Local Authority to reach an agreement on arrangements for her to spend time with C.

162.A lives with Father order will reflect the reality of the arrangement that best meets C's welfare needs under the above analysis and I consider that order is also in C's welfare interest.

Child Arrangements Order (spend time with)

163.In answer to my direct question about what the default position in any spend time with order should be in the event that a supervisor could not be agreed the social worker said indirect contact could be supervised as an alternative but contact "should not go ahead without supervision". In other words the contact should be supervised (direct and in default indirect) but if a supervisor could not be agreed there should be no contact. That is a very real risk given that when the Mother gave evidence she said she did not "want anyone he is friends with or a paternal family member" to supervise contact and would not in any circumstance agree to mediate to improve communication saying "He is disturbing my daughter and contact will not be the truth".

164.The ISW thought that "if no concerns were raised within the 6 months period of supervised contact with mother then the duration and frequency of contact could be increased" although I note that would have to be dependent on both the extent to which there were no concerns (it is not necessarily a binary determination) and the availability of a supervisor. I do not find it is possible at this stage to identify what a progression of contact might look like, but the terms of any order would allow for such other contact as was agreed and the Local Authority under the Supervision Order would be in a position to advise the parents on this.

165.In terms of communication between parents both as to arrangements for contact after the Local Authority start to take a less hands on role and for communicating matters relevant to C (health, education etc) the ISW agreed a parenting app would assist.

166.The Guardian suggested the level of contact with Mother and extended maternal family and C's maternal half-sister. The Local Authority have agreed those recommendations and they are set out above. The Guardian recommends it is kept under review and increased or decreased as appropriate [E108/15]. She agreed that could be by way of an order for such contact as is recommended by the LA during the course of any Supervision Order.

167.The Mother's suggestion that contact should be every day betrays a lack of insight on her part. It would be enormously destabilising for C to be living with the Father yet seeing the Mother every day, even if that was workable around school attendance. In any event, for all the reasons I have determined that C should live with the Father I consider it would not be in C's welfare interest to have anything close to that level of time with the Mother. The Mother has not yet begun to address the very serious concerns that are set out above in relation to her capacity to care for C. Whilst she

undoubtedly loves C very much (a point emphasised on her behalf by counsel and which I accept) loving C is not enough, she needs to demonstrate an ability to think what is in C's welfare interest.

168. In the circumstances, absent any sensible counterpoint to the Local Authority's proposal supported by the Father and Guardian, I agree the contact reduction proposal and the proposal for 6 weekly contact. I do not consider it is in C's welfare interest to make that as a defined contact order. It gives no flexibility in circumstances where the Mother's response to this judgment has, of course, not been assessed. It may be that it provokes a response that it would be adverse to C to witness and contact arrangements have to be adjusted downwards. I hope that is not the case as C needs to have a relationship with her Mother but if it were necessary to reduce contact and there was an order for defined contact in place a further application to court would be necessary which is not in C's welfare interest.

169. I am mindful that there is an application for an extension to the Non-Molestation Order preventing contact between parents save as ordered by the court. All parties, save for Mother, agree it should be directed to be by a parenting app. I agree. The Mother's response is simply to say she "does not want to communicate with the Father". That of course is her choice, but any contact shall be via an app.

170. As regards contact between C and her elder half-sibling, different considerations apply. There are 2 alternatives, either a recital that the Father agrees to arrange contact with the Maternal Grandparents (who hold the Special Guardianship Order for the older sibling) or an order along the lines of that proposed in respect of Mother's contact (i.e. as recommended by the Local Authority within the period of the Supervision Order). The reason for the Guardian recommending the latter was to ensure that even in the event of a breakdown in the contact between C and the Mother there would remain a link to the maternal family and C's east European heritage, quite apart from it being in C's welfare interest to have contact with her sister. I accept the Guardian's recommendation for those reasons.

Non-Molestation Order

171. The social worker's evidence was that the Non-Molestation Order should be extended to cover not just harassment of the Father but not to approach the Father or the extended paternal family members (save to the extent they were supervising contact of course) although that was not pursued in closing. She also supported an extension not to go to the Father's home or the Child's school (i.e. in the terms given in an undertaking by the Mother on 20 September 2024 [B118]). In closing submissions the Local Authority, Father and Guardian agreed the following wording:

- 1) The respondent Mother must not:
 - a) Harass, pester or molest Father.
 - b) Approach Father or C in a public place (save in relation to agreed contact).
 - c) Use or threaten violence against Father including by way of a third party or third party medium.
 - d) Communicate with the applicant Father save for in accordance with any court order.
 - e) Attend [Father's home].
 - f) Attend any nursery or school that she knows or believes C is attending.
- 2) This order shall be effective against the respondent Mother with immediate effect given she was made aware of the terms of the order at court.
- 3) This order shall last until 6pm on 20 November 2025.

172.I asked the social worker about how the Mother would be able to exercise parental responsibility in relation to schooling and she said that she could arrange telephone and email updates and if possible attending parents evenings virtually, that would be looked at as part of the Child in Need reviews under the Supervision Order.

173.I am entitled to take the finding of breach of the current Non-Molestation Order into account when considering if it should be extended. I note there has been no alleged breach of the undertakings. I am also entitled to take into account the evidence upon which I made the Non-Molestation Order in the first place, recorded in a recital to the order itself:

[B50]

4. AND UPON the mother accepting today at Court that she sent two payments of £50.00 on the 4th and 9th July 2023 in respect of a previous wasted costs order; the first bank transfer reference given by the mother was 'I hope you die' and the second was 'Die please'.

174.She was asked in cross-examination if she agreed that was threatening and she said "No, it is my wish".

175.I find there is evidence of molestation by the Mother (both the admission of sending what I find are threatening messages and breaching the Non-Molestation Order by attempting contact with the Father through a third party). I find the inability to accept the messages might be threatening, even after I made a Non-Molestation against her, coupled with a clear breach of the Non-Molestation Order the impact of which the Mother did not appear to understand to be sufficient to be satisfied that the Father requires the protection of the court. I extend this further to C in light of Mother's lack of

acceptance of the paranoid schizophrenia diagnosis and the inability to accept any ability on the part of the Father to care for C; I note that the social worker describes Mother's behaviour on 23 September 2023 (irrespective of a finding of breach) as having "impacted" C [C147]. These things together present a very real risk that the Mother will seek to act to remedy the injustice, as she will see it, of me making an order for C to remain in Father's care and that will have a negative welfare impact on C.

176.To the extent it is said that the Mother might be unintentionally in breach of the order because the parents live in close proximity, I am satisfied the wording excludes accidental bumping into each other in the street as a breach; what would be required is an "approach".

177.As to the duration whilst only 12 months is sought there might be merit in a longer order, extending beyond the period of the Supervision Order but on the other hand there have been only isolated breaches of the current order so on balance I consider it would be disproportionate to the risk to extend the order beyond 12 months.

Specific Issue Order/Prohibited Steps Order

178.The Mother was asked if she would hand over the Child's passports and ID document if the court made a Specific Issue Order and said she would not and would refuse to do so even if there was a risk of going to prison for breaching the order.

179.The social worker's evidence was the Mother's refusal to hand over travel documents led to a concern the Mother presented a risk of abduction for the Child which justified the making of a Prohibited Steps Order not to remove the Child from the Father's care. The Guardian supported the making of such an order if the Non-Molestation Order was time limited. Her evidence was that she would support the travel documents that are currently valid being handed to the Father if they could be used to enable C to travel out of the jurisdiction.

180.The Mother said there was no evidence of a flight risk but that is simply wrong. On 16 November 2023 in the private law proceedings I made a Port Alert Order and recorded:

4. The judge heard oral evidence on oath from the Father that a mutual friend of the Mother and Father, [named], had informed him last week that the Mother had told him that she planned to leave the country with the Child.
5. The judge heard oral evidence on oath from the allocated social worker, Anita Pye, that during a conversation yesterday with the mother where she had advised her not to attend court

today with the Child, the Mother had told her that the maternal grandmother will take the Child somewhere during the hearing, the Child being [of mixed heritage].

181. Although the second of these recitals is rather clumsily worded by me I viewed the comment about the Maternal Grandmother taking C somewhere as being a threat to remove.

182. I also bear in mind the evidence that Mother is implacably opposed to Father and the idea that C might live with him. All this together is evidence of a flight risk.

183. Accordingly I am satisfied it is in C's welfare interest to make orders reducing the risk. What was proposed by the Local Authority, Father and Guardian (with some amendment during submissions at my suggestion) was:

Proposed Specific Issue Order

- 1) The respondent mother having been directed to and having failed to provide to the Father the UK passport and [east European] identity card issued to C the following consequential orders apply.
- 2) Father has permission, without Mother's consent, to apply to the UK Passport Office to cancel the passport issued to C.
- 3) The [east European] Embassy in London is requested by the Family Court of England and Wales to cancel the personal identification card issued to C an [east European] permanently living in England.
- 4) Father has permission, without Mother's consent, to apply to the relevant [east European] authorities to cancel the personal identification card issued to C.
- 5) Father has permission, without Mother's consent, to apply for a UK Passport to be issued to C.
- 6) Permission to disclose this order to the UK Passport Office and [east European] Embassy.

Proposed Prohibited Steps Order

- 1) The Mother must not apply for any travel document, including UK or [east European] passports, in respect of C without permission of the court or agreement in writing.
- 2) The Mother must not remove C from the care of Father or any person (including nursery or school) to whom Father entrusts the care of C.

184. The Mother expressed concern that there is no evidence of the effect such an order might have on C's citizenship. The easy answer to that is for Mother to hand over the travel documents to Father at court.

185. I consider that all of the proposed orders meet the risk set out above. I consider they do not go beyond that which is necessary and proportionate to protect C. As to duration, since they reflect the fact of a live with order in favour of the Father and are to support that arrangement there is no reason why they should not run concurrently with that order. The Father needs to be in a position to apply for travel documents for C's minority and the Mother must not remove C from his care. There is provision for an agreement on the Mother obtaining travel documents, in the event permission is unreasonably withheld the remedy is an application to court.

Section 91(14) Order

186. When the social worker gave evidence she agreed that it was not the Mother who brought the 2 previous sets of proceedings (the first in time were the Local Authority care proceedings in MK19C00154 leading to the order of 18 December 2020 and the second was the Father in RG22P00139 ultimately leading to these proceedings). It was put to her that at the end of a Supervision Order if there was a section 91(14) order and no agreement for supervision of contact the Mother would have to apply for permission to bring an application for an order. That is right but of course it would depend on the terms of any Child Arrangement spend time with order, if as above then there would be no contact without an application for permission from the Mother.

187. She said she did not have a view about whether there should be service of any permission application on the Father but said she worried that the Mother was not going to be able to understand why she is making any application and there might be an element of the Mother "wanting to disrupt the Child's stability". When I asked her if that tended to suggest there should be a direction for any application to initially be considered without notice she agreed.

188. The Guardian agreed to both the making of and the duration of the order (3 years) and suggested the order should cover any section 8 Children Act 1989 order (i.e. spend time with, Specific Issue/Prohibited Steps Order). She accepted that Mother had not made any applications but was concerned that "there are lots of things Mother is worried about" and "how she might manage those in the future when we're not in care proceedings".

189. A further consideration is that these are the second set of care proceedings and C has been in these proceedings since 25 February 2022 (almost 2 years and 9 months). There needs to be a period of stability for her. In the circumstances it is manifestly in C's welfare interest that there should be an

avoidance of proceedings if at all possible for a period. I have considered how long that should last; it needs to be beyond the period of the Supervision Order and for a significant period to allow arrangements to settle. I have considered if 2 years, rather than the 3 years sought, would meet C's welfare needs but given the length of these proceedings I am persuaded a 3 year period is proportionate. I hope it will serve as some impetus to the Mother to engage with the Local Authority's suggestions in relation to contact between her and C during the period of the Supervision Order so that a workable solution is found before their involvement ends.

What changes are required by Mother

190. In relation to what changes are required, if permission for a future application is considered, the ISW recorded the following:

[E73]

i) Please identify any support that Mother requires to successfully parent C, how this could be provided and any specific support services you would recommend.

Mother would need to engage with mental health services and take her prescribed medication to ensure that she experiences good mental health and is able to make the right decisions for C. There would need to be mediation between Mother and Father to help them to work towards a healthy relationship for C and to promote contact. Mother will need to engage with a family support worker regarding diet and the importance of such.

191. I add to this that the Mother needs to accept her diagnosis of paranoid schizophrenia and her attitude to the Father needs to shift from implacable hostility to a place where she accepts he is able to safely care for C and meet her needs.

Final Observations

192. I express my thanks to the social worker for her extremely thoughtful, well reasoned and objectively fair assessment of the challenges ahead for both parents. I found her evidence very helpful. I am also grateful to the Guardian for her consistent and tenacious input during the entirety of these difficult and lengthy proceedings and also for providing a photo of C within her analysis which I find enormously helpful in grounding my decision on the needs of this child.