

ENGLAND AND WALES / JUDGMENT

Y v X

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WARNING: This judgment was delivered in private. The judge has given leave for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media, must ensure that this condition is strictly complied with. Failure to do so will be a contempt of court Neutral Citation Number: [2026] EWFC 34 (B) WV24P00869 YvX 1. I am concerned with two children: K X (DOB, age 8) and C X (DOB 9). They are represented in these proceedings by their children's guardian, JL, and their Counsel, Miss Edwards. Their mother is Miss Y, represented by Counsel, Miss Gonzalez- Jaspe, and their father is Mr X, represented by Counsel, Miss Wright. The children live with their mother and have done so consistently since July 2024 from which time they have also had no contact with their father. This has been a final hearing to determine child arrangements and principally their contact with their father. Parties Positions

2. The parties' positions are as follows. The mother, Miss Y, (hereafter "M") opposes any contact resuming with the father but would support indirect contact. She relies on the children's strongly held and consistent wishes not to have a relationship with their father. She advances those wishes are reasonable and justified in light of their experiences of him and should be respected. She agrees with the Children's Guardian's recommendation to provide monthly updates to F and agrees that F should write to the children every 3 months. If they do not wish to read his letters at that time, she agrees to provide a box to put indirect contact into. She agrees to print the letters if emailed and to encourage the children to read them. She agrees to set up an email account for that purpose. She additionally pursues an order that the children move schools to one nearer to her home, at AB Primary. She also agrees with the recommendations of the Children's Guardian that a s91(14) order should made.
3. The father, Mr X, (hereafter "F") asserted on Day 1 of this Final Hearing, which took place in September 2025, that, given the wishes not to see him and that there are no resources available that can in a timely manner produce or encourage a stepped increase in contact, neither party being able to fund counselling and there being no offer from the Local Authority or Cafcass to facilitate introductions, the children should be ordered by way of no nonsense approach to live with him and they have contact with the mother. He asserted only limited weight can be placed on their 1 | P a g e wishes in light of their ages and asserted a real risk of the mother's behaviours that have benefited her aim of alienating the children from him never resolving. His position has somewhat altered in the 4 months hiatus

between that date and this hearing in February 2026. Though he believes that the Children's Guardian has demonstrated a lack of consistency and proactiveness in facilitating indirect contact which has made it difficult for him to re-establish a relationship, he now requests a progressive plan of introducing direct contact by using indirect as a springboard alongside a direction under Section 11A Children Act 1989 for counselling to be undertaken by the children and facilitated by M. He opposes a change of school and any Section 91(14) order.

4. The Children's Guardian's (hereafter "CG") position is, no matter the genesis of their presentation now and their view toward their father, that essentially pushing the children to have direct contact could cause more damage to them emotionally. Work can still be undertaken by the children, but it does not have to take place within the course of these proceedings. Counselling with the children is ultimately going to be one of the better ways to try and move this matter forward. She argues that the children need an end to these proceedings and only an order for indirect contact is in their best interests at the present time. CG therefore recommends that M should provide monthly updates to F and he should write to the children on a three-monthly basis.

Background

5. The parties married in India in 2012 and they then separately came to the UK. In March 2017, M alleged that F had slapped her cheek and had thrown C, then only a few months old, onto a sofa. A child protection conference and plan were initiated on 23rd March 2017. The local authority involvement was reduced to a child in need plan shortly after a period of intervention. However, there was in December 2017 a further alleged assault by F towards M and C. The parties separated in May 2021. M then spent a period of time in a refuge with the children.
6. On 27th October 2021 F reportedly tried to snatch the children from M while at a Diwali event held at the children's school. It appears that triggered previous Children Act proceedings within which there was a Section 7 report recommending that no fact find hearing was required as allegations of domestic abuse were deemed to be historical and previously withdrawn by M to the police. On 7th November 2022 a final order was made by consent that the children would live with their mother and there would be stepped contact with their father initially using a supervised contact centre and progressing to overnight stays on alternate weekends on an unsupervised basis. 2 | Page
7. Shortly after this order, M communicated her intention to relocate to London with her new partner whom she has since married. There then followed further court proceedings and another consent order dated 30th June 2023 providing then that the children would live with their father and there would be contact with their mother on alternate weekends Saturday through to Sunday.

8. The trigger for these third set of proceedings, issued on 7th August 2024 and so within 3 years of the first, is that in July 2024 C (then age 7 years) and K alleged to school an incident had taken place whereby F had assaulted C physically. This followed on 3rd and 4th April 2024 the children's school contacting M concerned about the children's presentations as C was begging the school to call M as he wanted to live with her. As a result, a multi-agency referral process on 18th July 2024 led to the children going to live with their mother. There has been no contact with their father since this date.
9. M applied on 7th August 2024 to vary the existing 2022 child arrangements order and for there to be a prohibited steps order preventing the children's removal from her care by F. On 17th October 2024 F brought a cross application to enforce the 2022 consent order. Given the safeguarding concerns and their previous involvement, WMBC social care were directed to file and serve a Section 7 report. That report dated 20th January 2025 recommended the allocation of a children's guardian pursuant to r16.4 FPR and that Cafcass fund an ICFA intervention. It was further recommended that the parents undertake "a course on parental alienation".
10. The first time the matter appeared before me, having been transferred from the magistrates following the appointment of a guardian, was on 2nd July 2025 when the proceedings were almost already a year old. I directed witness statements and responses, police disclosure and a guardian's analysis. That analysis dated 22 nd August 2025 recommended a plan of support for the children to allow time to process their experiences. The children had been reportedly consistently and clear in their narratives and belief regarding the risks their father posed to them and she was of the view that spend time arrangements was not something the children were emotionally prepared for at the present time. She did not agree with the local authority that ICFA was appropriate in light of the extensive allegations the children made and the time limited nature of that intervention. She also identified that this is the third set of proceedings for the children during which they have experienced significant changes to their routine and living arrangements.
11. By the time of the next hearing before me on 2nd September 2025, the parties had not complied with my order to file statements of evidence upon which they would seek to rely including regarding what was proposed by way of support. This was asserted as being due to the delay in receipt of police disclosure despite my having made it clear at the previous hearing that the narratives were not conditional on receipt of that disclosure. CG's view was that the children's wishes and feelings were based on their truth. Having considered PD12J, I determined a fact find hearing was not necessary 3 | P a g e or proportionate and I provided extensions for evidence. There then followed further failure to comply by the parties and further extensions therefore had to be given. Prior to starting the Final Hearing in October 2025 there were also issues regarding the contents and late filing of the hearing bundle and statements not having been taken by solicitors in accordance with PD22 FPR. The epilogue to the Judgment will address the arising costs issues.

12. On day one of this final hearing on 22nd October 2025, the Section 7 reporting social worker from W MBC had been asked to attend by F as his case was that there was a divergence as to professional opinion between and CG as to whether ICFA would provide a reasonable way forward. However, the parties had failed to provide the social worker with any updates since her last involvement after filing her Section 7 report 9 months previously either in the run up to trial or on the morning of the hearing. Time was allowed for that. Only the social worker therefore gave evidence on that day. A transcript of evidence was directed and the matter adjourned to conclude on a later date. On 10th December 2025 M filed a C2 application for specific issue order, proposing a change of schools for the children. On day two of the final hearing on 17th December 2025, regrettably the court had failed to arrange interpreters for the parties. A day of negotiations to narrow the issues took place but fruitlessly. The matter was therefore adjourned to day 3 of this Final Hearing.
13. An order was made following that day two hearing for interim child arrangements for limited indirect contact. The order provided for F to send to the children a letter on a fortnightly basis. The letter was to be written in English and sent to CG in the first instance and shared by CG at school on a date and time to be confirmed prior to the next hearing. The school were not to inform the children or M when CG was to visit. The order provided for F to include photographs and a small gift. M was to also provide monthly updates regarding the children to F via her solicitors. Law
14. Were I to consider making any findings of fact in this case, I bear in mind that the person who asserts must prove on the balance of probabilities. Speculation cannot be a basis for such findings and I must consider the evidence as a whole.
15. In this case very serious allegations are made by the children against their father. There is no independent evidence of any injury nor has M herself witnessed any physical abuse of the children by their father. I note that regarding the truth of these matters that M has accepted in the past that the children have previously lied regarding alleged assaults by their father (G80). Equally I am concerned that C has told police that he is aware his mother wants his father to go to prison (G129). Given this apparent loyalty to his mother as viewed by the professionals as I will come onto, those factors cast a real possibility that the children say events have taken place that 4 | P a g e are fabricated or exaggerated in order to enable them to move to or remain with their mother.
16. Any allegations M makes in relation to domestic abuse all predate 2021 and therefore so historical as to not warrant investigation. If proven they would not form a basis for contact decisions in those circumstances.

17. I will therefore not make any findings of fact in relation to the truth or otherwise of events that are alleged to have occurred but note that allegations have been made by M and the children. My harm and risk analysis will be undertaken within this judgement on the basis that those allegations are not proven and did not take place, but I am however satisfied as to the accuracy of the fact that reports were made when I consider welfare analysis in line with the Welfare Checklist.
18. Regarding contact in intractable contact disputes as in this case, I remind myself of *Re H-W (a child)* [2017] EWCA Civ 154 . The Court of Appeal made it clear that the court does not have to pursue all and every avenue to facilitate direct contact. In line with a raft of other case law, *Re H- W* seeks to remind the courts that children's welfare is the paramount consideration and protracted court proceedings can often stand against their best interests. Evidence Social Worker
19. Ms SW undertook five visits to the children for the purposes of her Section 7 report from November 2024 to January 2025. She told me that she spoke with C and K separately and together, at home and at school, so that their voices could be heard without any influence from the other sibling.
20. Through direct work she felt that both children saw M as wholly positive and F as wholly negative. She viewed that C is certainly anxious when he knows M is coming to court, and the only way realistically to know that was from M herself. C's understanding was that M had lost the first set of proceedings and he knows that outcome has made M sad. The potential that that has had an impact on him formulating his views about F cannot be ruled out. She therefore felt that there was a concern about potential unintentional alienating behaviour, and that the longer this relationship is not re-established, potentially the more entrenched the children's positions are going to become.
21. She clarified that ICFA is no longer her recommendation. She had proposed this on the basis of the children requiring work to be undertaken to commence re-building the relationship. Other interventions including counselling and targeted work such as strengthening families could assist them in coming around to the idea of having 5 | P a g e contact with their father. She believed that that piece of work does still need to be done.
22. Regarding the father's position, she was very clear: the children have moved to and fro from M to F over a number of years. They are now back with M, settled with M, and they are progressing well in school and are achieving academically. M is very capable of meeting their basic needs. The children are happy with M; they are saying that's where they want to be. She saw no value or benefit in returning the children to F's care and equally that were the children to move towards direct contact without any work being undertaken, that would not be in the children's best interests. However, she viewed that if indirect contact was commenced, then that would help to break down some barriers. She would hope that all avenues are explored before effectively confirming that that relationship is severed.

23. Regarding M's Specific Issue application regarding school, if the Court considered the children should continue to live with M, then she would support such a move. She understood the children to be travelling by public transport for an hour or thereabouts each way, which adds a considerable period of time onto the school day. Children's Guardian
24. Indirect contact has been tried in the 2-month gap between days two and three of the Final Hearing. The children have not responded positively to the indirect contact, which has been shared by CG with them at school on two occasions, in December and in late January 2026. As a result, this has cemented the view of CG that such frequency of even indirect contact is not in the children's best interests until they have had the opportunity for therapeutic interventions. Welfare analysis
25. In all applications of this nature, I consider and apply the criteria set out at Section 1 Children Act 1989: the children's welfare is paramount and in making best interests' decisions I take account of the "welfare checklist" at Section 1(3).
26. Wishes and feelings. The latest overview of the children's wishes comes from CG's most recent visit to them in school on 26th January 2026 when the second indirect contact was to be shared. Both children refused to accept the gifts sent to them and needed encouragement to even look at them. They charitably offered that as they did not want the gifts then CG could give them to other children. C and K read the letter from F and immediately raised issues with the content. F had mentioned in his letter and sent a photo of a family friend who had previously called C a "fatty" and K said that she was not nice to them. C told CG that his heart was racing and that the letters make them worried. K said that the letters make him annoyed and he "wants it all to 6 | P a g e finish" (referring to the court proceedings and attempts at contact). She observed that C and K presented differently when they were not speaking about their father, clarifying in oral evidence that they were both animated generally but became tense when the topic of F discussed. They did not want to respond to the letter. Both C and K stated that they do not want to communicate with their father, hear his name nor see him.
27. This followed CG sharing F's first letter with the children on 9th December 2025. C said that it made him feel worse and he did "not want to see him in his sight". He does not want to receive letters from his father. He loves his mother and wants "a peaceful life". K said that he definitely never wants to see his father and he felt this more than the last time he had seen his children's guardian.
28. The children are clear in their narratives and beliefs to both the social worker and children's guardian as to the reason for their extreme resistance to indirect contact. The children's position is based on their truths. I have considered the school CPOM reports as corroboration. For example, on 4th September 2024 K says that he has a headache and has not slept and is worried his dad will kill them all. C on the same date says that he really didn't want his daddy to pick him up from school. I note that this is first the day returning to school after the school holidays and that M accepts that during the school holidays (and as

previously recorded in CPOMs on 20 th March 2024 and 10th April 2024) that the children had been asking to revert to living with her as they had previously. They are reportedly terrified of seeing F and the school therefore asked F not to attend due to their presentations. On 15 th October 2024 C told school that he is again worried his dad is going to come to school having seen him the previous week.

29. I remind myself that within the previous 2022 proceedings K was noted to report that his father was always angry, and that he used to shout all the time and made him feel scared. C reports that F had an angry and grumpy face, and that he shouted all the time at his mom. He has gone on to say that he saw F hit M on her nose and it was bleeding. He describes F as a bad person, and that he was scared that his father would hurt them or his mother again.
30. F concedes that the children's view of him has remained unchanged since 2024, concerning given the length of these proceedings. As time has gone by however, their anxieties have been raised. F argues that severe delay in contact has had a bearing on the children's views and feelings towards him. I accept that there is a real risk that, notwithstanding the consistency in their allegations and wishes and fears, that their allegations of more recent direct physical abuse by F towards them personally as alleged in July 2024 is inaccurate and an attempt to secure their desire to live with their mother. I am satisfied however that their refusal to see F is reasonable in the context of their histories. Both parents accept that there has been shouting and hostility and arguments to which they have exposed their children such that they are 7 | P a g e victims of domestic abuse in their own right pursuant to the Domestic Abuse Act
2021. Miss SW, Social Worker, and CG have both had access to recordings of the parents arguing loudly. The children seem to have aligned themselves with the position of M as victim. However, neither C nor K at their age understand the concept of time to adulthood to not have a relationship with the father. I cannot base a best interests decision solely on these wishes, however ardently expressed.
31. Regarding a change of school, on 26th January 2026 C said to CG that he likes school but gets worried that he might see his father. CG clarified that the risk he may do so is significant as one can see F's road clearly when standing by the school gate and when the children walk to and from school. Though they have not in fact seen F loitering outside his home or school, their anxiety that they may do so remains, though this is more a concern for C rather than K.
32. Needs of the children: Within her position statements and analysis, CG describes K and C as lovely boys who have sang to her and have played Dobble and football with her. The social worker in her oral evidence I note told me that they have impeccable manners; they are beautiful young boys. C is the older child, and therefore, he is described by the Social Worker as the leader of the two children, though CG did not share this view, being of the opinion that the children could both confidently express their views independently of one another whether seen together or apart.

33. Ability to meet needs: There is no issue regarding their basic care needs being met by either parent. Rather the focus is on the parent's ability to meet their emotional needs. For M, that is the ability to promote contact with F. I do note that within previous proceedings Cafcass were concerned regarding M's hostility towards F which was viewed to have filtered down to the children so as to possibly influence their wishes and feelings. CG's assessment within these proceedings of that issue however is different.
34. Rather, CG has real concerns as to F's insight into his children's emotional needs in light of the position he adopted in these proceedings until recently to suggest the children move again to live with him. I agree that is wholly unrealistic and not child centred. In her oral evidence she queried whether his change in position now to a stepped approach introduced through indirect contact was genuine or reflected a genuine insight into his children needs. In closing submissions, Counsel for the children reminded me that through the near 2 years of proceedings he has never assured the children that he consents to them living with M, clearly an overdue step, alongside a heartfelt apology acknowledging the children's feelings, which may have helped to build bridges.
35. Harm and risk of harm: I consider the case authorities on how to address the Order: . I have to consider the type of harm that is including Re F (A Child: Placement assessment Proportionality)
- [2018] EWCA Civ 2761 of risk, 8 | Page alleged, the likelihood of that harm arising, the consequences for the children if they present and whether there are any mitigating steps more proportionate to those risks short of abandoning hope of positive contact. F also has on his side a presumption of involvement in the children's lives pursuant to Section 1(2A) Children Act 1989.
36. M has made allegations of domestic abuse during the relationship. I note that the Section 7 report within the previous proceedings from 2021 – 2022 shortly after separation concluded that there were no safeguarding's concerns to bar contact of any form. No allegations of domestic abuse from F towards M post-date this conclusion and therefore I do not need to determine or any alleged abuse towards M directly by F.
37. Regarding the allegations the children make regarding being subject to physical abuse by their father and of being fearful of him, M has no direct knowledge of the matters alleged. I summarise a chronology noted contemporaneously within the CPOMs and police disclosure as what the children say:
- On 28th May 2021 (F7) C says to school that the police came to my house: "my daddy is not kind to my mommy, he is a bad man because he shouts at my mommy";
 - On 27th March 2023 (G80) C informs school that his dad had slapped him across the face, although M reports that she does not believe him;

- c. On 20th March 2024 and 10th April 2024 (F5) C says he wants to live with his mother, that his dad shouts and is angry and does not let him or K speak to M;
 - d. On 15th April 2024 (F5) C informs school that the day before when M phone called K that F snatched the phone from him and he said “rude things” to her; “Why? She hasn't done anything wrong. She always speaks politely. Dad was shouting you don't want the kids...he told me I can't speak to her”.
 - e. On 18th July 2024 (F2) C tells school that he was getting ready for school: “I accidentally pulled the drawer and it broke but my dad hit me; he slapped me across my face, picked me up and threw me on the bed. He has hit me on the face many times before. One time he picked up my brother K and threw him on the bed. He began to cry”. The CPOM log then records that C became emotional fighting hard not to cry. He reportedly begged his teacher not to talk to his dad because “I'm frightened he will do something to me”. K's own account of the incident on 18th July 2024 is that his brother C opened the drawer: “he didn't do it hard but my dad hit him on the face...” M and the boys subsequently attended the police station to report the matter. On 19th July 2024 (G92) a consistent account is given. That same account is provided within the police visit to the children on 29th July 2024 (G129). C details that K was slapped previously as he wouldn't swallow tablets. In response F tells police that C fell off the wardrobe (G96) and he said to C that he would tell school he had been naughty. C later accepts that as true to that extent only. 9 | Page f. In September and October 2024, the school report within their CPOM records (F2) that C is scared his dad will collect him from school and is fearful he will kill him.
38. I do not make any findings that these incidents are true but I am satisfied that the reports accurately record and reflect the children's opposition and their own reasons for not seeing their father. There being no findings of physical harm, either by domestic abuse towards M or physical abuse of chastisement of the children, in that case, I do not go onto consider in what setting F would have a realistic opportunity of harming the children, the likelihood of those circumstances arising, and whether the likelihood or consequences of harm could be reduced by protective measures. Rather, to reliably know where the children's welfare interests lie, I must consider the emotional harm to which they are exposed and are at risk of being exposed to by virtue of having any contact with F.
39. I have to conduct a balance of harm however between the short-term emotional harm of enforcing contact on resistant children with the longer-term harm in not seeing their father. They have not had contact with F now for around 20 months. To keep that as the status quo for months or even years into the future means the loss of a paternal link and a negative impact on their identity and overall self-worth. Miss SW, the social worker, in evidence was firm in her view of this significant impact on the children in their later years. She also however shared CG's view, that if the court ordered any direct contact this would have a significant emotional impact on the children.

40. There are live concerns as to whether one can promote the other parent to the children in a positive way. I have throughout my involvement in these proceedings impressed on all parties, but in particular M, the crucial need to identify work and support for herself as the primary carer to be better able to meet the children's emotional needs and for the children to enable them to form a more balanced view of their father. At this Final Hearing and only in final submissions was work potentially identified that the parents are going to do to change their behaviour (Planning Together), and to support the children by either accessing counselling via a GP referral or privately funded Relate therapy to which both parents should contribute. Sadly, neither parent professes to be in a financial position to facilitate that in the immediate future.
41. Change in circumstances: it is important I reflect on the children's journeys through the prism of their continuing experience of parental conflict. The following chronology is stark.
- a. In May 2021 the children, then ages 4 and 3, experienced the separation of their parents and the loss of their family home. They lived in a refuge for a period. It is understandable if that experience triggered resentment of their father. 10 | Page
 - b. At a Diwali event in October 2021 there was a confrontation to which the children were exposed where it is alleged that F attempted to snatch the children which surely would have been re-traumatising for them. They did have contact with F after separation supervised by a neutral third party on several occasions but this was inconsistent and no doubt further confusing and destabilising for them. d.
 - c. There then followed court proceedings for one year which ended with a consent order in 2022. It was agreed that the children would live with their mother having therefore permanency with the parent they saw as the most nurturing and it is accepted had seen hurt and upset. However, that final order was made increasing contact with their father very quickly, unsupervised contact commencing after just four weeks and overnight stays after just 8 weeks. In 2022 the children moved school to PS. At that stage M was supportive of a shared care arrangement with F once the children felt safe and comfortable with him. However, and without time to adapt to the new arrangements, the children's lives were turned upside down when only six months after that final order they went to live with their father full time from 30th June 2023. That year they also moved school again to their current school at RS. In their father's primary care, the children say that they experienced hostility and shouting from him and they perceived their contact being restricted with their mother. I have already recorded the school records demonstrate their great unease and unhappiness with their situation in early to mid 2024. e.
 - f. These latest proceedings were issued in July 2024 after the children expressing being terrified that their father would collect them after the new school term had commenced in September 2024.

42. What is clear from that chronology is that proceedings must end at this Final Hearing and must not recommence unless and until there has been a notable change in circumstances so as to require this welfare analysis to be revisited. Furthermore, given the several changes and challenges they have faced in their young lives to date, as much as possible I must make an Order than minimises disruption of their normality that has been in place for the last 15 months and anticipates no further change in the short to mid term.
43. Range of orders. The local authority had invited me to adjourn the Final Hearing in order to allow the process of ICFA to take place. They are opposed to a Family Assistance Order being made given they had not been involved with the family for some time, now for over a year. I accept that position and that if I do make a family assistance order or indeed contact monitoring order it would be to Cafcass and in particular this CG who would be the professional tasked with advising and assisting the children. 11 | Page
44. However, CG does not support direct contact. On my invitation she has attempted to share indirect contact with the children but has found herself facing resistance and suggests any proactive attempts at facilitating even indirect contact more than 4 times a year prohibitive to promoting a positive relationship with F. How will the matter progress to the children having a safe relationship with their father and a more appreciative image of him without any constructive attempts at contact? That is the key issue for me. Although there are a range of orders I can make, my balancing exercise is that to force the children to have a relationship with the father they fear is more harmful than continuing efforts at contact at the present time. It is not something I am willing to compel unless and until F can truly reflect upon what the children are saying and how ardently they have expressed a wish to live with their mother and the children have had emotional space and permission to simply be children away from such pressures.
45. Delay: The children have both, and for as long as these 18 month proceedings have been before the court, refused requests to spend time with their father by Cafcass and by the local authority, giving consistent reasons not to do so to these professionals and at times to the school and the police. To all they are clear that they do not want to do so. These proceedings and the continued focus on spending time with their father has not permitted their anxieties to abate. The delay to resolving these proceedings is having a detrimental impact on their emotional well-being.

Conclusion

Child Arrangements

46. These children need stability and an opportunity to process their experiences as I have outlined. The children are very clear that they do not want to see their father. They are not receptive to even indirect contact. F's position as at the start of this Final Hearing which commenced in September 2025, requesting an immediate transfer of residence, demonstrated that he sought to put his own needs before those of the children. He had then

failed to be able to show me he can not only recognise but meet their emotional needs and failed to understand either the impact of his behaviour on them were what the children said to be true or to take seriously their anxieties such that I could be confident he would be sufficiently nurturing to reassure them. His position has indeed since shifted. The position of M supported by CG and now latterly by F that the children live with her promotes that stability.

47. CG and Social Worker are of the view that if the Court ordered any form of direct contact this would have a significant emotional impact upon them. I agree. Though F asks me within this Final Order to make directions for some form of regular contact to enable the doors to be kept open to having a relationship with his children and leading to direct contact taking place, that is at odds with the professional position which stood up to scrutiny under cross examination that the children, put simply, need a 12 | P a g e break and emotional support before there can be any progress as to contact; without supportive intervention for the children contact would be likely to fail. I agree with CG that if F respects their wishes and feelings the children will feel heard and this may bode well for a relationship with their father in the future.
48. However, there remains a likelihood of emotional harm if even indirect contact is forced upon such clearly resistant children. The evidence in support of that risk has remained static and the case has not moved on in the last 18 months. I note that CG makes her recommendations on the basis that contact always has to be for the benefit of the child and it is her view that the indirect contact attempted on two occasions in December 2025 and January 2026 is having a detrimental effect upon the children. Further, CG is of the view that if the children are made to read the letters from their father this will further impact upon their relationship with him.
49. F suggests that it would be inappropriate to leave M with control over letterbox contact. However, the Local Authority nor Cafcass has any resources that there could be so that the children are able to access the indirect contact away from her. Following her direct work with the children, CG does not recommend that any further letters are shared with the children at school as there is a real risk that this will impact upon their positive view of school. The original contact order dated 7th November 2022 set out a stepped contact arrangement from supervised to unsupervised and overnight contact starting with school being used as a venue. F now again suggests school be used as a conduit for indirect contact and counselling with a move to school supporting direct contact. Though that may mitigate any physical risk of harm were it to exist, I am concerned that given how confident the children are in expressing their wishes and feelings and fears to their teachers they clearly view school as a safe place. Having school either encourage indirect or direct contact with the father they so vehemently refuse to see risks in my view undermining that security and trust they have at school. Therefore, school is not an appropriate venue for direct contact or facilitator of indirect contact.

50. I note with some sympathy that F argues a frequency of 4 times a year for indirect contact is insufficient to reestablish the children's relationship with him. I have considered carefully the frequency of that contact. Though every 3 months or 4 times a year is minimal, I accept that the children are currently so opposed that maintaining fortnightly attempts at encouraging engagement without first promoting their emotional welfare through counselling and therapeutic support will be not only fruitless but risks undermining F's very aim of restoring his relationship with them. I fear any greater frequency at the present time will lead them to resent him even further.
51. Regarding Child Arrangements I therefore make the following Orders:
- The children shall live with M 13 | P a g e
 - F shall send letters to the children 4 times per year
 - M shall send monthly updates to F including photos
 - M shall set up a PO Box jointly funded with F and an email address specifically for the purpose of exchanging indirect contact. Handwritten exchanges between F and the children is preferable as more personal
 - Section 11A conditions: (i) the parents shall complete the Planning Together Course. (ii) M shall investigate counselling via her GP by 6th March (iii) M shall make a referral for Relate therapy by 3rd July if no progress has been made by that date via the GP referral Specific Issue Order
52. M further advances that I should approve her request for a change of school. I share the concern of F that a change of school without confirmation as to the pastoral care arrangements at that school in circumstances where the children have clear emotional challenges may not be in their best interests. I am concerned that the children's views on this issue apparently and understandably fluctuate. I am aware that the children have told CG that they want to move to a school closer to their mother's home, although they have equally expressed that they will miss their current school.
53. I have explored the myriad of changes they have experienced earlier on in this Judgment. The children report their concerns to school, which clearly indicates to me that they feel safe in that space and supported. In reality, there is no considerable distance between the mother's home and the children's school. I was informed that, despite the Social Worker's understanding, the school is only 20 minutes from M's home. The main reason that the children have expressed that they do not like their school is that it close to their father's property. There has been no incident of concern in last 2 years. A further change of school is inevitable for both children in short order, in 18 months for C and 3 years for K to secondary school. To aid stability and with the confidence I have in children's happiness and achievements at their current school, I determine their best interests are best served by their remaining in their current school at X Primary. The application for a Specific Issue Order on this point is dismissed. Section 91(14)

54. CG informs me that the children are fatigued by these proceedings. The pressure of proceedings and professional involvement is having a detrimental effect upon them and their presentations. CG is of the view that a section 91(14) order should be made for a period of 4 years, by which time both children will be at secondary school.
55. The Children Act 1989 section 91(14) provides: 14 | Page “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.”
56. The Children Act 1989 section 91A provides: “(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.”
57. Regarding duration and reasons, in the matter of S (Children) [2006] EWCA Civ 1190, the Court of Appeal held at paragraph 90: “... As we have already made clear, cases in which the court reaches the end of the road do exist, and there are cases in which it is essential for the welfare of the children and the physical health and sanity of the resident parent that an indefinite halt is called to litigation. But if the court has indeed reached that stage, it needs to spell out its reasons clearly, so that the parents – and in particularly the parent who is the subject of the s 91(14) order knows precisely where he or she stands, and precisely what issues he or she had to address if an application for permission to apply is going to be possible.”
58. I am concerned that without counselling the children will make no progress away from these proceedings. Furthermore, M having failed to source or locate any such support to date while under the spotlight of the Court and legally represented and advised throughout is of concern to me. Though I make Section 11A conditions to ensure emotional support is now prioritised, a 4 year hiatus where F’s involvement in the lives of the children is curtailed in the manner this child arrangements order prescribes alongside such a long barring type order is not only unnecessary and disproportionate, but risks negatively stagnating the children’s positions. This is not a case where F has himself engaged in “lawfare” (though his solicitors may well have done, as I explain in the Costs Judgment annexed hereto), but to mitigate the risks of further emotional harm caused by premature new proceedings I make an Order for 2 years against both parties as proportionate. Within that period, I expect counselling or therapy to have commenced and progressed with the children such that it may by then be appropriate to revisit the question of re-introductions to F.

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59. In order to best facilitate that emotional support for the children on a correctly informed and balanced basis, I also give permission to disclose this Judgment and Final Order to the children and parties GPs, the school, and any therapeutic or counselling provider. 15 | P a g e
60. This is my Judgment. District Judge Cockayne 13th February 2026 16 | P a g e
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Prepared on 27 October 2026 · Esheria