**ANALYSIS OF FEATURES OF 29 CASES OCT 20- OCT 2021**

Either including search term ‘parental alienation’ or ‘alienation’

**Key**

* M= Mother
* F= Father
* PA= parental alienation
* DA= domestic abuse
* Refs to F and M below indicate which parent was asserted to be the victim of PA/DA - as appropriate
* Numbers in brackets identify which case in the table below is referred to e.g. (5) refers to the case at table entry 5

**Summary**

* 21 x High Court or high court judge level (incl 4 DHCJ) + 1 s9
* Of which 5 were appeals to Fam Div from a CJ /.Recorder
* And 2 CoA appeals from CJs (care) (7 appeals in total)
* 4 x Fam Ct / Fam Ct Js (1 was sitting as s9)
* 4 x HHJ Vincent (the other Fam Ct one was prompted by LR legal blogging attendance)
* Several cases involved multiple judgments (Whybrow, Keehan and Vincent) either published separately or together
* High proportion of international abduction / retention cases involving leading counsel.

**Alleged alienated parent**

* Was the Mother in 5 cases (29, 27, 19, 18, 8)
* Was the Father in 21 cases (28, 26, 25, 23, 22, 20, 16, 15, 14, 13, 12, 11, 10, 9, 7, 6, 5, 4, 3, 2, 1)

**Clear express findings of alienation x 3 (all F as alienated parent)**

* (5) (but for expert to ‘diagnose’), F
* (6) F
* (10) F

**Implicit findings of alienation x 4 (all F as alienated parent)**

* (2) F
* (3) F (but child not actually rejecting father – more like a case of predicted rejection as a result of failure to consistently support contact
* (14) (implacable hostility) F
* (26) F

**Total findings of alienation= 7 (all F as alienated parent)**

**Court concludes this is NOT alienation in 6 cases (4 in which the F was alleged to be alienated parent, 2 in which the M was allege to be the alienated parent)**

* (4) F
* (11) (but M criticised) F
* (19) M
* (22) (not alienation – but later description might be considered by some to be potential alienating behaviours) F
* (23) implicitly not as Ms case entirely justified. F
* (29) child’s objections borne of experience. M

**Alienation not a helpful label**

* (28) (deaf parent) (F rejected parent)

**Allegs of DA were rejected by the court in 4 cases**

* (2) (M)
* (5) (M DNA),
* (6) (but query if litigated in fam ct) (M)
* (11) (M/children)

**Unclear / marginal relevance / court declined to deal/ make findings re PA in 10 cases**

* (1)
* (4)
* (8) (too late to deal)
* (15) (F alleges in passing – no findings either way - lips)
* (17) (relevance of PA unclear)
* (18)
* (20) – appeal allowed. Outcome of rehearing not known.
* (21) – care proceedings passing ref only
* (24) (used in context of conduct of foster carers alienating children from biol family)
* (25) – appeal. Findings of s.a. which F said were made due to PA overturned. Rehearing. Outcome unknown.

**PA allegations occur in conjunction with DA allegations in 11 cases**

* (2)
* (3)
* (5)
* (7)
* (11)
* (12)
* (13)
* (14)
* (15)
* (16)
* (23) (F convicted of att murder of M alleged alienation)

**Findings of DA made in 6 cases (all abuse by a F to a M)**

* (3)
* (7) (but overturned on appeal – to be reheard)
* (9)
* (12)
* (13)
* (23)

**Refusal of alienator to accept / respond to conclusion / allegation of PA by alienating parent in 2 cases, both mothers**

* (6)
* (14) (refusal to comply w/ orders)

**Refusal to accept findings of DA by perpetrator in 4 cases, all fathers**

* (7) (but overturned on appeal)
* (9)
* (12)
* (13)

**Refusal to accept non-findings DA by complainant in 3 cases (F alleged perpetrator in all 3)**

(2, 5, 14)

**No fact find / factual allegations not determined in 5 cases**

* (5) (FF refused but later directed and complainant M DNA)
* (8)
* (9) (F sought FF on PA under PD12J after findings of DA against him),
* (15) (cross allegations)
* (16), (allegations of abuse / PA)

**Transfer residence in 6 cases (6 to a F), 3 involved parents in different jurisdictions**

* (2) (M to F) international transfer
* (3) (M to F)
* (6) (M to F)
* (10) (agreed transfer from F to M following conclusions of alienation),
* (26) (court upheld interim transfer of residence order to F made by court abroad, that had concluded alienation) international transfer
* (29) – in effect a transfer, as F had retained children in accordance with their wishes / experiences. Court refused to order return. International transfer.

And

* (16) (not a transfer of residence, but order for 2 week holiday, set aside as procedurally irregular) (M to F)

**Bridging placement used in one case**

(27) (with a view to move to M from F’s care) but overturned on appeal.

**Insistent pursuit of PA by alleged alienated parent, to detriment of own case occurred in 4 cases (all by Fs)**

* (9) (best point lost)
* (11)
* (12) (no contact)
* (13) (continued abuse through litigation by the F)

**Disengaged / Absent alleged victim of DA / alleged alienator in 2 cases (both mothers)**

(3, 5)

**TABULATED HITS, SUMMARY OF RELEVANT INFO AND PASSAGES**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Case Citation** | **URL** | **Judge and Court level** | **Description****(NB PARAGRAPH NUMBERS MAY BE INCORRECT. Italics denotes quoted extracts. Quotes are selected but may be incomplete.)** |
| **HITS FOR ‘PARENTAL ALIENATION’** |
|  | VR v YD & Anor [2021] EWHC 2642 (Fam) (29 September 2021) | [www.bailii.org/ew/cases/EWHC/Fam/2021/2642.html](http://www.bailii.org/ew/cases/EWHC/Fam/2021/2642.html)  | Roberts J (Fam Div) | 2 hits. PA mentioned as a contention by the F, but not determined in this judgment which was about disclosure of confidential asylum papers. |
|  | L (A Child), Re (Wrongful Removal: Alleged Sexual Abuse) [2021] EWHC 2687 (Fam) (14 September 2021) | [www.bailii.org/ew/cases/EWHC/Fam/2021/2687.html](http://www.bailii.org/ew/cases/EWHC/Fam/2021/2687.html)  | Harrison QC (DHCJ) (Fam Div) | 1 hit.Abduction by M to England following Hungarian court making findings about M’s behaviour amounting to alienation, as a result of her paranoid personality disorder. M attempts to rerun allegations here failed. Child’s objections raised.Court implicitly treated Hungarian findings as alienation but not stated expressly :*“**A transfer of residence in a case where a child has been subject to parental alienation will often cause significant short-term distress for the child”*Order for 7 y/o girl return to Hungary to live w/ F.  |
|  | A (Transfer of Residence) [2021] EWFC B58 (19 August 2021) | [www.bailii.org/ew/cases/EWFC/OJ/2021/B58.html](http://www.bailii.org/ew/cases/EWFC/OJ/2021/B58.html)  | HHJ Whybrow(Fam Ct) | 5 hits (mainly case citations, incl Re S (Parental Alienation: Cult) [[2020] EWCA Civ 568](https://www.bailii.org/ew/cases/EWCA/Civ/2020/568.html), **Peter Jackson LJ**).*“In summary, in a situation of parental alienation the obligation on the court is to respond with exceptional diligence and take whatever effective measures are available.  The situation calls for judicial resolve because the line of least resistance is likely to be less stressful for the child and for the court in the short term.  But it does not represent a solution to the problem.  Inaction will probably reinforce the position of the stronger party at the expense of the weaker party and the bar will be raised for the next attempt at intervention.  Above all, the obligation on the court is to keep the child's medium to long term welfare at the forefront of its mind and wherever possible to uphold the child and parent's right to respect for family life before it is breached.  In making its overall welfare decision the court must therefore be alert to early signs of alienation.  What will amount to effective action will be a matter of judgement, but it is emphatically not necessary to wait for serious, worse still irreparable, harm to be done before appropriate action is taken.  It is easier to conclude that decisive action was needed after it has become too late to take it.”* See LR legal blog post. Transfer of residence of young child to F care.NB the connected Feb 2021 judgment did not receive a ‘hit’ under these search parameters. |
|  | A and S (Children), Re [2021] EWHC 2492 (Fam) (29 July 2021) | [*www.bailii.org/ew/cases/EWHC/Fam/2021/2492.html*](http://www.bailii.org/ew/cases/EWHC/Fam/2021/2492.html) | Holman J (Fam Div)In public | Third of several judgments. Relates to child A, who was 15 and at court. Child sought permission to travel on holiday to Russia (application allowed).1 hit : [F’s] *“"overarching concern" that A has been subject to a prolonged campaign of parental alienation by the mother and her family in which a "key player" has been the grandmother. He refers to various things which he says the maternal grandmother has said to him, or about him, which I have firmly in mind but will not repeat in the presence of A. I make no finding whatsoever about that after a hearing in which I have not heard any oral evidence from the father and only brief oral evidence from the mother. I have, however, heard quite extensive oral evidence from the grandmother.”* |
|  | S and T (care proceedings following private law dispute) [2021] EWFC B54 (06 July 2021) | [www.bailii.org/ew/cases/EWFC/OJ/2021/B54.html](http://www.bailii.org/ew/cases/EWFC/OJ/2021/B54.html)  | HHJ Vincent (Fam Ct Oxford) | 11 hits. Composite of several judgments annexed.Separation 2012. Proceedings 2017. M alleges DA. (details unclear). FF request refused 2019. Later allegations of sexual abuse. FF hearing 2020 – M allegatiobns of DA, but M DNA and the court proceeded in her absence and made no findings made against F. Contains a whole section headed PA. *Parental alienation is a loaded term which means different things to different people. It can describe a child who is estranged from a parent for justifiable reasons; if that parent presents as a risk to them.  It can describe the motivation or actions of one parent deliberately acting to manipulate and control their child so as to reject the other parent.  That process can also take place deliberately or inadvertently, a parent unconsciously transferring onto their child their fears about the other parent or fears of losing control.  It can describe the behaviour of a child who appears to reject a parent completely with no rational basis.**76.  It is a matter for an expert psychologist or psychiatrist to look at the particular circumstances of a situation and if they regard the term parental alienation to be helpful, to explain why, and how it applies to that particular situation.  The father’s case is clear however; he asserts that the mother’s conduct over the years has amounted to a deliberate attempt to alienate the children from him.**77.  The evidence I have seen of interactions between the girls and their father would strongly suggest that in fact they are not alienated from him.**However, having regard to all the evidence I have heard and read, I am satisfied to the standard of a balance of probabilities that the children’s mother has acted in a number of ways to obstruct and interfere with the children’s relationship with their father.**80.  I accept the father’s evidence, which was not challenged within these proceedings, that the mother has not been able to convey to the children that their relationship with their father is to be valued or cherished in any way.**In his statement about parental alienation, which the mother has not challenged, the father says that throughout the proceedings the mother has accused him of domestic abuse, having mental health issues, anger management issues and most recently of sexual abuse.  Within these proceedings the mother has suggested at times that she and the children are frightened of the father, due to ‘domestic abuse’.  She has not pursued any of those allegations within these proceedings but instead in her final statement maintained that she has promoted contact throughout.  I do not accept this.  The evidence is that she has done very little to promote contact.  She has a very negative view of the father.  She has sought to delay or derail these proceedings by refusing to co-operate with professionals and latterly by disengaging with the Court process.* *In the context of the whole of the evidence, of frequent and sudden house moves, school moves, of seeking to influence proceedings from behind the scenes, I was extremely concerned by the evidence suggesting she and her husband were planning to move to Spain.  This led to me to making prohibited steps orders and port alert orders.**In April she prepared a statement in support of her allegations of sexual abuse, but chose effectively not to engage with the father’s allegations of parental alienation;**(iv)             The fact-finding hearing was adjourned and re-listed exactly to her requirements, consistent with medical advice and providing for her to attend from her own home and allowing for frequent rests;**(v)               One motive for raising allegations of sexual abuse in January appears to have been consistent with seeking to delay the local authority and psychiatric reports pending a police investigation.  In my judgement this is consistent with the mother’s previous conduct during these proceedings which has often led to delay, it cannot be attributed just to her current pregnancy;**The Court has made no findings against the father and proceeds on the basis that allegations raised but not proved have not happened.  There is no evidence to suggest that the father poses any risk to his children.**91.  I am satisfied to the standard of a balance of probabilities that the mother has made false allegations of domestic abuse and sexual abuse against the father in an attempt to prevent him having a relationship with his daughters.**92.  I find that the mother has acted in ways over the last five years that have interfered with the children’s relationship with their father.  She does not appear to recognise any value to the children in having a relationship with him and as a consequence has failed to promote or encourage that relationship in the children’s best interests.  She has shown no curiosity into the reasons why the girls may have presented as unhappy or worried but has it appears at every stage jumped to a conclusion that it is their father who is the source of all difficulties for them and that they are better off without him.**93.  There is no good reason that the father should not be seeing his children regularly.*The Post script deals with F request for clarification whether a finding of pa made.*97.  The remote hearing at which judgment on 4 September 2020 was handed down, was attended by father, guardian and guardian’s representative. The father asked for clarification of paragraphs 75 to 79 of the judgment, in particular whether a finding had been made that this was a case of parental alienation.  In summary:**(i)                 the mother’s actions as described in this judgment could be categorised as consistent with what in recent years is generally recognised as attempts at  ‘parental alienation’;**(ii)              It is a matter for professional assessment as to any psychological factors informing this course of conduct, or whether it is* *a helpful label to apply in this case;**(iii)            Although the children have not seen their father for over three years, there is no objective evidence before the Court that they are presenting as ‘alienated’ from him.  The indirect contact has been positive, and the children should progress to having direct contact with their father;**(iv)             If contact is not re-established and sustained, and the course of conduct consistent with parental alienation continues, the children will suffer (as they are likely already to have suffered) significant emotional harm, as a result of being prevented by their mother’s actions from having a relationship with their father;**(v)               The mother must demonstrate to the father, the children and to the Court, that she is able to promote the children’s relationship with their father.*Subsequently Dr Misch (psychiatrist) made conclusion of PA and ICOs were made. |
|  | A and B (Parental Alienation No.4) [2021] EWHC 2603 (Fam) (05 July 2021) | 1 <https://www.bailii.org/ew/cases/EWHC/Fam/2020/3366.html> 2 <https://www.bailii.org/ew/cases/EWHC/Fam/2021/2601.html> 3 <https://www.bailii.org/ew/cases/EWHC/Fam/2021/2602.html>4 <https://www.bailii.org/ew/cases/EWHC/Fam/2021/2603.html> | Keehan J (Fam Div) | 4 judgments:Judgment 1:2 children, 14 and 11. International family. 2014 shared care agreed. 2015 allegations by M against F. NFA by police. More allegations 2018. Application by M to suspend shared care refused. Contact failed. M flight risk. 2019 child psych.and Dr Braier on PA with Karen Woodall. Proposed period of work over 15 months. Longer than planned and not entirely successful. Their reports accepted. They proposed five options from shared care to full transfer. Shared care not sustainable. Transfer residence to F.Judgment 2:Describes children running away and police intervention. Experts say damage to children worse than thought. Mother recorded KW. Onslaught by m against professionalism of expert rejected by court. Deprecate in strongest possible terms. Without any merit. Complete confidence in professionalism and expertise and objectivity. mother has done everything she can to frustrate my judgment, to frustrate the placement and the reparative work. refuses to join children.Judgment 3: costsJudgment 4: final judgment. Children now integrated in care of f. remain at risk of splitting if m’s adverse influence is allowed to have an effect upon them. Recommendations for restricted contact to m endorsed. M has not moved on. |
|  | AB v CD & Anor [2021] EWHC 819 (Fam) (30 March 2021) | [www.bailii.org/ew/cases/EWHC/Fam/2021/819.html](https://www.bailii.org/ew/cases/EWHC/Fam/2021/819.html)  | Roberts J (Fam Div – Appeal from a Recorder) | Schedules of DA allegs by M and counter allegs of PA – false allegations to prevent contactJudge had made findings of s.a. of M, emotional abuse, and other abusive behaviour but ‘*no finding in relation to allegations of physical abuse suffered by the respondent despite acknowledging in judgment the strength and power of those allegations’**Insufficient self direction on credibility. Insufficient lucas direction.**Appeal allowed. Rehearing. Outcome unknown.*  |
|  | Local Authority v RR & Ors [2021] EWFC B14 (17 March 2021) | [www.bailii.org/ew/cases/EWFC/OJ/2021/B14.html](http://www.bailii.org/ew/cases/EWFC/OJ/2021/B14.html)  | Williams J (Fam Div) | 3 hitsCare proceedings re KK almost 16 (one of two boys, the other now 18). Boys hostile to spending time with their mother. Private law proceedings concluded without a ff hearing, arrangements broke down and case returned. Care proceedings in 2020. This hearing was the FH in care proceedings.*“**Self-evidently, were allegations of neglect, physical abuse and threatening behaviour towards the children and the father made out, that would provide an explanation for the boys' rejection of their mother. Conversely were it demonstrated that the allegations were either fabricated or wildly exaggerated that might either have left a clean sheet in which the mother's parental alienation case might have been drawn or potentially would have formed part of the construction of the alienation case. However, none of the parties had approached the preparation for the case either in terms of the scheduling of witnesses or in their written documents in a way which would have enabled this enquiry to have been undertaken. The inability to determine issues of abuse and alienation also sounded in the father's belated application for orders under the Family Law Act 1996.**…**The local authority, the mother and the father also considered the ambit of the threshold criteria in the light of the realisation that the issue of parental alienation could not be litigated during this hearing. In consequence a largely agreed threshold document emerged.**The two points I do feel it appropriate to pass observation on are how the absence of any determination of the facts which underpinned the children's stated objections to contact dating back to 2017 has* *prevented anyone from being properly able to evaluate the children's expressed wishes and feelings. If they were physically and emotionally abused in the way they allege, they have good reason for* *their expressed wishes and any determination would have to reflect that. If those allegations were grossly exaggerated or fabricated, the father and the children would have to confront that fact and work would need to be done to understand why that had occurred and to remedy the consequences. A conclusion of parental alienation might then have been rooted in factual determinations. Had the allegations been found to have some core of truth but to have been grown in the fertile soils of parental separation the early identification of that fact might have allowed an opportunity to apply some metaphorical weedkiller to get them back under control. The opportunity for any of those has now passed. The allegations plainly are now an established part of the narrative within the father and the children's household and are deeply rooted in their minds whether they are true or not.*” |
|  | CLB v SLB [2021] EWHC 891 (Fam) (02 March 2021) | [www.bailii.org/ew/cases/EWHC/Fam/2021/891.html](http://www.bailii.org/ew/cases/EWHC/Fam/2021/891.html)  | Williams J (Fam Div – appeal from a CJ) | 14 hits. Appeal by F against refusal to order a FF re PA at a FHDRA on a variation application, refusal to appt a G. Previous proceedings led to a judgment where F was to have supervised contact. Child 13. Relied upon PD12J and said ordering a W&F report wrong where allegations of PA.*“I do not consider it necessary to set out anything further in relation to parental alienation in this judgment because the judgment of DJ Hugman and the contact notes make clear both that a judge has found as a fact matters against the father which might potentially explain F's resistance to contact and also matters that demonstrate the mother's support for F having contact with the father.”**Father's principal submission on the first and third ground of appeal is that the Judge had effectively closed her mind to all the factual issues that he was seeking to pursue (e.g. advancing a case of parental alienation and the relevance of the domestic abuse allegations), and decided that only the child's wishes and feelings would be determinative. In doing so, the judge disregarded any link between the child's apparent wish not to have contact with his father, and the father's allegations that the mother was adversely influencing F. The father submits that there was evidence of parental alienation namely what F had said about how presents sent by the appellant to F seemed to get destroyed. This was recorded in one of the contact notes. Ms Venters submitted that if there was hostility to contact and this was targeted at the father this would in fact amount to a form of domestic abuse of the father and not just emotional abuse of F. The father submits as a consequence, the statutory presumption under section 1(2A) of the Children Act 1989 had been disregarded. Ms Venters whilst accepting that the decision and judgment of DJ Hugman had not been appealed sought to argue that aspects of the judgment justifiably gave the father cause to be concerned that justice had not been done and that subsequently he had been ill served in terms of advice in relation to appeal.**The judgment of DJ Hugman is the starting point for any consideration of applications in relation to F. It was not appealed at the time nor has it been appealed subsequently. It would appear to be an extempore judgment and the appellate courts consistently have cautioned against criticising such judgments by detailed textual analyses which might allow criticisms to be found. That is the case in an appeal against the relevant judgment. It is simply not open to the appellant to try to go behind that judgment in advancing his arguments in this quite separate appeal. One can of course understand why he wishes to go behind the judgment because it contains significant criticism of him and findings which are plainly potentially relevant to the determination of his current application. The judge found that the father's complaints against various individuals were made because he cannot accept criticism of himself and were a form of coercion and bullying. He found that he was in various ways not child-centred but self-centred. He made findings on credibility;* *finding the father to be evasive, self-justifying and unable to accept any criticism. In contrast he found that the mother gave her evidence well and he preferred her evidence wherever there was a conflict. He found that the father was in various ways bullying and manipulative and had exposed the children to inappropriate behaviour. Thus, to the extent that there were relevant findings against either parent they were adverse to the father and positive for the mother. They plainly form a reasonably firm foundation for the conclusion that the mother was in general supportive of contact and that there may be objective reasons in F's experiences of his father that would support a desire not to see his father. There was no basis for arguments in relation to parental alienation and HH J Hughes QC was quite right to identify this and reject the need for a fact-finding in relation to the issue. Equally there was no evidential basis for the father's contention that there needed to be fact-finding in relation to domestic abuse. In so far as any findings emerge from DJ Hugman's judgment which are relevant to domestic abuse they are against the father rather than the mother. There was no evidential basis in what had happened since April 2018 to warrant a PD 12J mandated a fact-finding on domestic abuse issues at this time.*Parties /lawyers apparently so distracted by PA allegations that they didn't draw out the important point :*It was in the course of Ms Venters submissions in relation to the view the judge took of the importance of F's wishes and feelings that it became clear that there is an apparent disconnect between F's non-attendance at contact between November 2019 and October 2020 and the generally positive impression of the relationship between F and his father that is depicted in the contact notes. It then became apparent that those contact notes had not been included in the documentation before the judge. It is also clear from the 10 page position statement filed on behalf of the father for the hearing before HHJ Hughes QC that no reference at all appears in that document to* *the positive contact that had been taking place and the evidential base that existed for exploring that apparent disconnect. The 10 pages were devoted to parental alienation, the need for fact-finding, separate representation of the child the father's objections to Islington, rebutting the mothers putative 91 (14) application and the father's objections to the mothers supplemental bundle and her case. It is right that there is a very brief passing reference by the appellant's counsel in the hearing to there being positive contact notes but against the backdrop of the position statement where his* *focus was almost entirely on other matters it is hardly surprising that this point, both in terms of the evidential basis for it and its importance, was lost. PD 27A provides that position statements should be no more than three pages and that they should be as short and succinct as possible. The position statement filed on behalf of the mother was even longer at 12 pages containing extensive reference to the law and the facts. This again did refer to the fact that prior to October 2019 contact appeared to be going well but this was one line in 12 pages of detailed argument. This all for 1/2-hour FHDRA. In the context of the documents which were put before her it is hardly a surprise that it was not apparent to HHJ Hughes QC that there was an apparently well evidenced disconnect between the child's actions in contact, his non-attendance thereafter and what was said to be his then (October 2020) wish not to have any ongoing relationship with his father. Had this been made clear, as it was in the course of submissions before me, it seems inevitable that the judge would have adopted a more nuanced view in particular in relation to the need to explore that apparent discrepancy. Of course, it is a matter of speculation, but I would have thought it was probable that the direction to the section 7 reporter would have included some reference to the need to consider the contact records. This would have led the section 7 reporter to raise with F some of the positive references in the contact notes and to elicit his response. That would have enabled the section 7 reporter to gain a far better insight into* *the reasons for F's current views and the extent to which they were authentically his own, the extent to which they were balanced and based in experience and thus to enable the court to take a view on the weight that could properly be* *attributed to them. That might also have enabled the section 7 reporter to consider on an informed basis whether there was any basis for pursuing joinder of F as a party. It is in that context that the appeal against the limiting of the remit of the section 7 report must be judged.**Given that the decision HH J Hughes QC reached arose from the presentation of the case before her and the deluge of issues contained within the position statements and their failure to focus on the central issue a strong argument can be made that the decision should be upheld because it was neither wrong or unjust for serious procedural irregularity on the basis of the material that was presented to her. However ultimately I have reached the conclusion that in order to deal with this case justly and in the light of the evidence that I have admitted and in particular to do justice to F that it can be seen that the limits placed on the remit of the section 7 report was with hindsight wrong and so the proper course is for me to reset the approach in order to facilitate a more efficient way forward when the case returns to the family Court.**It seems to me that the appropriate order that should now be made on the appeal is that the application is remitted to the Central Family Court with a direction that an addendum section 7 report is provided by Islington to consider the issue of F's expressed wishes in the light of the material contained within the contact notes.* |
|  | X, Y and Z (Children : Agreed Transfer of Residence) [2021] EWFC 18 (26 February 2021) | www.bailii.org/ew/cases/EWFC/HCJ/2021/18.html | E Isaacs QC (DHCJ Fam Div) | 10 hits (50 for alienation)Findings of alienation against F of children. ISW did not take on board the findings. Issue arose re definition of PA*Dr Berelowitz :* *describes each of the children as expressing different wishes and feelings. It is his expert opinion that the extent to which they have been alienated greatly affects their ascertainable wishes and feelings. Thus, the more the child is alienated, the less their ascertainable wishes and feelings should be taken at face value, and the more need there is for a comprehensive and holistic approach to helping them with their alienation. Put simply, in this case, that would mean that I should pay less regard to X's wishes and feelings about contact with M than I should to those of the other children. Dr Berelowitz also observes that when a child is alienated from one parent, they often become much more dependent on the parent with whom they reside.*Case ended in agreed transfer of residence to M. |
|  |  F v M (private law fact finding) [2020] EWFC B71 (07 December 2020)  | *www.bailii.org/ew/cases/EWFC/OJ/2020/B71.html* | HHJ Vincent (s9) Fam Ct Oxford | 5 hits*105.                      I did not find the father to be an impressive witness.  His description of events was so skewed to his own world-view that it rendered much of his evidence unreliable.**106.                      Consistent with District Judge Wakem’s findings, I too found his evidence to be heavily focused on self-justification on the one hand and relentless negativity towards the mother on the other.**107.                      He showed no curiosity or ability to give credence to the views or feelings of his children.  Faced with evidence that contradicted his own perspective or feelings he was very quick to assert that it was not true, if from the children, that they were lying or that they had been coached by their mother to say what they did, or simply to say that things did not happen.* *108.                      I would agree with District Judge Wakem that he seemed only to see his situation through the prism of parental alienation and he lays all the blame for that at the door of the mother.**114.                      The mother’s evidence was more coherent, but like the father, she seemed unable or unwilling to accept perspectives other than her own.   She appears to be looking only through the prism of sexual and physical abuse, and to identify her children’s experiences and behaviour as being consistent with and informed by that.**115.                      I formed a sense that she perceived a need to collect and gather evidence from her children, for the purpose of presenting to the Court.  In assuming responsibility in this way, her influence on that evidence is clear and I have to take care to tread with caution, as the source material by that means is necessarily affected.**136.                      I have reviewed all the evidence carefully.  I find that the father has not physically abused any of his children and I find that he has not sexually abused any of his children.**161.                      The mother denies alienating the children from the father as forcefully as the father asserts it. On her case, the children’s rejection of their father is the result of the abuse, inconsistency from the father in the children’s lives and insensitive parenting.*1. *The mother has been very negative about the father, but he has also played his own part in causing his children to feel disappointed in him and to say they do not wish to see him. Although he says he had good reason, he did not take up the chance to see the children in [European country] in February half term 2019 and in the Summer holidays of 2019 in England.  He has not demonstrated any insight into the impact on the children of this, but focused on the financial and political situation in [father’s home country] which caused him such difficulty.*
2. *N felt that the father preferred the boys.  There does seem to be some evidence of this.  When he had the chance to spend time with all three children, he often had just O, sometimes N as well, but rarely P.  In previous proceedings the mother was found to have encouraged P’s relationship with her father, this would suggest that the mother has not sought to influence P against her father.*
3. *It does seem that the father is still not able to prioritise the children’s needs above his own; he cannot control or hide his feelings so that if he is angry and upset, he makes sure the children know this. This is evidenced by the fact that he sent the text to N talking about the false allegations of sexual abuse. He still seems to have anger directed towards the mother and blames her rather than examining his own behaviour.*

*172.                      The father did present to me as a person without an ability to accept that his children have a different perspective from him, or perhaps if they do, that it should be listened to - he told me that he was a traditional [redacted] father who expected what he said to be listened to.  He said he had gone on a course to understand better a different way, which is a positive step, but I saw no evidence at all that he had in fact taken much on board.  He continued to be self-justificatory, blaming of his children, principally blaming of their mother, and had completely closed his mind to the possibility that the children’s responses to him might in large* part be a response to *their experiences of his parenting, both when in his care and during the long periods of time when he was in a different country to them.**183.                      The mother does have entrenched and highly negative views of the father as the father does of her.  However, I do not find that she has been ‘intent on alienating the children from him.’**184.                      The children have been very negative about their father (not P), but they are not so aligned to their mother as they might be if this was a case of parental alienation.  N and O have been outspoken about their differences with their mother.  In all the circumstances I cannot find that they are ‘enmeshed’ with her as has been alleged.*Children to remain in European country where m was living and working. Work to be done w/ children to understand findings, F to take responsibility and M to support contact.Query diagnosis autism one child.  |
|  | L (Children) (Domestic Abuse: Stranding/Abandonment) (Continuing Risk of Emotional Harm) [2020] EWHC 3782 (Fam) (07 December 2020) | www.bailii.org/ew/cases/EWHC/Fam/2020/3782.html | Darren Howe QC (DHCJ)Fam Div | 2 hits(plus other refs to alienation)F sought to reopen serious findings of physical and other DA including transnational abandonment made against him – refused. Did not accept findings. Alleged alienation. Rejected. *The findings made against the Father have real significance to the arrangements that might be made for him to have a direct relationship with his children. However, there has to be 'solid grounds' for a challenge to the determinations made by Judge Rogers and I have reached a very clear conclusion that the Father has raised nothing that can properly be characterised as a solid ground for revisiting the conclusions on the facts reached in February.*1. *The Father is unrepresented. He seeks an order that he spends time with the children and does so directly, and in-person, rather than by any indirect means. He also seeks the return of his passport that is retained by the Tipstaff. The Father rejects all the findings made against him by Judge Rodgers. He continues to assert that the Mother chose to remain in Country B, an explanation rejected by Judge Rodgers. He denies stranding the Mother and children and he denies that he was ever a perpetrator of domestic abuse. In his position statement filed for this hearing, he accuses the Guardian of bias against him and says "CAFCASS and the Court have fundamentally failed the children and the father with primarily failing to acknowledge the parental alienation committed by the applicant mother especially since 2016."*
2. *The Mother is represented by Mr Jubb. She opposes the father's application for direct contact and supports the recommendations made by the Guardian that there be no contact until the Father has completed a domestic abuse prevention course [DAPP]. She opposes the return of the Father's passport as she believes, were he to have it, that he would be likely to attempt the abduction of the children. The Mother now agrees some limited indirect contact by way of letters and cards at a frequency of one letter from the father every 2 months, with the children being encouraged (not required) to reply in the intervening month.*
3. *When the Father put his alienation allegation to the Guardian, she did not agree that parental alienation was a feature of this case. She said that serious findings of domestic abuse had been made and there are reasons why children do not see parents other than alienation. She did not agree that the reason the children are not seeing was because of alienation. The Guardian said she had looked at what the children were saying and she did not get the impression that the children were influenced by their mother. She said they were aware of the stranding but not of the domestic abuse. If they were being influenced, it was the Guardian's opinion that the Mother would have shared with them her reports of the Father's violence. The Guardian said that the children did not present with a list of complaints about the Father, as she would expect if they were being coached or influenced by the Mother.*
4. *The much of the Mother's oral evidence was occupied by her responding to the father's questions addressing his rejection of the findings made against him. When she was asked why she would not agree to the children spending time with the father unless* *he had completed a DAPP course, the Mother said "because he has never accepted his mistakes … and I do not want to go through the same thing again as he has no idea how difficult it was to go through that... I want him to do these programs as my daughter is just getting used to school and making progress. I do not want her to go back to how she was before".*
5. *In her oral evidence, the Mother told me that she was not opposed to the children seeing their Father if he completes the course recommended and she is protected. She said she would not trust him unless he had taken the course and made changes. Tellingly, in my judgment, the mother readily accepted that the father had a good relationship with the children prior to stranding them in Country B in 2016.*
6. *….application to reopen the findings and it was to that application that the majority of his evidence was relevant. He maintained that the Mother had alienated the children against him. He said the alienation by the Mother was abuse of his children and that this abuse by the Mother should be recognised by the Guardian and by the court. He felt that his rights had been violated throughout the proceedings and he said that the children's rights to have a relationship with him were being violated by the Mother. He accused the Guardian of saying that alienation only applied to fathers and not to mothers, a statement that was not made by the Guardian in her oral evidence or in her report, but it was a reason the Father relied upon to argue that the Guardian was biased against him.*
7. *The Father told me he would not attend a DAPP program as he did not accept the findings made against him.*
8. *Throughout his oral evidence the Father refused to accept that there was any way to proceed with his relationship with the children other than his own proposal. I asked him if his pride was more important than his relationship with his children and could he not see some way of addressing the issues raised in the judgment of HHJ Rogers, so the risks that arise as a result of those findings can be addressed. His simple answer was he could not. The Father came across as an intelligent man able to rationalise for himself the consequences that flowed from the findings made and yet he was unwilling to accept that he may need to adopt a different* *approach if he wanted to re-establish a relationship with his children.*
9. *As a result of his own evidence, the Father seeks to present the court with a choice between just 2 options. He urges the Court to make an order that provides for him spending time with his children with the assistance of the CCI program. The Guardian's proposal, supported by the mother, is for the father to accept a referral to a DAPP program and, between now and any interim report from such a program, the Father to have indirect contact by way of letters and cards as I have described above. However, as the Father rejects the Guardian's proposal, including the offer of indirect contact, the Father presents the choice for the Court as being between direct visits as he requests or no contact whatsoever.*

Father’s approach led to dismissal of direct contact:*In her report, the Guardian records "Throughout the interview and during a previous telephone call with the father, he did not enquire of the children or their well-being but expressed his wish to see them". In his oral evidence his focus was on what he said was the injustice of his situation and, as I have described, he was unable to show empathy for his children's circumstances. Although I did not form the impression that the Father pursued contact to continue a form of domestic abuse against the mother, his lack of attention to the needs of the children and his unwillingness to reflect has led me to conclude that he is motivated more by the need to win the fight than he is by a desire to communicate with his children. His rejection of written indirect contact is, in my judgment, an example of this.**I have expressed my conclusions concerning the likely behaviour of the father during contact and his failure to appreciate the effect of the domestic abuse found against him. Paragraph 36 of PD12J requires "the court should make an order for contact only if it is* *satisfied that the physical and emotional safety of the child and the parent with whom the child is living can, as far as possible, be secured before during and after contact, and that the parent with whom the child is living will not be subjected to further domestic abuse by the other parent". For the reasons given in this judgment, I am not satisfied that the emotional safety of the children, or of the mother, can be secured.**I have carefully considered if the risk of emotional harm to the children is sufficiently great to outweigh the benefits of contact but I have reached the conclusion that the Father is so determined to present the Mother as the wrongdoer that no form of supervision could adequately guard against that risk. I accept the evidence of the Guardian that the consequences of such behaviour on these children outweighs the benefits. They are achieving some stability but still have some way to go and the introduction of the Father at this time risks undermining that process and causing them not just confusion but also distress if the Father seeks, as I find likely, to undermine the Mother, upon who they rely to meet all of their needs. The risk is not just of temporary disruption that will then pass as the children get accustomed to the arrangements, as described by King LJ in Re S, but of a continuing and long-term risk of repeated occasions of emotional harm and until such time that the Father's attitudes have been shown to have changed, the likelihood of emotional harm during contact visits will remain.**Therefore, I dismiss the Father's application for direct contact.* |
|  | R (no order for contact after findings of domestic abuse) [2020] EWFC B57 (03 December 2020) | [www.bailii.org/ew/cases/EWFC/OJ/2020/B57.html](http://www.bailii.org/ew/cases/EWFC/OJ/2020/B57.html)  | HHJ Vincent (Fam Ct Oxford) | 7 yo. FF oct 2018.Findings of abuse against F. Some reconciliation. At FH F did not accept risk, but did accept short term supervision. M opposed direct contact. NYAS said no direct contact.*Can the risk of harm be managed?**83.  The risk of harm will only be abated if there is a change from the present circumstances.  The change must come from the father, who needs to acknowledge the harm that has been caused, find a way to reassure, to support the mother in her parenting and thereby to reduce the conflict and her anxiety.  At the moment I do not see a prospect of that happening.**84.  The father places the blame squarely at the mother’s door and accuses her of parental alienation.  I do not accept this analysis and do not consider he is right to say that all that needs to happen in this case is for her to overcome her anxieties and take steps to facilitate contact.  He suggested to Mr Kent that he was the victim and powerless to do anything but endure the mother’s position.  Mr Kent responded that in his view the mother had acted protectively towards her daughter and to preserve her own mental well-being. I agree and find that the mother’s actions have been a response to the father’s behaviour towards her and not because she has actively been seeking to exclude him from his daughter’s life for no good reason.**85.  There is evidence that the mother has sought to promote the child’s relationship with her father.**87.  I accept the analysis of Mr Kent that the father’s behaviour towards the mother within these proceedings has had the effect on her of being a continuation of the dynamic of an abusive relationship. Instead of reflecting on his own behaviour towards her, about which findings have been made, the father has framed her as a bad mother for failing to make R available for contact with him:**·         He has described her as reprehensible, motivated by spitefulness, resentment and hatred.  He has called her a liar, a slanderer and an actress, and suggested her claim that she is afraid of him is absurd and false;**·         he repeatedly accuses the mother of inflicting years of child abuse on her daughter, of inflicting psychological damage upon her, actively hurting her;**·         He refused to see the positives in the life story work but used it as a means for further criticism, focusing only on his belief that the child had been told he was a horrible man;**·         his application for a DNA test made only a month before the final hearing was filled with invective against the mother, made wild accusations unsupported by any evidential basis;**·         he describes the mother as making an orphan out of her child, an abandoned and unwanted child;**·         he describes the mother as the incarnation of ‘the most reprehensible characteristics’;* *·         he suggests the mother is mentally ill and requires psychological intervention in order to stop her from a course of parental alienation.* *88.  Change starts with acceptance of responsibility. The father has not demonstrated any real ability to accept the findings of the Court, to acknowledge that his behaviour towards the mother was experienced by her as abusive, and that her response to him is caused by the way that he behaved towards her.  In particular:**(i)                 He has reduced the fact-finding judgment to two stark findings which he has now put a gloss on - repeating to me that Aikido is a peaceful martial art and that if he caused any pain on occasion then it was unintentional, and that he never knew how the mother felt.  Secondly he said that if the mother at times during their relationship felt isolated then she had never told him this but of course now understanding this, he is sorry if she felt that way.  These explanations are not consistent with the findings of the Court and in their way seek to undermine the mother, doubting the veracity of her feelings, accusing her both for not telling him at the time and suggesting that she had not been truthful, as she told the Court something different than what she told him;**(ii)               He was offended by the idea that he had anything to apologise for.  He said that if there was anything to apologise for in respect of his behaviour in 2011, that apology had been implicitly accepted by the fact of the parties’ reconciliation in 2012 and the subsequent conception of their daughter;**(iii)             He suggests these two episodes are now nearly a decade ago and of no relevance to his application;**(iv)             He said Mr Kent’s suggestion that there is a need for him to acknowledge the pain and suffering caused, support rather than criticise the mother and complete a domestic abuse perpetrators course so as to show the risks of his behaviour are firmly in the past, was outrageous and absurd.**89.  The father is unable to show any support to the mother as a parent, or make any attempt to work co-operatively with her.  Instead he demands that she make change and she make recompense to him for depriving him of the relationship with his daughter.**92.  For the reasons given above, I do not consider that the physical and emotional safety of the child and the parent with whom the child is living can be secured before during and after contact.  If the mother is compelled to continue to be in contact with the father for the purpose of arranging and facilitating contact between him and R, I consider that she will remain subject to the barrage of negativity, demands and criticism that has characterised his interactions with her, and that she will continue to be significantly adversely affected as a result.**93.  With regard to the specific matters at paragraph 37 of the practice direction, I have considered the impact of the continued parental conflict upon R and the risks that would pose to her relationship with each of her parents.  Her mother’s ability to care for her would be impaired and her feelings that in pursuing a relationship with her father may cause her mother unhappiness or anxiety are likely to be burdensome.  Because of the father’s personality, the intensity of his emotions, she may be subject to feeling overwhelmed, confused, constrained to follow his lead, or responsible for his emotions.  She is at risk of being exposed to the high levels of negativity with which he sees the mother and her parenting could be undermined as a result or she could feel conflicted.**94.  I accept that the father is motivated by a genuine desire to play a part in his daughter’s life and to introduce her to her family, culture and heritage.  However, in his pursuit of this goal I am concerned that he has sometimes lost sight of her needs, and that he does not recognise that he has also continued a form of domestic abuse against the mother in his interactions with her.**95.  I have considered above the likely behaviour during contact of the parent against whom findings are made and its effect on the child.**96.  I have considered the capacity of the father to appreciate the effect of past domestic abuse and found that he is resolute and has not taken responsibility for his actions in a meaningful way.  At the moment that means that he is unlikely to be able to make changes at this time so that he could be in a position to co-parent in a positive way with the mother.**98.  Case law suggests I should consider the severity of the domestic abuse.  The father argues that it is minor and took place a long time ago, and after which the parties reconciled.  The mother would say this was serious abuse and has had long-standing consequences.  In my judgement the focus of the Court should be on the consequences of the abuse.  The evidence is that the impact of the abusive relationship continues to impact the mother in a significant way and this is only exacerbated by the father’s continuing attitude towards the mother.  It is not an attractive argument to have caused harm to the mother in the way I have found the father did and then to criticise her for failing to be robust enough or failing to have found a way to recover herself so as to be in a position to deal with her abuser.**100.                      While the father is so fixed in his perspective that he is the victim in the scenario and while he holds such a relentlessly negative view of the mother, and while his interactions with her throughout these proceedings have been to seek to undermine her, accuse her, and belittle her experiences, there is no prospect of her anxiety being lessened and of feeling any reassurance that contact for her daughter will be safe.  Her own emotional safety would continue to be adversely impacted, and this is likely to have an adverse effect on her capacity to parent her daughter and other children*.Contact and PR refused. |
|  | F v M & Ors [2020] EWHC 3532 (Fam) (18 November 2020) | [www.bailii.org/ew/cases/EWHC/Fam/2020/3532.html](http://www.bailii.org/ew/cases/EWHC/Fam/2020/3532.html)  | Judd J (Fam Div – Appeal) | 1 hitM brought children here from Germany in 2015 in breach of a German order. F’s Hague application for their return failed. He applied for contact. 1. *In the early stages of the proceedings, the mother refused to engage, not attending two court hearings which she had been specifically ordered to attend. A bench warrant was issued and she was finally arrested and brought before Keehan J. She gave an undertaking to him to comply with court orders and was released. The proceedings were transferred to the local court. In fact, the mother breached an undertaking she had given to Keehan J and committal proceedings were commenced. The mother made a number of serious allegations against the father and a fact-finding hearing was listed and heard in May 2018. None of the findings sought by the mother were made and the court positively found that the father had not abused the mother in any of the ways she alleged nor had he sexually abused the eldest child. The court joined the children as parties and appointed a guardian to act for them.*

On appeal it was decided the original Judge had declined label alienation and hadn’t tried hard enough to establish contact / enforce – the case was remitted. Was clearly a case of implacable hostility even if label alienation not helpful. Courts duty to try all options to maintain relationship not complied with. 1. *The Judge went on to say that there was little to be achieved by an in-depth analysis of the mother's behaviour to decide whether or not this was a case of parental alienation. He stated that putting a particular label on her conduct did not provide an instant remedy or open up an obvious pathway for the father to achieve a positive relationship with his children. Also, the judge said this was not a case where the father had a positive relationship with the children in the first place. Given their age at the time of the separation and the subsequent difficulties, he has never really had a relationship with them at all and was having to build it up from scratch.*
2. *The crux of the Judge's decision is encapsulated in paragraph 25 of his judgment, where he identified the issue as being whether the emotional harm to each child by continuing with efforts to establish a relationship and enforce contact with their father outweighed the long-term emotional harm of a cessation of direct contact altogether.*
3. *Mr Jones also criticised the Judge's unwillingness to ascribe the label "alienation" to the mother as he said it was incumbent upon judges dealing with cases to properly describe the underlying factual matrix underpinning the court's findings and decision.*
4. *On behalf of the mother, Mr Jeffers properly pointed out that this judge had the benefit of long involvement with this complex case, one in which there are no easy answers. On the last occasion had heard evidence over several days.*
5. *Nonetheless I am clearly persuaded that the decision made by this judge to cease attempts at contact was premature and therefore wrong. Standing back and looking at the case overall, it is absolutely true that proceedings have been going on for a long time and that the case has been bedeviled by delays. This is (at least in part) because the mother has failed to comply with orders to file statements and because she went abroad for some months. Also, there was a fact-finding hearing which took time to arrange and the outcome assessed. Looking at the detail and the chronology of court orders, however, it seems to me that within these lengthy proceedings the attempts at arranging contact (both indirect and direct) have not played a significant part.*
6. *I have also come to the conclusion that the judge here did not give enough consideration to the enforcement options. Committal proceedings have never led to any sanction; indeed, the consideration of sanctions was left until after the final welfare decision. Of course they are a last resort but the main aim in a case like this is to obtain compliance with court orders. Although the mother has disobeyed some orders, she has obeyed others. Notably she made the children available to see Dr Kennedy in June 2019, two weeks before a committal hearing. Also the court can make orders pursuant to sections 11A to 11P Children Act 1989 for contact activity directions, monitoring and enforcement, although the judge should not be criticised for this in the absence of submissions being made to him about their use.*
7. *The focus of the submissions to the Judge and his decision was based upon the harm to the children of their mother being imprisoned or threatened with imprisonment and the fact that a change of residence was not an option, rather than the broader menu of options available to him.*
8. *The judge was plainly aware of the long-term consequences for the children of the cessation of contact, but I do consider that he may have given the short-term difficulties, (as did some of the professionals), too much weight given the significance of this particular decision. I do not think enough has been done to try and see if the inevitable difficulties which there will be now can be overcome and contact can be made to work. To quote Mr Jones, I think there is room for a "more focused" strategy. Although the judge did not find it particularly helpful to ascribe the label 'alienation' to the mother in this case, he considered her to be implacably hostile to contact and that it was she who was responsible for the children's expressed hostility. Thus there is no real doubt about the mother's conduct.*
9. *The judge was entitled to find that the father's behaviour had sometimes have been wanting, but this is something which is very much within the contemplation of section 11A and is something that the father can work upon. As I understand it, he has already attended one course, although, of course, I do not know the outcome of that.*
10. *In his skeleton argument Mr Jones quoted from the judgment of the former President, Sir James Munby, at para. 57 of the case of Re M [[2017] EWCA Civ 2164](https://www.bailii.org/ew/cases/EWCA/Civ/2017/2164.html%22%20%5Co%20%22Link%20to%20BAILII%20version), saying this:*

*"'...judges should be very reluctant to allow the implacable hostility of one parent (usually the parent who has a residence order in his or her favour), to deter them from making a contact order where they believe the child's welfare requires it. The danger of allowing the implacable hostility of the residential parent...to frustrate the court's decision is too obvious to require repetition...'"*1. *I consider that is apposite in this case. For all the reasons I have set out the appeal is allowed and I will the case for further hearing. I consider that it should be transferred back to the Family Court in the local area and, therefore, for the Designated Family Judge there to consider how further to allocate the case.*
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|  | P (Discharge of Passport Order) (Rev 2) [2020] EWHC 3009 (Fam) (06 November 2020) | [www.bailii.org/ew/cases/EWHC/Fam/2020/3009.html](http://www.bailii.org/ew/cases/EWHC/Fam/2020/3009.html)  | Cobb J (Fam Div) | 2 ½ yr old child. 8 applications here, 2 in Bulgaria. Multiple issues, jurisdiction, passports, committal. Alleged DA on both sides (no findings?)*This somewhat chaotic litigation is being played out against a backdrop of a very low level trust and co-operation between these parties, and a background history which is characterised by multiple cross-allegations of domestic abuse on which there has been no adjudication.**The father has now not seen Maria himself for about nine months. Shortly before announcing my decision and giving judgment, the father disclosed a further document: a* *statement in Bulgarian (with translation) dated 12 March 2020 which he had prepared for the Social Services Department of Child Protection in Bulgaria, in which he raised his concern that the mother was obstructing his contact with Maria, and raising what he described as "the serious risk of parental alienation of the child from the father". It seems to me that stranding Maria and her mother in Bulgaria is only likely to increase the difficulties for the father in having meaningful contact with his daughter. Given the current travel restrictions and quarantining requirements between the two countries caused by the coronavirus pandemic, should the father travel to Bulgaria now or over Christmas as he plans, he would have to dedicate a large proportion of his trip for self-quarantining before he could meet up with Maria. By contrast, if Maria were to be returned with her mother to this jurisdiction, then (after a period of quarantining here) he would be able far more easily and readily to spend time with her thus removing one clear obstacle to the restoration of their relationship. This not insignificant benefit to the father, and to Maria, was neither addressed nor acknowledged anywhere in his submissions; surprisingly, and contrary to the father's stated concerns about alienation, I was told by Ms Villarosa that the father is "happy to wait" to see Maria.* |
|  | MGB v GT [2020] EWHC 2968 (Fam) (05 November 2020) | [www.bailii.org/ew/cases/EWHC/Fam/2020/2968.html](http://www.bailii.org/ew/cases/EWHC/Fam/2020/2968.html)  | Williams J (Fam Div – Appeal) | 3 hitsLong proceedings, parents both in person, no findings ever made. *In 2019 The mother's case was that this was because of the father's past behaviour whilst the father said it was because of the mother's hostility towards him and his family generated by parental alienation by the mother. The District Judge recorded that the evidence showed the children's unwillingness to spend time with the father including D running away and showing signs of severe stress when visiting the father. The order also recorded that the parties had not returned to* *the Tavistock to enquire about family therapy; the father's position is that they had seen a doctor at the Tavistock in 2018 without success and that further therapy would not work.**It is clear from the papers that the parties did not attend further therapy at the Tavistock (it is unclear if any was undertaken) and the main reason appears to be the resistance of the Respondent [C43]. It is also clear from the papers that the relationship between the mother and father is highly conflicted and there are allegations recorded in the papers both of domestic abuse, referrals to the police and of the father handling the children roughly (at a minimum) or being physically abusive (at a maximum). During a s47 report D alleged that the Respondent had forcibly pushed her into a car and hit her with his fist [E6] and hung her upside down [E10]. She attended A&E on one occasion. The Respondent gives a description of the children refusing to see him in a chronology consistent with the date of the allegation of hitting [E10]. D is said to be clear and consistent in her account although the observed injuries were not consistent [E10]. The Respondent has admitted to pushing the children's faces into their food but explained it as a joke [E7]. The s47 report in the bundle references other C&F assessments where it is said the Respondent admitted to inappropriate chastisement [E9]. The Respondent did admit to punching the MGM in the stomach but says this was because she attempted to push him into moving traffic [E10]. The Respondent accepts throwing the salt but says he aimed it past the Appellant rather than had at her [E11]. On 8th March 2019 the police were called by a member of the public who reported seeing the Respondent* *pick up D by her backpack, turn her upside down and suspend her in the air and seeing the Respondent pulling both children aggressive down the road [E19].**None of those allegations appear to have been determined. Nor does it appear that the order of August 2018 arose from a judgment which made any findings in relation to parental alienation or domestic abuse. The papers do not suggest that there has ever been a fact-finding hearing. The Appellant mother says she supportive of there being direct contact. The respondent father maintains that the mother is undermining his relationship with the children and alienating them from him. It appears agreed between the parties that the children become very distressed during direct contact, particularly D.*An order had been made at an interim hearing for the children to stay in Ukraine with paternal GPs for 2 weeks to break deadlock (without advance notice to mother). M was concerned about non return. Inadequate attention paid to the impact on children of order. Order set aside. Guardian appointed and remitted.No finding of alienation.  |
|  | Re X (Care Proceedings: Jurisdiction and Fact Finding) (Rev 1) [2020] EWHC 2742 (Fam) (19 October 2020) | [www.bailii.org/ew/cases/EWHC/Fam/2020/2742.html](http://www.bailii.org/ew/cases/EWHC/Fam/2020/2742.html)  | Knowles J (Fam Div) | X aged 15. X brought to UK to stay with step-mother. F went back to US. Step-mother alleged DA by F. Care proceedings. Order was for return to USA to live with half-sister.Abduction case. Summary return to US application. Expert instructed on PA and child able to instruct solicitor directly.Unclear who was supposed to have alienated who or what conclusions made. |
|  | **Case Citation** | **URL** | **Judge and Court level** | **Description** |
| **HITS FOR ‘alienation’ and ‘children’ E & W for same period** **(‘Children’ added as a keyword because search results returned obviously large no of non-family hits)** |
|  | A and B (Rescission of Order Change of Circumstances) [2021] EWFC 76 (08 September 2021) | https://www.bailii.org/ew/cases/EWFC/HCJ/2021/76.html#back9 | Cobb JFam Ct At RCJ (Fam Div? | 1 hit. Order had been made for summary return of children from Spain to UK under Hague convention. 17 and 12 y/o. Competent, made applications for party status and disclosure and to vary an order for their return from UK to Spain. Orders rescinded due to change circumstances. Court issued an invitation under article 15 BIIR for Spain to assume jurisdiction.*“The mother maintains that the children's views are strongly influenced by the father who has waged a campaign of alienation against her[[9]](https://www.bailii.org/ew/cases/EWFC/HCJ/2021/76.html%22%20%5Cl%20%22note9)**. She is firmly of the view that the children's views are not authentically their own”**“**At the end of this long judgment, I hope that the parties will forgive my bluntness: it is blindingly obvious that the children crave a cessation to current parental hostilities. They feel that they have been on the side-lines "whilst the two of them just fight". A has said, in terms, and with more than enough justification, that she is "tired" and "fed up" of her parents' litigation, "really stressed" by the court processes, and feels that "enough is enough". I suspect that it is only when the parents are prepared to lay down their litigation arsenal, and start to talk, will the children feel able to engage with them meaningfully (particularly the mother who has a lot to lose by not heeding this advice) in planning for their future in such a way as involves both parents.”*No substantive treatment of alienation.  |
|  | JC v PC [2021] EWHC 2305 (Fam) (09 August 2021) | https://www.bailii.org/ew/cases/EWHC/Fam/2021/2305.html | Roberts J (Fam Div) | F applies summary return Of 13 and 6 to England from Brazil. Only one ref : One of the children, C, is currently living with him in São Paolo, a situation which has the current endorsement of the local State Court albeit that he has been refused the interim relief he sought to return with the children to England on an interim basis. She is plainly resentful of what she regards as her inability to return "home" and attributes this aspect of her deep unhappiness to the actions of her mother. It is one of the concerns in this case that the current situation appears to have polarised her relations with her parents. Whereas she reported feeling safe and protected when with her father, she was frequently disparaging in her comments about her mother with whom she now appears to have a strained relationship. Ms Huntington considered that she displayed some emotional immaturity in her dismissal of her relationship with her mother. However, in terms of her connection with London, she spoke in highly positive terms about her experience of school life.  …“Whilst Ms Huntington did not have the opportunity to reach any clear conclusion, she has noted that there were aspects of C's presentation which might be said to demonstrate "experience of alienating behaviours" or some alignment with the views of her father. Nevertheless, her professional view was that C's concerns have a rational and objective basis.”No mention DA |
|  | AA v BB [2021] EWHC 1822 (Fam) (02 July 2021) | https://www.bailii.org/ew/cases/EWHC/Fam/2021/1822.html | Judd J (Appeal, Fam Div against Rec Glancy) | 2 hits2 ch 12 and 3. X allegs abuse. Schdules. Ff. m’s st contained allegs beyond the 5 allowed. A no of m’s allegs were excluded zs case management.“The father filed a Scott Schedule against the mother which included allegations of violence and abuse, and a claim that she had waged a campaign to alienate the older child from him.” (no details)“The allegations beyond those in the Scott Schedule were not either inadmissible or irrelevant; quite the opposite. The fact that the father was alleged to have hit the older child not once but several times was plainly an allegation of a pattern of behaviour which is highly relevant to an application for contact. So too were allegations he had forced the mother to have sex on several rather than one occasion, that as well as being physically violent to him the father treated the older child in a humiliating manner, and that he was a bully. These matters are also relevant to the father's case, in particular that the mother was the one who was violent, not him, and that she was alienating the children from him. These allegations (some of which had been set out in the mother's initial C1A) demonstrated that strict adherence to single incidents in the Scott Schedule would have to be reconsidered.1. In this case, however, not only were the allegations highly significant but the hearing had to be adjourned in any event. The fact finding hearing was relisted in September meaning there was time for the nature and scope of this to be considered at a further case management hearing listed in July.
2. In those circumstances I will allow the appeal and set the recorder's order so far as it relates to the filing of evidence. I will order that the mother should file a narrative statement setting out her allegations against the father, including any allegations of a pattern of violent, abusive or controlling behaviour. The father should file a narrative statement in response including any allegations that he makes against the mother. These should then be considered by the trial judge at the pre-trial review listed in July, a

Appeal allowed. No substantive treatment of alienation |
|  | A Local Authority v L & Ors [2021] EWFC B51 (28 June 2021) | https://www.bailii.org/ew/cases/EWFC/OJ/2021/B51.html | Recorder Liebrecht, fam ct | Passing ref in context of care proceedings about other issues.1. I bear in mind the troubled background between Mr M and Ms L, the lengthy private law proceedings and that relations between them have been, as Mr Calway aptly put it, rancourous. Within those private law proceedings there were some limited concerns that there was a tendency towards "alienating behaviours" by Mr M but the professionals reached recommendations that the children should move to live with him and later endorsed that position.
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|  | SB v M [2021] EWFC 49 (11 June 2021) | https://www.bailii.org/ew/cases/EWFC/HCJ/2021/49.html | Judd J (Fam ct) | M’s app to relocate abroad. Refused.The mother believes that the father has taken her to court (or refused to agree to her applications) when this was not warranted. Nonetheless, the father has only used the time he has to forge a good relationship with his son, to spend time with him and to take him to see relatives. There is no sense at all in which he has abused his position or undermined that of the mother. He told me that he did his best to try and avoid getting into an argument with the mother because it was always unproductive and she would never see things his way. Although he would have liked some more contact, rather than go back to court he made the very best of what he had. He did not make any application to stop the mother taking N to Country A in 2016 and 2019 although he would have preferred her not to have done so.1. I wish to make it plain, this is not a case where the mother has alienated N from his father, or broken court orders. She has offered extra contact on occasion and given the father information about school. The father should have done more to get involved with N's schooling, there are times when he has not taken up extra contact offered, and he has not always communicated as he might. Nonetheless, the Cafcass officer is right to say that the parents have not been able to co-parent without tension and acrimony. Ultimately, I think the mother tolerates the father's relationship with N because she realises she should, but she has a certain lack of respect for the role that he plays and is quite quick to become annoyed or angry when she perceives him as making demands she does not agree with.

Not alienationHoweverthe mother's dismissive attitude to the father which has the potential to affect N's relationship with him and views about spending time with him as he grows older. He is more likely to become aware of his mother's views, and with long periods of time away from him the father may diminish in his eyes in a way that would be less likely if face to face contact was more frequent. |
|  | X and Y (private law - change of name - termination of parental responsibility) [2021] EWFC B24 (19 April 2021) | https://www.bailii.org/ew/cases/EWFC/OJ/2021/B24.html | HHJ Vincent (Fam Ct oxford) | Think we’ve written up. F serving life sentence for att murder mother1. I have read the father's handwritten statement and I listened carefully to his submissions to me. Much of what he said was focused on his view that he was a victim of a miscarriage of justice and he intended to appeal his conviction. He was relentlessly negative about the mother, called her a liar, accused her of being a bad parent, of being controlling and of manipulating the children and alienating them against him. He took no responsibility for his actions and denied that he had ever been abusive. He said that he had been discriminated against because he had autism and additional needs, and this had not been taken into account. He described himself as a victim of the system.
2. At no point was he able to reflect upon the impact on his ex-partner or his children of the events that had led to his conviction and imprisonment.

Pr discharged, change of name allowed, no contact indirect or direct |
|  | YY (Children: Conduct of the Local Authority) [2021] EWHC 749 (Fam) (26 March 2021) | https://www.bailii.org/ew/cases/EWHC/Fam/2021/749.html | Keehan J Fam ct | Not really an alienation case. 1. These failings and errors have to be set out in proper context as counsel for the interveners was keen to stress. They were new and relatively inexperienced foster carers. They took on the care of four young and challenging children. They gave them a loving, secure and stable home. They made them feel a part of a warm and caring family unit. They were not advised by the local authority that the children's adoption of their surname is contrary to s.33(7) of the 1989 Act nor that the children calling them 'mum' and 'dad' was wholly contrary to good social work and fostering practice. I accept that they took these steps out of the best of motives. I accept that they saw themselves as champions of defending the children's expressed wishes and feelings but in doing so they in fact compounded the harm the children were suffering and would suffer from being alienated from their parents and their wider family.
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|  | O (A Child : Judgment: Adequacy Of Reasons) [2021] EWCA Civ 149 (16 February 2021) | https://www.bailii.org/ew/cases/EWCA/Civ/2021/149.html | Jackson LJ & Ors CoA appeal from HHJ Lea | Allegs of SA found proved. F had countered they were made up as part of a campaign of alienation. F appealed findings. Appeal allowed essentially on inadequacy of reasons grounds. Remitted for rehearing. |
|  | EM v BK [2021] EWHC 108 (Fam) (22 January 2021) | https://www.bailii.org/ew/cases/EWHC/Fam/2021/108.html | Mostyn J Fam Div | 4 hits. 12 & 4. Court in Rome had found alienation by M and placed children in F’s interim care notwithstanding their objections. Mostyn J adopted those conclusions. 1. The process of alienation has been going on for some time, as the report of Dr Santoro demonstrates. Yet in 2019 A clearly wished to live with his father. Since his abduction he has undergone a remarkable sea-change in his views. The language that he uses to discuss his antipathy to his father is detailed and plainly reflects the views of the mother. The same is true, but to a lesser extent, of the reasons given by C. I cite para 62 of Ms Jolly's report:

"I noted that C recited an adult-sounding statement about his father choosing to spend money on court proceedings and not supporting them financially. On reading the papers again I noted this was a similar complaint [the mother] makes in her statement [para. 17], leading to me suspect this is an adult view that he has heard, either indirectly or directly and repeated. C referred to the Italian Court making the wrong decision, without being able to explain what he meant by this. A at times spoke rapidly and presented as a child keen to relay his narrative which, can be an indicator of a rehearsed nature. He justifies the removal by stating the second Italian Court decision did not expressly prohibit the children being removed to live abroad. Putting aside that the removal does not allow for the children to spend time with their father under a shared care basis as ordered by the Court, it seems to me this is a rationale that could only be advanced by [the mother] and one that A came to became aware of either directly or indirectly."To my mind this clearly shows that the children have been subjected to indoctrination and manipulation. I therefore do not place much weight on their objections as recorded by Ms Jolly. |
|  | Z (Interim Care Order) (Rev 1) [2020] EWCA Civ 1755 (18 December 2020) | https://www.bailii.org/ew/cases/EWCA/Civ/2020/1755.html | CoA Floyd LJ & others. On appeal from HHJ George | Care proceedings. 15 yo boy. Foster care as a bridging placement for transfer of residence. Child sought pta. Older child 19 on autistic spectrum. Extensive private law proceedings. limited contact w/ m. shared care order 2017 never worked. Enforcement etc. C&A psych identified alienation (ms alice rogers) > s37 > care proceeds. Therapy failed. "Z remains extensively alienated from his mother; indeed, the situation is much worse than the last time I saw him, and he has had no contact with his mother for over six months now. He has attended school very little during year 10, which will have deeply damaged his educational prospects. Z's presentation during clinical interview was somewhat improved, and he is no longer talking repeatedly of hurting other people or reporting suicidal thoughts ….[The father] remains rigidly preoccupied with his sense that his wife should go and live with her family and give the house to him and the boys. Although he denies having influenced the boys, it was striking how similar his complaints are to Z's; both use the same words …. It is quite possible that [the father] doesn't have to say much now in order to alienate Z, but it is likely that he continues to say things, and to subtly reward rejection of [the mother]. I am absolutely clear in my opinion that he tries to obstruct the relationship ….If the situation is left as it is, this fundamentally means the acceptance of [the mother] entirely losing all relationship with both of her sons, and Z losing any chance of a relationship with his mother. It also means accepting that this 1- year-old-boy will not attend school or get an education. This is not tenable, and there should be a transfer of residence for Z to live with his mother. This will need to be done via a bridging placement; Z will need a chance to be parented effectively by trained carers, in order that he can learn that a typical boundary (you need to go to school even if you got a detention) is not abuse. He needs opportunity to reconnect with his mother, and develop a relationship with her.There is clearly a concern about [the father] setting out to poison Z against his mother further by telling him that this is her fault and what she wants. The social worker will need to intervene robustly to prevent this, but I would also recommend that action is taken as soon as is possible."Meanwhile, parenting assessments had been prepared by an independent social worker, Ms Francesca Serrette. Her report about the father had concluded that he remained fixated on historical issues about the marital relationship and had demonstrated that he was unable to separate his own emotional responses from the well-being of his child. He consistently cited the mother's behaviour as the catalyst for the current situation and the harm allegedly caused to Z. Ms Serrette observed that Z had begun to make identical complaints about the mother and there was a view that he was being unduly influenced by his father's views. It was considered that his diagnosis of autistic spectrum disorder left him more susceptible to influence and significantly vulnerable. The father's own rigid thinking rendered him unable to understand or accept the impact of his parenting style. Ms Serrette concluded that, as a result, the father would be unable to support Z's healthy growth and development. The children's guardian does not consider that Z is competent. Her view is that he is so entrenched in his views and so alienated by [the father] as his primary care giver, he is unable to form his own opinion on whether he should have relationship with his mother.Judge had been unable to reach / implement her conclusions at FH because LA had not issued and had not found a foster placement.when they did issue several months later the J made an ‘ico’ purporting to be interim decision.1. For my part, I do not think it can be said that her decision that Z should be removed from the family home was necessarily wrong. What concerned me when I first read the papers when considering the application for permission to appeal was the procedure which the judge followed to arrive at this outcome. My concerns have crystallised as the appeal has proceeded, and I have arrived at the regrettable conclusion that the appeal must be allowed on grounds of procedural irregularity.
2. In short, the outcome of the hearing on 12 November was that a 15-year-old boy with autism was removed from the family home he had shared for years with his father and brother against his wishes in which he did not have the opportunity to make direct representations to the court and his father had not filed any evidence on the issue of whether or not he should be removed. There is also a further concern which was not expressly raised in the grounds of appeal but which troubled the Court on reading the papers. Although the judge was clear that she was making only an interim order, and not reaching final conclusions, the care plan she approved provided for the permanent removal of Z from his father's care with the intention of placing him in the care of his mother within 3 to 6 months.

There had been no reassessment of capacity. no ev from F and no specific consideration of childs autism diagnosis. Child returned to F pending rehearing by new judge. |
|  | LB v LB [2020] EWHC 3840 (Fam) (27 November 2020) | https://www.bailii.org/ew/cases/EWHC/Fam/2020/3840.html | Williams J Fam Ct | J had made a decision in 2018 which was overturned on appeal, that the child had sufferef sig eml harm as a result of M action, but final orders were made without contact orders. The psych ev was that the harm would continue if no change. She raised transfer of residence if no improvement. There wa a gap in evidence and it was not the end of the road.The appeal judge kept the case and held a rehearing with a fresh expert. The expert went off piste. A multidisciplinary TAF was put in place. Therapeutic plan put in place under care order.‘transition from court based to therapeutic process.Child ASD. M Deaf – this had fed into communication difficulties / conplexities.Dr Baker’s evidence summarised by the J as including ‘In order to determine an effective intervention, it is more effective to focus on a description of the behaviours and historical context of the family system rather than use a diagnostic framework that places a focus for difficulties within an individual (i.e. "implacable hostility" and "alienating parent") (Polak & Saini, 2015). This approach is more successfully taken in a wide range of psychological interventions and will be the approach I will take in forming an opinion about future support for the family to improve the family dynamics.’Alienation not apparently a healpful concept in this complex situation. |
|  | S, Re [2020] EWHC 2940 (Fam) (28 October 2020) | URL: *http://www.bailii.org/ew/cases/EWHC/Fam/2020/2940.html* | A Verdan QC (Dep HCJ, Fam Div) | A (almost 15) objected to return to poland - M sought summary return following wrongful retention, under Hague. she was mature (F raised an objection on grounds of the childrens’ objections / article 13). There were 2 younger children 10 and 8. The children alleged physical abuse, genrally denied by M.M thought ‘She thinks the children's views have been heavily influenced by the father. As for the allegations of physical abuse, she accepts in her written evidence in this case that on one occasion during a heated argument she "lost it and hit A" but denies hitting I or E. ‘A’s ‘objections are grounded in her unhappy experience of living with her mother in Poland and her happiness at living with her father in England and that they are strong, consistent, reasonable, objective, rational, her own and genuine.’I accept the Guardian's opinion evidence that the children, whilst exposed to parental conflict, have not been negatively influenced or alienated from their mother by their father. The children, including A, were able to speak positively of their mother and freely articulated their sense of loss in relation to her absence from their lives. The children did not present with any of the behaviours typically associated with children who have been exposed to alienating behaviours.Children to remain in uk. Strong objections by A, separating them would be harmful and article 13b defence established.V brief treatment of alienation (dismissed) – as above. |