

Child's situation number 1¹

Family: These proceedings involved three children- Felix (male aged 9), Diana (female aged 7) and Nihal (male aged 4). Both parents were born in India. The children were born in England.

Background summary: An application was made to the court by the mother for the three children to live with her and for spending time with the father to be defined. (Mother later said that she was advised by her solicitor to offer 'family time' and that she was afraid of being accused of alienation if she did not).

The children's father had retained Felix (the oldest boy), after he told his father he wanted to live with him. Diana and Nihal did not then want to see their father in case he did not allow them to leave and return to their mother. The mother said she was a victim of domestic abuse, controlling and coercive behaviour. Felix refused all communication with his mother.

What is happening for the child?

Assessment:

- At the time of writing the section 7 report Felix had been retained by his father following spending time with him. Felix said he hated his mother and sister and brother and wanted to live with his father. He said his father's family were supporting him.
- Diana and Nihal said that they missed their brother and did not understand why he was not living with them anymore. Direct work was carried out with all three children. The mother was very worried about Felix's living conditions with his father and about domestic abuse happening to all three children and herself. She was also concerned about the reaction of the father's family to her making an application to court.
- The Family Court Adviser used the domestic abuse pathway and guidance, and coercive control practice aid when gathering information to analyse what is happening or has happened to the children.
- A local authority (LA) referral was made, which resulted in a Child and Family Assessment, following which the case was closed with no further action. The FCA had submitted a 16a risk assessment to the court. The court directed that on an interim basis Felix should spend time with his mother, brother, and sister.
- Felix refused to see his mother, and the court subsequently directed Cafcass to make a referral to Improving Child and Family Arrangements (ICFA), with Felix spending some positive time with his mother in one session, after initially presenting as fearful of her. The father refused to engage further with ICFA and provided a medical letter that supported his position (that Felix feared his mother and should not see her).

¹ This child's situation has been adapted from real case examples, using our knowledge and experience of working with over 140,000 children and young people a year. It aims to provide practitioners with practical examples of the often-complex issues that arise in understanding the reasons for children not wanting to spend time with a parent.

- The FCA filed a report highlighting concerns for Felix not having the opportunity to enjoy positive relationships with his brother and sister, and his mother, and detailing the potentially harmful aspects of the father's behaviour and extended family members. The FCA also recommended a finding of fact hearing to be held considering the evidence of both domestic abuse and alienating behaviours in relation to all three children.

Outcome:

- The court held a Finding of Fact Hearing and made findings that the father had subjected the children's mother to domestic abuse, coercive and controlling behaviours which had caused harm to the children.
- The court also found that the father had emotionally abused Felix and alienated him from his mother, causing Felix to fear his mother and make false allegations about her, and that this abuse was a continuation of the father's coercive and controlling behaviour of the mother.
- The Court found that Felix was experiencing ongoing significant harm in the care of his father and directed an immediate return to his mother's care and ordered the Local Authority to supervise the transition and the safety of mother and the children under a Family Assistance Order. No order was made for family time with the father.

Child's situation number 2²

Family: 2 children, Vincent aged 9 (boy) and Gina aged 11 (girl), their mother and father.

Background summary: The children had a close and loving relationship with both parents throughout their lives until their father left the marriage when he started a new relationship. This was a surprise to the mother and children. The mother and the children were devastated and angry. The children refused to see their father. The mother described the situation as the father having 'abandoned us'. The father has made an application to spend time with his two children.

What is happening for the child?

Assessment: The children continued over many months of proceedings to show no sign that their anger was dissipating.

They started to repeat things that their father had done wrong, and that they had always 'hated' him as their position hardened. They refused to talk about previous positive years or positive experiences with their father and created a new history for their family.

The Cafcass Family Court Adviser (FCA) assessed that the original reason for the children not to spend time with their father, their anger and pain at their father leaving the family home, could have been overcome in the children's best interests, if mother had been able to support this. The assessment concluded that their mother was not able to separate her own feelings and needs from those of the

children. The mother had ceased to meet her children's emotional needs and was actively encouraging them to form a false narrative of abandonment, and express hatred towards their father.

The section 7 report included information from the maternal grandmother about how the mother (her daughter) was expecting the children to be loyal to her, was actively providing information which distorted the children's beliefs, how she was exposing the children to her own emotional distress on a repeated and frequent basis and how the maternal Grandmother was concerned that this was not allowing the children to recover and 'move on' from their father's departure. The maternal grandmother expressed the view that her eldest granddaughter had taken on caring responsibilities for her mother.

However, their mother continued to meet their needs in every other way, they were resilient and continued to thrive and progress very well academically, socially and in their extra-curricular activities.

The children's father was clear that he did not want the children to be moved to live with him and his new partner due to their expressed animosity to his partner and unsuitability of their accommodation.

Outcome: On balance the FCA recommended that the children's anger and views were so strong that they should not be required by the court to spend time with their father, as doing so could cause more emotional harm to the children who were otherwise thriving in the care of their mother.

Before reaching this recommendation the FCA provided pros and cons of each potential option, including considering whether time with their father should take place in a supervised setting and whether a referral to the Local Authority in respect of emotional harm to the children was required and whether any therapeutic intervention was available for the family.

It was concluded following supervision that a referral would not be made, and the children's wishes and feelings should be acted on. No suitable therapeutic intervention could be located. It was decided that father should send the children cards and gifts at regular intervals, as a father with parental responsibility he should obtain reports on the children from their schools, also the mother should make undertakings that she will make the cards and gifts available to the children and retain these for them if they do not want to see them at this time.

Child's situation number 3³

Family: These proceedings involved one child Harriet, aged 3 at time of application, Application for Child Arrangements Order (spend time with).

Background summary: The initial application was made by the father to spend time with Harriet, who was living with her mother and had not spent time with her father for one year before proceedings. Previously the father was seeing Harriet regularly facilitated by extended family members. The mother alleged the father threatened to take Harriet abroad, smelt of alcohol and cannabis at family time and

³ This child's situation has been adapted from real case examples, using our knowledge and experience of working with over 140,000 children and young people a year. It aims to provide practitioners with practical examples of the often-complex issues that arise in understanding the reasons for children not wanting to spend time with a parent.

that Harriet doesn't show interest in spending time with her father. Both parents reported arguments between themselves, with no history of domestic abuse.

The Police National Computer for the mother shows multiple incidents of physical altercations with other people, the father is not known on the Police National Computer. The Children's Guardian was appointed one year into proceedings.

What is happening for the child?

Assessment: Throughout the two years of proceedings, the mother failed to comply with directions for Harriet to spend time with her father, resulting in Harriet seeing her father on only a handful of occasions. The guardian raised concern that Harriet was being exposed to volatile, unpredictable behaviour from her mother and alienating behaviours from mother towards father.

Mother was unable to see the potential benefits to Harriet of a relationship with her father, saying she had never needed her own father. Mother did not have insight into the emotional harm that her behaviour may cause for her child.

The local authority then commenced an investigation under Section 47 after the guardian submitted a 16a risk assessment to court and made a referral. She had been made aware by a family member that mother injured herself and called the police alleging that father assaulted her. The local authority remained involved with Harriet via a Child in Need plan.

While observing time Harriet spent with mother and father separately, the Guardian observed Harriet speaking negatively about her father towards mother, saying 'my daddy is naughty'. The Guardian reported that Harriet was calm and content during the time with her father and asked if she could go back home with her. When mother returned, she was unhappy with the arrangements for pick up and the Guardian witnessed an angry outburst which left Harriet looking upset and confused.

The Guardian's analysis commented that mother was engaging in making false allegations and other alienating behaviours and was unable to differentiate her own feelings from Harriet's. There was no evidence of father misusing alcohol or cannabis.

The Guardian was concerned that Harriet would become increasingly aware that she could prevent her mum becoming angry if she rejects her father. The guardian reported that, despite Harriet's significant exposure to her mother's hostile and angry feelings towards father, she feels a close bond with her father and recognises him as a safe and important person in her life.

Outcome: The Children's Guardian recommended that Harriet move to live with her father. It was agreed that the local authority would manage this transition. It was recommended that supervised spending time arrangements with the mother should be commenced once Harriet had settled well and could progress if they supervised time was going well and mother had accepted the arrangements.