

In the Barnet Family Court (sitting at the Central Family Court)

Case Number BT23P00332

Neutral Citation Number: [2026] EWFC 266 (B)

Before DDJ Nahal-Macdonald sitting in private

Monday and Tuesday 7 and 8 September 2026

In the Matter of Child Arrangements under the Children Act 1989

Between:

JW (the applicant father)

-v-

JY (the respondent mother)

Re Q – a child born April 2023

This judgment was delivered in private. The judge has given leave for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media and legal bloggers, must ensure that this condition is strictly complied with. Failure to do so may be a contempt of court

Preliminary

1. This is a judgment following a final hearing in this case. F was represented by Mr Aspinwall and M by Miss Millin, both of counsel. I thank them both for their excellent advocacy and reasoned submissions.
2. The parents are both from the same [Hague-Convention] European nation, and the child, who I shall call Q, was born in this country in April 2023¹. I heard **Q's case** at the RCJ in December 2025, for a final hearing. That hearing was then ineffective owing to CAFCASS lacking resource, and the applicant father ('F') having resiled

¹ I disclosed to the parents in December that by coincidence Q shares a birthday with one of my own children. The reports, witness statements and pleadings of the parents were impactful and tangible. I hope that I have done justice to Q and both parents.

from his prior position as to facts found against him, and having undertaken a range of work around domestic violence and anger management.

3. I note that this is **Q's case**, not the parents. The Children Act 1989 ('the Act') is built around the paramount consideration (section 1) as to Q's welfare being the north star for decisions I take about him. In doing so I shall address the Welfare Checklist (section 1(3) of the Act) and Practice Direction 12 J ('PD12J') which guides decisions as to contact where there has been domestic abuse.

Procedural History

4. Sadly, these proceedings have been running nearly three years now, for almost all of Q's life. The respondent mother ('M') and Q fled from F in the autumn of 2023 and F made his application for contact in November 2023. It is a great shame that matters could not conclude sooner, but a good part of that delay is due to the conduct of F.
5. F lived in the former family home with M and Q until October 2023, but thereafter did not have contact with Q until after the FHDRA in January 2024. A PSO, restricting M from taking Q out of the jurisdiction, was made by DJ Saunders on 17 November 2023 and remains in place, subject to qualification.
6. F has enjoyed contact with Q from February 2024. Such contact was initially supervised at a Contact Centre lasting for a period of 1 hour. The duration was then increased by the order of DJ Moon on 14 June 2024 with provision for a move to supported contact from September 2024 onwards. The duration of contact was fixed at 4 hours by the order of DJ Clarke dated 21 November 2024.
7. Contact has recently taken place pursuant to my order dated 8 December 2025. F now sees Q once per fortnight for four hours in the community. F pays for a social worker to supervise contact and prepare reports, which, to F's credit, have been very positive. Q clearly shares a bond with F and is happy to spend time with him, and I take it as axiomatic that Q loves his daddy very much, and vice versa. It is an unqualified love which ought not to be taken for granted by a parent. How F proceeds in the future, especially in regard to his attitude toward M, will impact whether it remains

unqualified. I made a final ‘Lives With Order’ in favour of M at that hearing, reflecting the factual matrix, and by agreement.

Domestic Abuse

8. M raised allegations of domestic abuse against F. A ‘Fact Finding Hearing’ (‘FFH’) took place on 20 and 21 November 2024 and the following findings were proven:
 - a. On 25th August 2023, F became angry when M informed him that she had applied for a passport for Q. He grabbed her by the arms and later, during a further argument, smashed a framed set of family photographs by throwing them to the floor in her direction. This was found to be threatening and caused emotional distress.
 - b. On 15th September 2023, F shouted at, insulted, and threatened M. As she tried to leave with the child, he pushed Q’s pram into her, causing bruising to her leg. This act was found to be aggressive and upsetting for both M and Q.
 - c. On 17th October 2023, F grabbed M by the wrists during a heated argument and made a threatening remark about throwing her out of a fifth-floor window. The incident occurred in the presence of Q and was found to be distressing and frightening for both M and Q.
9. I note that a further allegation of ‘coercive and controlling behaviour’ was not found proven, and I do not base any of the parts of this decision upon that matter.

Prohibited Steps

10. As mentioned above, the case has been listed variously for and against an application by F to impose a ‘Prohibited Steps Order’ (‘PSO’) against M, prohibiting her at the outset from international travel, predicated on the basis that F believed M would leave the jurisdiction with Q.
11. It is right to pause there, and reflect that this is a common occurrence in domestic violence cases where the parents are not native to the jurisdiction. The argument goes something like this: “*She has ties to another country* [perhaps, in some cases, a non-

Hauge Convention country] *and she has fled and I fear I will never see the child again*". That obviously sets the hares running in judicial terms, and judges (myself included) are likely to be very concerned and naturally conservative in terms of 'holding the ring' and ensuring that matters conclude here in this jurisdiction.

12. However, that belies the truth of this case: that both parents, as I have said, are from the same nation. They started a family here. They have their life in the UK, Q was born here and London is all he has known for his whole life. The findings in this case lead to an inexorable inference that F's behaviour caused M to have a diminished capacity to parent Q safely. Coupled with the fact she had no real network in this country -and indeed I have heard she has had no fewer than six different temporary homes since she fled F – it must have occurred to her that her life and that of Q might be better off in their home country. That would (properly) be raised by way of an application to relocate. M has not made such an application and has maintained throughout that she has no intention of moving back to her home country, that her life is here and she intends to raise Q here.
13. In short – F's argument that M *might* leave the jurisdiction is couched in terms of his own shortcomings and violence against M. It is not dissimilar to the argument this court hears time and again from non-resident parents (usually, but not always, fathers) when faced with allegations of domestic abuse: that they allege the other (resident) parent (usually, but not always, mothers) is *alienating* the child against them. The reality is often simpler: the child doesn't want to spend time with the person who abused their parent, and vicariously (or directly) abused them².
14. The case has, in turn, faced delay over hearings arising between the parties including applications by M to take Q to their home country. Those delays might not have occurred if the PSO was not in issue. When the case came before me in December 2025, I made it absolutely clear to F that I take the view that holidays are, *prima facie*, aligned to the best interests of the child, and that those lucky enough to be able to go abroad with children ought not to take that for granted. I directed that M and F would

² See for further discussion on the syndrome of parental alienation 'Family Justice Council Guidance on responding to a child's unexplained reluctance, resistance or refusal to spend time with a parent and allegations of alienating behaviour' December 2024, via <https://www.judiciary.uk/related-offices-and-bodies/advisory-bodies/family-justice-council/resources-and-guidance/parental-alienation/>

be able to agree for M to travel with Q to their home country for a holiday by agreement, and for F to not unduly refuse such applications. I heard with dismay that in fact, since that hearing and my very clear direction to F, he has instead refused two such trips.

15. M is of the view that F's approach is tantamount to further evidence that he is seeking to control her. I note, above, *that there was no finding of coercive control in this case*, but I made my view clear to F in this hearing that his obstinance with regard to overseas travel was a misstep in my view. Had he made that concession when M was wanting to travel overseas, perhaps M would have been more amenable to compromise on the things F wanted.

What F seeks

16. Turning to things F wanted, then: F currently has contact with Q for four hours every fortnight, *supervised* in the community. He wishes for that to be stepped down to '*supported*' contact, which is both lighter touch and cheaper. The main difference between '*supervised*' and '*supported*' contact is that the former involves the person supervising being in close proximity to the parent and child during contact, observing them, interceding if needed, and making reports on their progress. It is expensive (I am told upwards of £70 an hour plus reports) whereas '*supported*' contact involves the third party being more in the background, and does not usually require reports. It can cost around half the cost of supervision. It is of note F is currently spending over £400 per month to see Q under the supervised regime.
17. F had initially been of the view that he did not accept the findings in this case, and that he wanted to take a polygraph or 'lie detector' test. It is trite to note that such a test would neither be foolproof nor admissible, and in any event, it was far too late in the day for such an approach. F should instead have either appealed the findings, or taken the view (as this court is bound to do) that they are simply immutable facts which the court will treat as proven. I accept that (as with the criminal law) a person can remain of the view they are '*factually innocent*' and no amount of cajoling from judges, advocates, CAFCASS or therapists can disabuse a parent in that situation of an entrenched view. However, I take the view that F's slowness on the uptake has impacted the speed at which this case might have concluded, and has left an obvious

(and completely rational) deficit of trust on the part of M. Put simply: she could be said to be of the view “*F said he didn’t do those things, the court found he did, he still maintained that view and now he is just taking a false or performative position to get the result he wants*”. Equally, it is hard for me to disabuse M of that view at this stage, either.

CAFCASS and M’s position

18. The court had the benefit of two detailed reports from CAFCASS experts in this case. The first report was filed on 1 May 2025 and recommended that current arrangements remained in place by way of final order, and eventually contact be stepped down to supported in turn. F did not accept recommendations made. Following the report, F engaged in extensive remedial work including 23 hours of hours of 1-to-1 counselling for perpetrators of domestic abuse.
19. When I heard from F in December 2025, he was emotional and appeared genuinely to have changed his mind about the findings. He asked for his *volte face* to be considered in light of work he had done to address his behaviour in the interim. I directed an addendum report. I also ordered that supervised contact could move into the community, taking judicial note of the fact that Q was less likely to enjoy contact in a contact centre, and that better quality of contact would be in Q’s best interests.
20. The addendum report arrived in May 2026. The writer recommended that the court make a final order for Q to spend time with F in the community for four hours per fortnight (i.e. the status quo). The report recommended that such contact be supervised and that F completes a Domestic Abuse Perpetrators Programme (‘DAPP’ or DAPP course) provided by the Local Authority. M endorsed that recommendation.

The evidence

21. I did not hear from the parents in this case, although I had witness statements from both. Both had interpreters, though F’s English is proficient and he did not rely on his interpreter, M did with hers. Both counsel agreed that the case could be dealt with by submissions, and both agreed that F would look to undertake a DAPP after proceedings finished (it cannot be undertaken until they do).

22. Judges routinely test the veracity of a witness, and are asked to do so via the helpful cross examination of advocates, and to assess demeanour. That would be very difficult indeed in a second language, via an interpreter. I take as the starting point that F did not accept the findings, including asking for a lie detector test, and then latterly said he did accept them. I take it as read that M does not believe him. Frankly, it is moot at this point. The DAPP is an intensive, lengthy and involved process, at the start of which F will be closely scrutinised and tested to see whether he is ready to learn or whether, prosaically, he is faking it. That will be best left in the hands of others.
23. The court heard from the writer of the addendum report from CAFCASS (the first writer having left the organisation). She was cross examined by counsel for F then M in turn, and I asked her questions also.
24. Broadly, I found the evidence of the CAFCASS officer ('RT') to be helpful, sufficiently expert, suitably tailored to the knowns and unknowns of the case, to be child-centred rather than swayed by the wishes of the parents, and apt to make thoughtful concessions or changes when needed.
25. RT was questioned about why she had come to a different conclusion to the prior reporter, in that she maintained supervised contact was required at this stage, not stepped down to supported. She maintained her position and explained that she could not speak for the prior writer, but that when she had met with F, what he said verbally was different from his written statement from November 2025. RT was concerned that F still harboured disagreement with the findings of the court and an apparent rigidity of thought. She explained that she did not need to press F on this, and that he had been forthright with his views.
26. RT accepted in questioning that there was no finding (nor assertion) of *direct* violence from F to Q, but pointed out that CAFCASS take the view (as is enshrined within PD12J) that Q being present at the three incidents of violence against M made him a victim in his own right. The court agrees.
27. It was explored with RT as to the crux of her concerns from F, bearing in mind that he had positive reports of warm and loving interactions with Q from the supervisors, and indeed from RT herself when she assessed him and Q together. RT was conciliatory

and gave credit to F – she pointed out that contact had indeed gone very well. RT’s concern, it appeared to me, was predicated on the following:

- a. As to Q having lived through and experienced violence by F upon M (as above); and
- b. As to F taking negatively about M, such as his text messages to her when he said things like “Carma [sic] is real” and “stay strong [Q] God is watching everything” and “everything ... will come to light one day”; and
- c. Generally, whether F could be trusted to have accepted the findings in light of his position changing; and
- d. That F had not yet been accepted onto or undertaken a DAPP course

28. For the avoidance of doubt, all of those concerns seem to me to be logical and inferentially sound bases for RT making the recommendation she did. She made suitable concessions to counsel when he asked her whether an undertaking not to disparage M would alleviate some of those concerns, which is to F’s credit. It was put to RT that her proposals amounted to “supervision ad infinitum” which she rejected. She appeared to be of the view that increased, lighter touch, contact could only follow the DAPP having been undertaken by F.

29. In turn, M’s counsel cross examined RT and made various points about the impact of the prior abuse of M upon Q and her capacity to parent him. RT accepted that it could be encapsulated that her attitude toward risk was that F’s position was ‘unrefined’ i.e. that he was yet to undergo the really involved work of a DAPP, and currently therefore her position naturally tended toward the risk averse until he did.

30. RT was questioned on behalf of M as to the progress F had already made independently, such as via therapy. She maintained that it was too early to see whether F had genuinely changed in his attitude in a positive sense.

31. RT told the court that in her view, “*F is a hands on - a loving parent in a practical sense with Q, but my worry is that when Q gets older “he will learn the truth” – if F does not acknowledge his behaviour will F always consider M the enemy*”. I found

that her position encapsulates the crux of the case and mirrors the concerns the court has when considering the balance of the evidence.

32. To RT's credit, she did not simply agree with all that was put to her in propositions from M's counsel. She maintained that an increase in the hours for contact would be in Q's best interest, as contact has gone well. It was put to her on behalf of M that M and Q currently travel 90 minutes each way to the contact centre in order to meet F for contact, and that this is clearly not ideal for Q. RT countered that M should be suggesting to F as to closer drop off points, which F would readily accept. I note that M does not want F to know where she lives, but travelling 90 minutes across London is frankly perverse in this case bearing in mind the size of the city and the number of options for safe handovers.
33. I asked RT whether, for instance, if I made an order which led to step down to supported contact on provision of a positive half way report from the DAPP, this might be a suitable balance between safeguarding risk and increasing quality contact in Q's interest. She accepted this could be a viable approach.

Submissions

34. After hearing from RT, both counsel made helpful submissions. I will not repeat them verbatim here, but in essence, Mr Aspinwall for F sought to impress upon me that F would offer an undertaking to not denigrate speak badly of or criticise M in the presence of Q or through any messaging apps, and to only communicate regarding welfare issues relating to Q and to contact.
35. In respect of the framework of PD12J, Mr Aspinwall said I had to have regard to the entirety of the Practice Direction. If the abuse is inflicted in the presence of the child (para 4) they are taken to be a victim, but that the identification of the DAPP applied to the reduction of risk at Paragraph 34. The "*real meat*" of the test is within paragraphs 35-37- and that I should ensure Q is not exposed to an unmanageable risk of harm. That is the key issue – what is the proportionate, least intrusive method?
36. It was submitted that in respect of the "Risk of direct physical harm" – it was accepted that F inflicted harm on M and that makes Q a victim, but the court did not find that F

had directly inflicted physical harm on Q. On the contrary, the court has the benefit of 15 contact notes. In none of the notes are there any concerns raised.

37. Emphasis was placed on the proposal by F and its benefit to Q – he has had positive and loving contact with F and the court needs to consider the impact on Q of continued supervised contact.
38. In terms of Parental Responsibility ('PR'), F's counsel said that M should provide better monthly updates with detail so F can know Q better and communicate with him, and reduce risk. Similarly, F asked for redacted GP, School and nursery reports to be shared, as being in the dark was seriously detrimental to F and his ability to form a bond with Q.
39. In regards the PSO, F was happy to remove this but asked for M to provide details six weeks in advance of travel including when, where and how she was travelling, including itineraries. F would be happy with any increase in time and reduction in supervision.
40. It was highlighted that F is paying £410 a month for supervised contact at the moment: if he cannot afford to pay then the contact falls apart and Q having no contact is not in Q best interest. This militates toward a staggered and staged order, it was submitted.
41. Ms Millin for M in turn made submissions endorsing the position of CAFCASS and M. M wants the PSO removed, she intends to take holidays if she can afford them – she would agree to give notice as to which country she is going to; when she is going and coming back.
42. Counsel pointed out that supervision is for Q, not to punish F or reassure M – it is necessary due to F's explosive lack of control on the occasions as found in the FFH. As per the 'Welfare checklist' and PD12J: Q's welfare is paramount (cf. Section 1(1) and Para 4 PD12J) and the courts task is to avoid exposing Q or M to further oblique abuse within the wider definition of that term.

43. Per paragraph 19 of PD12J, it was submitted that it is premature to conclude that F has yet developed his capacity to avoid abusive behaviours. M has a diminished capacity to self-advocate: she focusses her limited capacity through the relationship between Q and F. Contact is never perfect, but Ms Millin readily accepted that it is to F's credit that his contact with Q is positive from the reports. M submitted that four hours of contact per fortnight was plenty.
44. M sought to persuade me that there would need to be bedding in during and following the DAPP being undertaken. That a report at the middle point would need to be tested and that the DAPP itself is not a welfare check. M maintained that the text messages referred to above and of concern to RT were equally concerning to M, and she found them to be menacing.
45. F's plan was not evidenced as being *child focussed* in terms of the Welfare Checklist. M was still of the view that F does not accept M's lived experience as truth. M was nevertheless still supporting contact, despite it all, which Ms Millin submitted (and the court readily agrees) was to M's great credit and evidence of her resilience. All in all, Ms Millin submitted that F has a journey to travel, that my order cannot speculate as to the outcomes, and that a degree of testing and safeguards were necessary in this case. As mentioned, both counsel made excellent and compelling submissions, and I thank them.

The law

46. The 'north star' in any Order for Child Arrangements is the 'Welfare Checklist' at section 1(3) of the Act. Section 1 of the Act explains that the welfare of the child is the "*paramount consideration*" when the Court determines any "*question with respect to [...] the upbringing of the child*". The Checklist itself (s1(3)) contains a list of considerations to which the court must have particular regard i.e.:
- (a) *the ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding);*
 - (b) *his physical, emotional and educational needs;*
 - (c) *the likely effect on him of any change in his circumstances;*
 - (d) *his age, sex, background and any characteristics of his which the court considers relevant;*

- (e) any harm which he has suffered or is at risk of suffering;*
- (f) how capable each of his parents, and any other person in relation to whom the court considers the question to be relevant, is of meeting his needs;*
- (g) the range of powers available to the court under this Act in the proceedings in question.*

47. In conjunction with the Welfare Checklist, when determining the F's application for an expansion of contact and M's opposition, the court must consider Practice Direction 12J of the Family Procedure Rules 2010 ('PD12J').

48. PD12J sets out "what the Family Court or the High Court is required to do in any case in which it is alleged or admitted, or there is other reason to believe, that the child or a party has experienced domestic abuse perpetrated by another party or that there is a risk of such abuse" [PD12J, para 2]

49. Therefore, the court did not approach this final hearing with a clean slate; the factual matrix has been established by the findings of domestic abuse against F. Those findings form the baseline, whereby any orders for contact must seek to manage any identifiable risks.

50. Paragraph 5 of PD12J defines domestic abuse widely, and it can include physical acts and any pattern of behaviour. The existence of findings alters the statutory landscape. Specifically, the presumption under section 1(2A) of the Act, that the involvement of a parent will further a child's welfare, is expressly displaced by virtue of section 1(2B) where it is shown that such involvement would expose the child or the other parent to a risk of harm. Abuse having been proven in this case, it limits that presumption to increased contact.

51. Paragraphs 35-37A are germane to this matter, so I set them out in full here:

35 When deciding the issue of child arrangements the court should ensure that any order for contact will not expose the child to an unmanageable risk of harm and will be in the best interests of the child.

36 (1) In the light of-

(a) any findings of fact,

(b) admissions; or

(c) domestic abuse having otherwise been established,

the court should apply the individual matters in the welfare checklist with reference to the domestic abuse which has occurred and any expert risk assessment obtained.

(2) In particular, the court should in every case consider any harm-

(a) which the child as a victim of domestic abuse, and the parent with whom the child is living, has suffered as a consequence of that domestic abuse; and

(b) which the child and the parent with whom the child is living is at risk of suffering, if a child arrangements order is made.

(3) The court should make an order for contact only if it is satisfied-

(a) 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

(b) that the parent with whom the child is living will not be subjected to further domestic abuse by the other parent.

37 In every case where a finding or admission of domestic abuse is made, or where domestic abuse is otherwise established, the court should consider the conduct of both parents towards each other and towards the child and the impact of the same. In particular, the court should consider –

(a) the effect of the domestic abuse on the child and on the arrangements for where the child is living;

(b) the effect of the domestic abuse on the child and its effect on the child's relationship with the parents;

(c) whether the parent is motivated by a desire to promote the best interests of the child or is using the process to continue a form of domestic abuse against the other parent;

(d) the likely behaviour during contact of the parent against whom findings are made and its effect on the child; and

(e) the capacity of the parents to appreciate the effect of past domestic abuse and the potential for future domestic abuse.

37A Orders under section 91(14) of the Children Act 1989

In every case where a finding or admission of domestic abuse is made, or where domestic abuse is otherwise established, the court should consider whether an order under section 91(14) of the Children Act 1989 would be appropriate, even if an application for such an order has not been made. Section 91(14) orders are available to protect a victim of domestic abuse where a further application would constitute or continue domestic abuse. A future application could be part of a pattern of coercive or controlling behaviour or other domestic abuse toward the victim, such that a section 91(14) order is merited due to the risk of harm to the child or other individual. The court should refer to Practice Direction 12Q for direction on section 91(14) applications and orders.

52. In summary, the court is required to evaluate the nature of the past abuse, any ongoing physical or emotional impact on the child and the resident parent, and whether any continuing risk can be managed. The court must assess F's capacity to appreciate the effect of his past behaviour. Contact is inexorably linked to that insight being demonstrated.

The decision

53. It is well established that domestic abuse perpetrated against a mother limits her ability to safely parent and causes vicarious harm to the child. There could be no more explicit an example of this, than in this case. I watched as M gently sobbed whilst hearing the events of this case being translated for her, her face down, hands fumbling, and her body language that of someone who Ms Millin described as utterly broken by the behaviour of F.
54. F, for his part, sat on the other side of a screen, and nodded when I said things to him directly as to the initiative he would need to demonstrate in order to build better contact with Q over time. It is to his credit that he is now undergoing voluntary work and has said he will attempt to join a DAPP.
55. However, the court has great concern in this case that F's initial position after the FFH was that he did not accept the facts, that he wanted to undertake a lie detector test, and that he did not accept the views of CAFCASS in the initial report. Later, the court saw evidence of entrenched thinking from F by way of troubling and frankly unedifying

messages to M, as detailed above. In that context, it does seem that any objective observer would take F's volte face on the findings with a pinch of salt.

56. In the present case it is to M's credit that she has not sought to stymie or refuse contact. She has actually supported and agreed with directions to ensure Q maintains his relationship with F, which cannot have been easy in the wider context of the abuse she suffered from F and the fear she maintains she feels.
57. Applying the welfare checklist and the relevant parts of PD12J, the starting point is that I find Q has been the victim of abuse by F, whether direct or not is immaterial. Q is at a hugely important formative stage of his development where he needs both parents. Because of F's behaviour, safe and natural co-parenting has not been possible.
58. Considering the factors within s1(3) and applying them to this case, sub sections a to d are largely neutral or tend in favour of M offering a good standard of care to meet Q's needs, but there are no special considerations (i.e. disability or similar) which demonstrate that M or F would be better placed to meet Q's needs, or rather that either of them is not suitable to do so.
59. The pertinent factors in this case are found at sub sections e to f: namely that there has been abuse, that harm is attributable to F in this case, that this in turn leads me to the finding that, from the balance of the evidence, F's ability to meet Q's needs is impacted until he undertakes intensive work to limit his abusive behaviours, and that the range of powers available to me are clearly bound by the context of that abuse.
60. As to the overlay of sections 35-37 of PD12J, I find that the balance of the information before me (including the documentary evidence, statements, findings, evidence from CAFCASS and submissions) leads to the findings as follows:
 - a. That there has been harm and this gives rise to clear risks which must be managed as far as is possible by my order [per para 35]; and
 - b. That the domestic abuse tends against F in the exercise of the assessment of the Welfare Checklist, as detailed above, and that I find there has been clear

and ongoing impact on M's ability to parent Q due to the harm F caused [per para 36]; and

- c. That I find I cannot be satisfied at present that, until work is undertaken by F and assessed in turn, removing the safeguard of supervision will manage the risks to Q and M in terms of physical and emotional safety [para 36 (3)]; and
- d. That the messages from F to M during recent months constitute evidence of entrenched thinking and tend against F in terms of whether the proposals he has put forward are in the best interests of Q as opposed to being self-seeking and potentially risk further harm to Q [para 37 (e)]

61. In turn, I have considered whether, short of any removal of supervision at this stage, I should order that F may progress to supported contact without further assessment. I am heartened by his willingness to undergo a DAPP, and I sincerely wish him the best for this. I would strongly urge him to go into that course with an open mind and clear view that he must accept the findings against him unequivocally or he will be sifted out of the course and it will be a disaster for his future applications.

62. I have listened closely to the advocates and CAFCASS. Overall, I take the view that there are still too many unknowns involved with the DAPP. On balance, I find Q's welfare needs are better met by the course being completed, and then for F to reassess his position as to contact then. That is the order I shall make.

63. I make it clear that whilst I am not going to make that a condition of future applications (or by consent) I have considered s.91(14) as of right per Para 37A PD12J, and that this was a case where it was finely balanced, owing to the length of time Q has spent in litigation. I do not make such a prohibition, but I will ask that the order in this case is attached to any further application – both parties will have a clear recital to the effect of completion on further contact.

64. Prosaically: F needs to undertake the DAPP, and positive evidence at the end of that course would be highly persuasive evidence of the merit in relaxing the conditions of contact. It will be a matter for M at that stage whether she really wishes to contest such an application, but I would always prefer for parents to have agency in such

cases and would be happy for them to agree an increase in contact and a relaxation in the terms of it, should F successfully undertake what will be a very intense course.

65. In the interim I am satisfied that supervised contact is positive and working well, and that it is in Q's welfare interests as he grows to spend more and better-quality time with F. I do not accept that M travelling 90 to 120 minutes each way on a bus with Q to meet F for contact is practical nor the only solution, M will need to provide F with options for contact which are more proximal. I accept the CAFCASS evidence on this point.
66. I am going to order that F will have supervised contact in the community, at his own expense, with Q for six hours per fortnight on dates to be agreed (i.e. they could be staggered over different days if the parties agreed it was suitable), starting forthwith. After four months, that will increase to eight hours on the same terms. I take judicial note of the age and circumstances of Q, and that he will need to have quality time including in energetic and outdoor activity as he grows, weather permitting.
67. In terms of special occasions, I will direct that M facilitate contact between F and Q on F's birthday where it does not fall on a contact day, by video call for up to 30 minutes. I will direct that F may see Q on a contact day closest to Q's birthday, accepting that school will take precedence, to celebrate with him. I encourage F to provide support to Q and M where he is able, including by provision of child-focussed gifts steered by M's guidance.
68. I will direct the parties to communicate only via the parenting app and only for the purpose of discussing Q's welfare, parenting and contact arrangements. I reiterate that F has PR and that means M must provide F with redacted medical information and educational milestones such as nursery and school reports. I do not direct that M needs to share the name of the nursery if she does not want to, but hopefully over time her position might change when F exhibits his capacity for change.
69. I will accept the undertaking from F as to not disparaging M in the presence of Q and to avoid messages of the nature which I have seen in this case. I will ensure he understands the gravity of that undertaking, and make it until further order of the court.

70. I discharge the PSO in this case. As far as I can see, it was otiose and arguably should not have been maintained this long as it has been an unhelpful point of dispute between the parents. As I have already made a LWO in this case, M may take Q out of the jurisdiction for up to 28 days for a holiday. She has kindly offered to give notice to F of such holidays, 14 days in advance at least, and to tell him when they are coming back and which country they are going to. M has also kindly agreed to facilitate video contact between Q and F on such holidays, if the technology allows, and I encourage this for at least one call per week on holiday for at least 30 minutes to be led by Q (I have explained this to the parties).

71. The corollary to my findings as to the safeguard which must stay in place, for now, and the steps F must take to reduce risk and provide evidence of his increased ability to safely co-parent Q, is that his PR remains and he is entitled to more detail in the reports from M. Indeed, the nature of the messages I have seen from M to F are glib, sometimes one-word answers when F asks how Q is. That is not ideal, and M must realise that by keeping F in the dark, she does not give him the opportunity to learn about Q and become a better parent. Frankly both parents need to put aside their differences on that front. I will direct that M sends a suitably detailed update to F at least once every two weeks, such an update to include (for instance) how Q has been, his habits, dietary issues, health, wellbeing at nursery or school, his interests and other information such that M would feel will equip F to be a more effective parent.

DDJ Nahal-Macdonald

8 September 2026