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Case No: BM21P70255 / BM22P70287 / BM22F05527

Neutral Citation Number: [2024] EWFC 450 (B)

**IN THE BIRMINGHAM CIVIL JUSTICE CENTRE**

Priory Court  
33 Bull Street  
Birmingham  
B4 6DS

Date: 4<sup>th</sup> September 2024

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**Before:**

**DISTRICT JUDGE PARKER**

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**Between:**

**A**

**Claimant**

**- and -**

**(1) A**

**Defendants**

**(2 – 4) THE CHILDREN**  
**(Via their Children’s Guardian)**

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**MR ANDERSON** (instructed by Sills & Betteridge Solicitors) appeared on behalf of the  
**Claimant**

**THE DEFENDANT** appeared **In Person**

**MR JONES** appeared on behalf of the **Children’s Guardian**

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**JUDGMENT**

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**DISTRICT JUDGE PARKER:**

1. This is my judgment in relation to the family of A. I am concerned with three children:  
N is 14, Ad 8 and R 6.

**Introduction**

2. This matter is a longstanding children matter, relating to a non-molestation application under Part IV of the Family Law Act 1996 and applications under the Children Act 1989. There are cross-applications., Mother's in relation to a Prohibitive Steps Order and a Non-Molestation Order, the father in relation to a Child Arrangements Order
3. To cut a long story short, this matter proceeded to a finding of fact hearing before me on 31 January 2025. I made a number of significant findings against the father. In brief this related to controlling and coercive behaviour towards the mother, physical abuse, sexual abuse, financial abuse, physical abuse towards the children, and sexual abuse of the eldest child, N.
4. Father steadfastly denied the allegations a position he maintains and appears to continue to raise cross-allegations as to the children's welfare in the mother's care.
5. In summary the recommendations of the children's guardian is for a Child Arrangements Order in respect of the mother, so that they live with her as a final order and no direct or indirect contact with regard to N. She proposes there should be no direct contact with regard to Ad and R, but instead indirect contact six times per annum, such communications to be held by the mother and not to be shown to the children until they are old enough to make their own decision as to whether to view them or not. The

guardian suggests this might be way of a PO Box funded by the father or by email, or via a third party. She also proposes that there should be information sharing with regard to the health and education of the two younger children.

6. Mother supports those recommendations, but in return also seeks the continuance of a prohibitive steps order made in her favour to preserve the safety and location of herself and the children, and a Section 91(14) order until N is effectively 18, which will be in four years' time.
7. Mother previously indicated that she sought to terminate father's parental responsibility of N as well in view of the findings that I have made pertaining to her. At a previous hearing I invited her to make a formal application, which she has done.
8. By order of 31 January 2025, at the beginning of the finding of fact hearing, I continued the non-molestation order and prohibitive steps order, and an undertaking with regard to the father so as not to make any efforts to locate the mother or indeed the children.
9. The father disputes, the findings and believes the allegations are as a result of deliberate and targeted manipulation of the children by the mother by way of alienation. He seeks direct contact. Mother opposes that. N is steadfastly resistant to all forms of contact. Ad describes his father as being "mean and angry"; R describes her father as being "really mean".
10. It is the guardian's assessment, following the findings, that the children have been exposed to aggressive, controlling and violent behaviour by the father, and, in relation to N, sexual abuse. They also suffered physical chastisement. There are no concerns in relation to mother's care of the children. All the children have spoken about the negative behaviour of their father. There is an ongoing criminal investigation.

11. The guardian reports the father shows a complete lack of acknowledgment as to the findings.
12. In relation to contact, she says that supervised contact is really only appropriate in short term situations with a plan of progression. Of course that may be the case. In some circumstances there are cases where supervised contact arrangements can take place indefinitely if it is in the children's best interests, though much depends upon the organisation and the contact arrangements to facilitate that for a lengthy duration.
13. The guardian is of the view that any contact with N will re-traumatise her. The other children are completely unaware of the extent of their sister's disclosure and the findings that I have made. There would be mixed messages provided to the younger children if they were to have indirect contact and N does not. Once information as to what their sister has suffered is disclosed, that could engender feelings of guilt. It is the intention of the guardian following these proceedings to work with the children notwithstanding its conclusion.
14. She proposes that the mother should retain the letters by way of indirect contact, not disclosing them to the children, until they can make an informed decision. In her view, that would be the more appropriate way forward, and preferably at a time when they are aware of the findings of the court in relation to N.
15. She proposes there should be some disclosure of school reports and health information, but redacted in relation to the younger two children.
16. The father's case indicates he does not accept the findings, raises an issue with regard to mother's health and seeks contact.

17. This matter was last before me on 26 April 2025. The issues to be considered today are:
- i) The “spend time with” arrangements with regard to the father and the practicalities of the same;
  - ii) Whether the father should retain parental responsibility for N due to the findings of abuse towards her;
  - iii) Whether a Section 91(14) order should be made in respect to the children and if so, the duration.
18. It is agreed for the purposes of today that that should I make such an order the duration should be until N is 18 (in four years’ time), in other words to the end of her minority,
- iv) Whether the current prohibitive steps order preventing mum from removing the children from the jurisdiction should remain or whether it should be discharged.
  - v) Whether the prohibitive steps order restricting the father from removing the children from mother’s care should remain.
  - vi) Whether a further prohibitive steps order should be made in relation to the children’s British and Libyan passports.
  - vii) Whether there should be a specific issue order requiring the mother to cancel the children’s Bulgarian passports.
  - viii) Disclosure of information to the father as to the younger two children in relation to their health and education.

19. I provided that the father should have the opportunity of raising questions of the mother, which I would ask on his behalf, his case not falling within the provisions of the Domestic Abuse Act 2021 in relation to the appointment of qualified legal representatives.
20. The Father has not felt it appropriate to prepare any questions, but it has been agreed, for the purposes of this hearing, that I should hear evidence only from the guardian and submissions from each of the parties, including the father (who is in person).
21. All directions have been complied with, including an update with regard to the police investigations as to the sexual assault on N, which is still ongoing.
22. I have had additional statements for the purposes of this hearing. Father believes the children have been influenced by the mother and have been manipulated by her. He wants to be part of the children's lives. He does not support a 91(14) order. He opposes the removal of parental responsibility in relation to N, which he regards as a drastic order, and so it is, and he does not accept the court's findings. There is no need for the court to continue the prohibitive steps order against him. He has no intention of removing the children or locating them. He is content for the prohibitive steps order to remain preventing him from removing the children from the jurisdiction, and he would accept any reasonable restrictions on his contact (he suggests video calls). He is concerned that indirect contact would not be passed on to the children.
23. He is also concerned the mother may remove the children from the UK permanently to live in Bulgaria and seeks cancellation of the children's Bulgarian passports.
24. The guardian has provided an update for the purpose of today's hearing. She indicates that N does not want the father to have control of her life and is worried about him

locating her. She is concerned that she would have to do what he says if she was to encounter him because of his parental responsibility, and removal of that will enable her to sever links with him and free her from his control. She wishes to be the one who shares with her siblings what has happened to her and worries about them having any kind of contact with their father.

25. The guardian's recommendations remain the same in regard to the father, although N understands the nature of parental responsibility, her concerns can be more or less adequately dealt with by way of a prohibitive steps order. Having said that she has to have regard to the impact of N's lived experiences and such an order may prove cathartic in relation to the abuse she has been subject to, and therefore the guardian supports such an order.
26. She recommends that the prohibitive steps order should remain in place, and to include also attending the children's place of education, and any property where it is believed the mother and children are residing. There is no justification for a similar prohibitive steps order against the mother preventing her from removing the children from the jurisdiction.
27. With regard to the Section 91(14) order, the proceedings have been lengthy. The impact on N and the other children cannot be underestimated. The family needs respite, hence, her suggestion. The father, moreover, needs to evidence a significant change and acceptance of the findings of the court.
28. I have read mum's statement. She largely supports the recommendations of the children's guardian. She continues to seek a "lives with" order, prohibitive steps order with regard to non-removal, and termination of father's parental responsibility with

regard to N, and similarly a Section 91(14) order. She now agrees that that should only be for four years.

29. She also seeks to limit the father's parental responsibility of the children with regard to school and medical information, and an application for her to take decisions pertaining to the same without the father's agreement. She says this is due to the violence and abuse the court has made findings on and her wish for her location to remain confidential. She views it as being detrimental for her to seek agreement on such issues in the future.
30. She is content with indirect contact only for the younger two children, and no contact in relation to N. She too shares the concerns of the guardian that the father does not accept the court's findings. She seeks removal of the prohibitive steps order in relation to herself with regards to non-removal. She is settled in the UK and there is the protection of the provisions of the "live with" order, which allows her to leave the jurisdiction, but for no longer than 28 days, and Bulgaria is a Hague Convention country in any event; her family live there and the children should be able to visit them.
31. The proceedings have been lengthy. Findings made include sexual abuse of N, which the father does not accept, and the family need a hiatus to regain control over their lives.
32. Father, she says, has no insight and presents a risk to the children, and still continues to raise welfare issues in relation to mother's care when there is no evidence pertaining to that.
33. N is 14. Her wishes and feelings are clear, and they should be accepted. She also seeks a continuance of a non-molestation order; it provides a further layer of protection.



## **Evidence**

### **The Children's Guardian**

#### **Examination in Chief**

34. She says the children need respite, as does the mum, because of the length of the proceedings. In four years' time, which is what she proposes by way of a Section 91(14) order, N will be an adult and the other children will be mature and will have developed and will have some understanding as to the decision made, and indeed the findings with regards to N.
35. With regard to the restriction of parental responsibility and the termination of parental responsibility, for N this is very important to her. She is very distressed by these proceedings and her experiences. With regard to the other children, restricting father's parental responsibility is an issue of proportionality. Father has not sought to obstruct the mother's decisions or attend the children's school. If needs be, the prohibitive steps orders can be continued and enhanced. Orders can be shared with the school and GP. The Bulgarian passports, which mother wishes to obtain, forms part of the children's identity. The children and the mother are settled here and there is no indication that mother intends to remove them permanently from the jurisdiction; in any event, Bulgaria is a Hague Convention country.

#### **Questions from the mother's representative**

36. She gave indications as to the times she has spent liaising with the children and seeing them. It is fair to say that N is petrified of the outcome of these proceedings, both for her and her siblings if contact were to be ordered. Father is clear he does not accept the

findings and is critical of the mother. Due to this, she is unable to point to a time where he will be able to engage in work to address the risks identified. In her view, whenever the father feels he wishes to make an application, he needs to show evidence of change.

37. With regard to the exercise of parental responsibility and the information sharing, mum's main concern is being located. The guardian's view is that other protective steps could be taken, for example disclosure of orders and other protective orders.

### **Questions from the Father**

38. She was asked questions from the father concerning a Section 91(14) direction. He quite rightly pointed out that this stops him from making any applications and therefore how can he attempt to rebuild the relationship with his children regarding this. She responded that this is a filter only, and the children have been impacted by the lengthy proceedings and need a break.

### **Judicial Questions**

39. I explored the issue of not sharing the indirect contact with the children until they are older. The guardian is of the view that both N and the younger children have been traumatised, and sharing information at this stage could re-traumatise them. There is also the issue in relation to the other children being currently unaware of N's own experience from the significant findings that I have made. She also is of the view that the non-molestation order should continue as it adds a further layer of security.

### **Submissions**

### **Mother's Representative**

40. Mother seeks a “live with” order. I have to say that at the outset of these proceedings the father was also seeking a “live with” order. I indicated at the very outset that that was completely unrealistic given the findings that I have made in this case. Accordingly, I indicated that this initial application would be dismissed, and I would make a final “live with” order in favour of the mother, which I now do.
41. The mother’s counsel continued that they seek the termination of N’s parental responsibility and recognises the fact that this is a draconian order. They seek the continuance of the prohibitive steps orders and accept the guardian’s proposal with regard to contact. They also seek to restrict the father’s parental responsibility with regard to Ad and R in relation to, for example, school choices, passports and major surgery.
42. There is agreement in relation to the sharing of other information with regard to education and health updates provided they are redacted by the mother.
43. They seek a continuance of the non-molestation order, ability of the mother to obtain passports for the children in Bulgaria, the withdrawal of the prohibitive steps order against mum and a Section 91(14) order of four years.
44. This is all on the basis of the father’s inability to accept the findings, the unlikely event of effecting change in the medium term, the effect of the proceedings on the children, the seriousness of the findings themselves, concerns as to the children and mother’s location being revealed, for example their schooling if parental responsibility is not restricted.
45. There is no risk of the children being removed permanently from the jurisdiction, the mum is settled here with the children, and Bulgaria is a Hague Convention country.

### **The Father**

46. The father wishes for the prohibitive steps order to stay in place so that the children will not be removed from the UK until the end of their dependency. He objects to the removal or the restriction of his parental responsibility. He says the mother is protected by a non-molestation order, there is no proof he has tried to locate the children, and he wishes to have direct contact and perhaps for matters to be further assessed once such contact has taken place.

### **The Children's Guardian**

47. The children's guardian effectively reiterates in submissions the serious findings that I have made and N's clear wishes and feelings which must be read in the light of her age and understanding. Sharing of parental responsibility causes her immense anxiety, forcing contact on her will cause incalculable harm. I also need to consider the children as a unit and the impact on the dynamics of the family unit if any of the children are forced to have contact, or indeed contact takes place.
48. With regard to the younger children and the restriction of father's parental responsibility, they themselves are not victims of sexual abuse, unlike N. Father has not abused his parental responsibility and there is no history of misuse. There is no evidence that father tried to locate the mother and therefore the guardian's view of sharing the information will not impinge on this, provided there are other safety measures in place, for example disclosure of the orders, redacting and continued prohibitive steps orders and non-molestation orders.
49. With regard to Section 91(14), it is contended that the findings of the court are serious, proceedings have been ongoing for a significant period of time, it has had its effects on

mum and of course will have further effects on her and indeed the children if a further application is made, and N expresses significant anxiety.

50. There is no reason why mum should not be able to travel and apply for passports and see her family abroad. There is no evidence to suggest potential permanent removal from the UK.

### **Judgement**

51. I will deal with matters in turn.
52. Firstly with regards to the issue of a “spend time with” order. The courts have stressed the importance of contact as a fundamental element of family life which is to be terminated only in exceptional circumstances. The court has to consider alternative means of contact and it should be stopped only where it is detrimental to a child’s welfare. The court should not give excessive right to transitory problems.
53. Spending time or seeing a child should not be denied unless the child’s welfare demands it. It is normally a given that children will benefit from having a full and meaningful relationship with both their parents as they grow up.
54. The principles in relation to deciding the issue of whether a parent should spend time or otherwise has contact with their child is long established:
- i) The welfare of the child is of paramount consideration.
  - ii) The court is concerned with the interests of the parents only insofar as they bear on the welfare of the children.

- iii) Ordinarily it is almost always in the interests of children whose parents are separated that they should have contact with the other parent. However, cases do unhappily and infrequently occur in which a court is compelled to conclude that in certain circumstances an order for immediate direct contact should not be ordered because so to order would be injurious to the welfare of the child.
  - iv) In cases where direct contact should not be taking place, it is desirable that there should be indirect contact so the child grows up knowing the love and interest of the other parent with whom of course direct contact could be established.
  - v) To that event, a medium/long term view must be taken which must not be dictated by short term or transient problems. But, at the end of the day, the child's welfare is paramount. The child's interests must take precedence over any other consideration.
  - vi) The question the court needs to consider is whether the fundamental need of every child to have an enduring relationship with the other parent is outweighed by the detriment on behalf of a particular child which may be caused by such an order.
55. In this particular case, I have made significant findings against the father: sexual abuse in relation to N, which is an abuse of the highest order, which will remain with N into her adulthood. That finding has been made. It has not been challenged. Although father may not accept it, he cannot go behind it.
56. In light of the fact she is 14 and the traumatic effect that that has had on her, and her consequential issues and feelings, I am driven to the conclusion that there should be no contact order between the father and N.

57. In relation to the other children, it is clear that they too have suffered harm in relation to physical abuse, and witnessing domestic abuse, but they are not aware of what N has suffered. But we know that N, in her own time, will wish to tell them t, and that is fully understandable. At that stage it will be for the younger children themselves to decide whether they wish to communicate with the father. These are the findings in relation to N and, therefore, it is not a question of “I may have been abused” or “I think I have been abused”. N was abused, and the younger children at some point have a right to know that to determine what, if any, contact they wish to have with father so as to protect themselves and make informed choices.
58. Therefore, I accept wholeheartedly the directions put forward with regard to contact with the younger two children. It should be indirect only, that it should be six times a year, it should come through via a PO Box, either funded by the father at his own expense or an agreed third party or by email attachment.
59. Those communications should be retained by the mother and should only be disclosed to the children when they are at an age to make a decision as to whether they would wish to see them or not, and respond, and following the disclosure by N as to her life’s experience with the father. There will need to be a period of reflection no doubt by the young children themselves when they are at an age where they are significantly mature enough to understand the various ramifications of this.
60. I move to Section 91(14). Section 91(14) says:
- “In disposing of any application for an order...the court may order that no application for an order...of any specified kind may be made with respect to the child...without permission of the court.”

61. The guardian suggests, the father needs to show an acceptance of the findings that I have made and demonstrate evidence of change.
62. *Re P* [1999] 2 FLR 573 remains a good source of case law with regard to that:
- i) The welfare of a child remains the paramount consideration.
  - ii) The application to impose a restriction is discretionary.
  - iii) All relevant circumstances must be weighed into the balance.
  - iv) The power to impose a restriction is a statutory intrusion on the right of a party to bring proceedings before the court and to be heard in matters affecting their child and, therefore, previously it was a power that was used with great care and sparingly, as the exception and not the rule, a weapon of last resort.
  - v) Is is not necessarily restricted to cases of repeated or unreasonable applications but, in suitable cases and on clear evidence, the court can impose such a restriction in cases where the welfare of the child requires it, even though here is no such past history of making unreasonable applications.
  - vi) There is a serious risk that without the imposition of a restriction, the child of the primary carers will be the subjects of unreasonable strain.
  - vii) A restriction may be imposed with or without limitation of time, but the degree of restriction should be proportionate to the harm that it is intended to avoid, therefore, the court should consider carefully the extent of the restriction to be imposed and specify, where appropriate, the type of application to be restrained and the duration of the order.



63. In *Re A* [2021] EWCA 1749, it was considered that there was considerable scope for the greater use of these orders to protect children's interests. It is not limited to cases where a party has made excessive applications but extends to a situation where a party's overall conduct merits intervention. The guidelines do not suggest that a 91(14) order should only be made in exceptional circumstances.

64. Of utmost importance, of course, is the fact that such an order is only a filter, and the Domestic Abuse Act 2021, Section 67, supports that approach.

65. It is said in the case of *F v M* [2023] EWFC 5, the provisions within Section 91A are transformative:

“The section provides a powerful tool with which judges can protect both children and parents with whom they live from corrosive, demoralising and controlling applications which have an insidious impact on their general welfare and well-being and can cause real emotional harm. This amended provision strikes me as properly recognising the very significant toll protracted litigation can take on children and individuals who may already have become vulnerable for a variety of reasons. It also dovetails with our enhanced understanding of the nature of controlling and coercive behaviour. When all other avenues are lost, too often the Court process becomes the only weapon available. Lawyers and judges must be assiduous to identify when this occurs, in order to ensure that the court is not manipulated into becoming a source of harm, but the guarantee of protection.”

66. A helpful summary is also set out in *Re F* [2023] EWFC 212:

“If findings of domestic abuse are made, even if the victim does not apply for the relief, the court is now bound to consider whether or not to make a Section

91(14) order. While such an order is the exception and not the rule, it did not follow that the case or the circumstances must somehow be adjudged to be exceptional before such an order could be made. The court should bear in mind that such orders represent a protective filter, not a bar on applications, and there is considerable scope for their use in appropriate cases. It is a matter of the court's discretion whether to make an order. There are many and varied circumstances in which it may be appropriate to do so. They also include cases which the court considers is the child concerned or another individual is at risk of harm, without the need to find such risk to be serious, or the harm to be significantly serious. If the court makes an order, it must consider its duration, to which any term imposed should be proportionate to the harm the court is seeking to avoid and in relation to which decision the court should explain its reasons and whether the order should apply to all or certain types of applications under the Children Act. In all cases the child's welfare is paramount. That said, any interference of the parents' otherwise unfettered right of access to the court, including duration of any such prohibited provision, must be proportionate to the harm the court is seeking to avoid."

67. Again, in the case of *Griffiths v Kniveton & XX* [2024] EWHC 199:

"A Section 91(14) order is a filter, not a bar. If the individual concerned can show the judge there is a real change in circumstances, then they will be permitted to make a fresh application."

68. In this particular case, I have made serious findings. These proceedings have been ongoing for a significant period. The children have been affected, not only in relation to the duration of the proceedings, but in relation to their life experiences of their

father's behaviour, particularly N. It is my determination that a Section 91(14) order is justified and is so justified until N attains the age of 18 years of age.

69. I say that on the basis of the significant findings I have made in relation to N, and the fact that at some point that needs to be shared with the other children.

70. In four years time, Ad will be 12 and R will be 10. At that stage they will be more mature. They will be aware of what has happened to their sister, but hopefully in that period the father will have taken stock of the findings I have made and shown some motivation and insight for change, because that is key whenever an application comes in, but for now that order, it seems to me, is wholly appropriate given the findings I have made, the evidence I have heard and the overall circumstances of the case.

71. In relation to parental responsibility, in respect of N, there is an application to terminate the father's parental responsibility. In an application to terminate parental responsibility, although the welfare check is not strictly applicable, it is useful to consider it as part of the overall welfare evaluation.

72. I remind myself of the case of *Re P* [1995] 1FLR 148:

“Parental responsibility, once obtained, should not be terminated in the case of a non-marital father on less than solid grounds, with a presumption for continuance rather than for termination. The ability of a mother to make such an application, therefore, should not be allowed to become a weapon in the hands of the dissatisfied mother of a non-marital child. It should be used by the court as an appropriate step in the regulation of the child's life where the circumstances really do warrant it, and not otherwise. Such applications for parental responsibility orders are governed by the consideration set out in Section 1(1) of the Children Act, namely ‘the children's

welfare is the court's paramount consideration'. I can see no reason why that principle should be departed from in considering the determination of a parental responsibility order or agreement. Keep concepts to the consideration of the making of an order are evidence of attachment and a degree of commitment, the presumption that, all other things being equal, a parental responsibility order should be made rather than withheld in an appropriate case.”

73. Similarly, in *Re D* [2014] EWCA 215:

“in determining such an application under Section 4(2)(a) of the Children Act, the child's welfare is of course a paramount consideration. Within that context, the... test is overarching... no one factor of the welfare analysis has any... priority. Although there is no requirement of the court to consider the factors set out in the welfare checklist, the court is not prevented from doing so, and indeed may find it helpful to use the analytical framework, and again... the principle under Section 1(5) also applies. Whilst a father does not benefit from a presumption as the existence or continuance of parental responsibility, the significance of parenthood of a father should not be underestimated and will be a highly relevant factor.”

74. This issue was also considered in *A Local Authority v ELK* on 9 October 2019:

“The significance of parental responsibility is the contribution to a child's welfare of that status conferred on the adult concerned. The concept of parental responsibility describes an adult's responsibility to secure the welfare of a child which is to be exercised for the benefit of the child, not the adult. If the circumstances were such that the court would not conceivably make a parental

responsibility order if one did not already exist, then the circumstances are likely to indicate that parental responsibility could properly be terminated. ....Where the Article 8 rights of a parent conflict with the Article 8 rights of a child, it is the rights of the child that takes precedence. In essence, once given, parental responsibility should not be withdrawn lightly.”

75. Again, in the case of *X v Y* [2021] EWFC B24, the court noted that orders depriving a father of parental responsibility should only be made by a court where there is a solid and secure evidential and factual basis for doing so, and where the orders were in the best interests of the child concerned.
76. In this particular case, the findings I have made in relation to N is that she has been sexually abused by her father. It is clear to me that if, as in line with the cases that I have just highlighted, the father was to seek a parental responsibility order now, not having previously had one, it is extremely unlikely, given those circumstances, that he would be awarded parental responsibility. In sexually abusing his daughter in the way that he has, it is clear, in my view, that the father has significantly abused his parental role and parental responsibility, and it is completely inappropriate for him to continue to share parental responsibility with the mother given that abuse.
77. Indeed, for various reasons, which N herself states, which may not all be relevant on the exercise of parental responsibility (she is only 14) I am also of the view, as the guardian says, that the withdrawal of the father’s parental responsibility may well have a healing effect on her life’s experience. Accordingly, I will make an order terminating the father’s parental responsibility in relation to N.

78. In relation to restricting parental responsibility in respect of the younger children, a more nuanced approach is required. Again, I have to focus on the matters that I have addressed in relation to terminating parental responsibility, and restricting parental responsibility in any matter has to have a similar approach, in other words cogent evidence that the children's welfare would be adversely affected if I were not to restrict such parental responsibility.
79. I also bear in mind that the effect of parental responsibility does not give the father the right to interfere in the day-to-day care of the child. Parental responsibility does no more than confer on the father the status of fatherhood. Of course, there is always the argument of the potential misuse of parental responsibility, but such misuse of parental responsibility can be dealt with by other orders under Section 8 of the Children Act.
80. In this particular case there is a divergence of opinion between the guardian and what the mother seeks. The father does not wish to have any restriction on his parental responsibility for the younger children. The guardian effectively supports that. The mother, on the other hand, is concerned in relation to the father using parental responsibility in such a way that effectively, by default, he is made aware of the children and the mother's whereabouts, more particularly in relation to choosing secondary schools and so on and so forth, and of course it would be traumatising for her if she had to go to him on each occasion with regard to important issues, such as passports, for instance, change of school and significant medical treatment.
81. Having heard the evidence in relation to this, it is clear that this is not a straightforward matter. It is quite right that I am not being asked to terminate the father's parental responsibility for the younger children, that of course would be disproportionate, and my findings against the father with regard to the physical abuse of the children were not

of the level as the findings I have made with regard to N. But I do take on board the effects of the findings that I have made on the mother and her concerns as to being retraumatised if she were continually having to approach the father over matters pertaining to parental responsibility. At this moment in time, there is no evidence that that has caused a difficulty.

82. Of course, I also have to be mindful of the fact that there are other protective orders which can secure protection in relation to the exercise of parental responsibility in any event. I also have to be mindful of the orders that I make in relation to the younger children with regard to indirect contact only, which is going to be one way and retained for the children until such time as they are prepared to engage in correspondence. That has to be balanced against the right of the father to know how his children are doing.

83. Taking into account all that, and what is said about the role of parental responsibility in relation to the exercise and sharing of information, I have determined that I will restrict the father's parental responsibility as to the following matters:

i) Matters in relation to the secondary school with which Ad and R should attend.

I do not believe it is necessary at this stage or in the future for mother to have to consult on that. What it is important for is for the information concerning education generally to be shared with the father.

ii) School information, and in particular the sharing of information which ultimately could provide pointers to the location of the children and the mother. At this stage, that would not be appropriate given the father's denial of the allegations. There will of course, as I have indicated, need to be sharing of information in relation to the children's education and indeed the children's

health, and by that I mean the younger children, but information in relation to that needs to be redacted so as to secure the mother's confidentiality. Again, that can be via a PO Box, a third party or indeed email and the mother can be responsible for the redactions.

iii) I also will restrict the father's parental responsibility in relation to the issue of passports. There is again no reason why the mother cannot renew the children's passports to do as she wishes, and my reasoning is exactly the same as in the schooling matter, although it does not reveal the mother's whereabouts, it is communication which could potentially traumatised her and the children by communicating in the future.

84. However, I will not restrict the father's parental responsibility in any other matter, and that is including major surgery. I think that is a bridge too far in relation to his younger children. But that, of course, refers to major medical intervention, and is specifically restricted to that particular aspect.

85. In relation to the other matters, there should be no restriction on the mother applying for a Bulgarian passport. There is no evidence in this case that the mother intends to relocate permanently outside the jurisdiction. N is 14. The other children are 8 and 6. They are settled here, and they have been for some time, and they are attending school. Any orders in relation to preventing the mother from removing the children from the jurisdiction are discharged. The order will specifically provide that the mother can, without reference to the father, apply for and renew the children's passports, including Bulgarian passports.



86. The prohibitive steps orders in relation to the father, however, will remain until further order. That is in relation to attempting to locate the mother and indeed attending the school, and any undertakings that have been given will be replaced by formal orders to that effect, until further order.
87. I also determine that the non-molestation order will remain and continue until further order as well.

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