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IN THE FAMILY COURT AT COVENTRY

Neutral Citation Number: J v J (fact find) [2022] EWFC 183

Coventry Combined Court Centre

140 Much Park Street

Coventry

CV1 2SN

Date: Thursday 25th August 2022

Before:

DISTRICT JUDGE MOAN

Between:

A J

Applicant

and

C J

and

THE CHILDREN

Respondents

(Through Their Children's Guardian)

MR B CHAPMAN appeared for the **Applicant father**

MS A BROWN appeared for the **Respondent Mother**

MRS J PINKHAM appeared for the **Guardian**

1. This is father's application for a child arrangements order in regard to his children DY born on 7th October 2008 aged 13 as at today's date and DD, born on 12th October 2014 and so 7 years of age as at today's hearing. His application dated 2nd April 2020 was for the children to live with him or spend some time with him. He had not spent time with the children since July 2019 when he and mother separated save for an occasion in October 2019 and two occasions in February 2020. There had been some indirect contact but that had ceased.
2. Father said that mother took the children to Romania in July 2019 with his agreement but thereafter prevented contact with him and later returned to the UK with the children. He was concerned about his daughter who he said had been crying to see him and wanted to live with him. He filed a C1A making allegations of harm perpetrated by mother. He alleged that his daughter had alleged physical harm from mother and that the children had been emotionally abused by not being allowed to spend time with him and that they had not been going to school since July 2019.
3. The parties married in 2014 and separated in July 2019.
4. Cafcass produced a safeguarding report dated 20th May 2020. Father said that there had been small arguments with mother which the children had seen but there had not been any physical violence. He said that mother agreed for him to see the children if he gave her money. He claimed that the children were crying and unhappy in mother's care. He said that mother did not share information with him and undermined his parental responsibility. He said that mother got angry with the children. Mother alleged domestic abuse in their relationship and recalled an assault in April 2019 in front of the children. She said that he had taken her passport. She said that father was jealous and aggressive, and isolated her from her family. She said that father banged on her door on 25th December 2019. She said that the children did not want to see him because of his negative behaviour. He had left them home alone for 2 days previously, was not focussed on the children and let them play adult video games. He promised a smart phone to DY if she said that mother was mistreating her.
5. A full summary of the events and hearings is provided in pages A2 and A3 of the bundle and so will not be repeated here save that it became apparent in May 2020 that the Court would need to determine disputed allegations made by each parent and that this hearing was scheduled to determine those allegations. Any findings made will feed into the welfare decision relating to these children and the Courts duty to safeguard children and the resident parent where allegations of abuse are made.
6. I am aware that there have already been a number of case management orders made in this case. I first became involved on 1st August 2022 which was the pre-hearing review ahead of this hearing where ground rules, timetabling and final case management orders were made to ensure this hearing which has been conducted over 5 days was effective. Mother and father have attended court on separate days and their representatives have not sought any further measures be put in place to facilitate evidence. The parents have had the assistance of interpreters and they confirmed that they understood their translations on a daily basis.

7. The applicant father makes 4 allegations which largely centre around mother engaging the children in adult conversation and trying to influence their feelings towards their father.
8. The respondent mother makes 12 allegations which include abusive and controlling behaviour towards her, not looking after the children properly, kicking the children and forcing them to make videos stating that they did not want to live with their mother.
9. The law relating to this type of hearing is settled as follows –
 - a. The standard of proof is the balance of probabilities (**Re B [2008] UKHL 35**);
 - b. The burden of proof is on the party who makes the allegation(s), (**Re B [2008] UKHL 35**);
 - c. When carrying out the assessment of evidence, the Court must pay attention to the fact that *“evidence cannot be evaluated and assessed in separate compartments. A judge in these difficult cases must have regard to the relevance of each piece of evidence to other evidence and to exercise an overview of the totality of the evidence in order to come to the conclusion whether the case put forward...has been made out to the appropriate standard of proof”* (**Re T [2004] 2 FLR 838**);
 - d. In **M (Children) [2013] EWCA Civ 388** Mr Justice Ryder gave guidance as follows: *“When any fact-finding court is faced with the evidence of the parties and little or no corroborating or circumstantial material, it is required to make a decision based on its assessment of whose evidence it is going to place greater weight upon. The evidence either will or will not be sufficient to prove the facts in issue to the appropriate standard. As has been said many times in form or another, the judge is uniquely placed to assess credibility, demeanour, themes in evidence, perceived cultural imperatives, family interactions and relationships.”*
10. Some of these allegations go back a considerable time and may have occurred in stressful circumstances. I remind myself of the words of Sir Peter Jackson in **Lancashire County Council v C, M & F (Children: Fact-Finding) [2014] EWFC** *“Further possibilities include faulty recollection or confusion at times of stress or when the importance of accuracy is not fully appreciated, or there may be inaccuracy or mistake in the record-keeping or recollection of the person hearing and relaying the account. The possible effects of delay and repeated questioning upon memory should also be considered, as should the effect on one person of hearing accounts given by others. As memory fades, a desire to iron out wrinkles may not be unnatural – a process that might inelegantly be known as ‘story-creep’ may occur without any necessary inference of bad faith.”*
11. I heard evidence from mother and 2 witnesses for mother, mother’s partner LT and maternal grandmother TM. I also heard from father and two witnesses for father, father’s friend SG and a former lodger NM.
12. Mother presented as an unreliable witness. I reminded myself that I must consider her evidence through the prism of mother being a victim of alleged domestic abuse. She had been diagnosed with low mood and post-traumatic stress disorder. It is not

unusual for witnesses with such difficulties to find it difficult to remember precise details or to be somewhat inconsistent albeit her GP has reported only symptoms with sleep, anxiety and low mood. I was not satisfied that language has presented a barrier for mother. As Mr Chapman reminded me, she drafted maternal grandmother's witness statement in perfect English. She had some command of English and she had an interpreter when she spoke to professionals. I was unconvinced of mother's explanations that there had been issues with translation and this included the questions on the DASH questionnaire where she was able to recollect abuse to her and was clear that there was no abuse to the children or sexual abuse towards her.

13. She had made inconsistent statements to the police, local authority and then in her statements before this Court. Whilst I can forgive her use of the term kick when she meant hit (with hands), she told the social worker that she had not hit her children which she clearly had. She made no reference to being forced to hit the children in her own narrative statement and it was only when responding to father's allegation did she say that she was forced to hit the children to keep them quiet. She told me in her oral evidence for the first time that father forced her to hit the children when he wanted them to be quiet *or do their homework* which was not part of her written evidence. The narrative about whether she did hit the children, whether she was forced and the reasons therein changed. What was abundantly clear from the video evidence is that mother did hit DY when mother was angry. DY told the police that she had been hit by her mother. I was concerned that mother minimised her wrongdoing or culpability and sought to exaggerate father's.
14. Mother accepted that she allowed father to see the children in February 2020 shortly after he agreed to send her money. Mother was asked to show the Court the messages where father was blackmailing her with video footage. She was unable to show the Court those messages.
15. Mother sought to counter the evidence of NM by suggesting she was father's lover and that she had to move out their shared home after she found out father and she were having an affair. NM flatly denied those allegations and that she moved out before father and mother. I believed NM and in so doing that impacted negatively on mother's credibility.
16. There were times when I was simply confused about mother's evidence. Her account of money going in and out of her account was not clear.
17. Mother was also an evasive witness. There were several occasions during cross examination when she had to be asked questions multiple times. I was satisfied that she understood the question and was warned by me several times that she would be asked the question once and if she declined to answer, I would make such inferences as appropriate from her reluctance to answer the question. It was almost impossible to ascertain from mother when and how her relationship with her new partner started, although she eventually conceded this was January 2020 and was only visiting him prior to this. Her partner said they began a relationship in August 2019 and the police referred to LT as mother's new partner following their visit to his home in December 2019. Clearly mother and LT were in a relationship very soon after their relationship break down with father and earlier than January 2020. It was clear to me that mother simply did not want to tell me anything that she perceived to be detrimental to her

case or that she felt would cast her in a poor light. I could not attribute such reluctance to her mental health but rather to an intention to be less than truthful with the Court.

18. Maternal grandmother accepted that mother had written her statement for her. She said that she saw father's poor attitude to mother but did not intervene. When asked about mother hitting the children, she said that mother did this because father asked her to. I found that less than credible and was clearly mirroring mother's evidence. She was unable to give specifics about father hitting the children save that he hit them when they were naughty for example, when DD was damaging the tablet. She was not concerned about father having unsupervised contact with the children in February 2020, she said that she thought that father had come to his senses. I was left with the impression that grandmother was aware that both parents chastise the children but that she sought to blame father for mother's actions as well as his own. She minimised mother's actions to merely raising her voice. Noting that mother stormed into father's room in April 2019 when he asked for food and shouted at him, and thereafter the physical altercation took place, I was unable to accept that mother was never aggressive and that maybe she raised her voice as maternal grandmother claimed. Maternal grandmother's account that father had been hitting the children and assaulted mother did not sit easily with her reluctance to get involved or acceptance that father would see the children in February 2020.
19. Mother's partner gave a short statement but also sought to embellish in his oral evidence that he knew father was violent and that he had seen much more than his statement suggested. He could not credibly explain how he was able to make a statement in Romania concerned with the children returning to the UK that he knew father to be a violent man, both physically and verbally having witnessed arguments between mother and father on many occasions. He later equated "many" to "few" noting that mother confirmed that LT had only witnessed her relationship with father 2 or 3 times. I wasn't even clear how or when he had observed mother and father together as he did not provide any details. In my judgment, he had embellished his account to the courts in Romania. It was clear from his evidence that he and mother had spoken to the children about father in negative terms and given DY adult information such as information about Christmas Day 2019. He had denied talking to DY until he was presented with DY's police interview where she confirmed that LT had spoken to her about that incident. He had completely immersed himself in mother's narrative and even minimised DD's reasons for wanting to see his father in that they only talk about video games. I could not rely on LT's evidence.
20. Father was clear that he did not believe that there had been any manipulation of the children before April 2019. Father minimised the disputes between the parties by stating that they had not had loud arguments before. DY's account was very different telling teachers that her parents shout and scream at one another, and I believe that the relationship between mother and father in April 2019 was strained; father said their relationship was not going well to Ms Russell at that time. Father said that mother had threatened to return to Romania twice and I believe that was because the relationship was difficult. Father minimised his working hours although when interviewed by the police in August 2020 he accepted working 12-15 hours per day. DY said father worked 15 hours a day. From my own knowledge, a HGV driver can drive for 9 hours and is usually expected to work at least 11-12 hours which includes

breaks and checks excluding commutes. The first assessment done by Leicestershire County Council referred to father working 15 hours a day. NM stated that father worked long hours and I believed her account of that.

21. I did not believe father when he said it was not his style to shout. DY reported that parents would shout at each other in April 2019 and I believe that to be true.
22. Father's reason for placing cameras around the house just did not make sense and lacked clarity. Mother said there were 5 cameras, he said there were 2. She said that he put cameras in the children's bedroom, their playroom and the living room although that did not explain the 5 cameras. He said the cameras were in the lounge and kitchen but there was clearly a camera in the children's bedroom too. He said the cameras were to protect the children as they lived in a shared house. It was clear from NM that she was not in the house for long periods as she was working. NM had no reason to go into the children's bedroom. Father's need to safeguard his children could have been achieved by not sharing his home with others. Cameras are usually used for surveillance and monitoring and I am satisfied that this is the reason why they were installed. Father recorded his video conversations with the children for evidential purposes. There was no doubt in my mind he was watching mother and the children in the period when he was absent from the house whether this was the main purpose or a side benefit of the cameras.
23. Whilst father accused mother of sharing adult information with the children, he too had conversations with DY which were inappropriate. In his oral evidence he accepted that he spoke to DY about the case in Romania. He said that he did not force DY to stay in Romania but he would not consent for them to return to the UK either. He told DY that her mother also left the children alone. He made DY record a video stating she did not want to live with her mother. Such was father's minimising, it was difficult to ascertain where the truth lay in his evidence, although generally he was more credible than mother.
24. NM gave generic evidence in her written statement. She lived with mother and father for a period of 2 months around October 2017 in a spare room at their address. She observed father to have a good relationship with his children. She did not see father shout and described him as a calm person. She did not witness anything alarming or concerning during her stay with the family. She said that mother, father and children moved out of the property after 2 months. She kept in touch with father. She denied having an intimate or romantic relationship with father and confirmed that the family moved out first, and not because she was asked to leave by mother. I found NM to be very credible.
25. Father's friend and work colleague SG made a written statement in which he said he had known father for 5 years as they worked together and lived together for 1 year before father's family came to the UK. Unfortunately, this witness had not read his statement before approving it and so I could not give any weight to the contents of his statement.
26. In short, the only witness that was clear and entirely credible in my judgment was NM. I had to look at the other evidence that was available rather than the evidence from the witnesses to assist with my determination of the findings.

27. Father produced a video to me of mother hitting DY in the children's bedroom. DY told the police she was 9 at the time (circa 2017). I had a transcript of what was said by DY and mother. Mother hit DY a number of times whilst she lay on the bottom bunk of bunk beds. Mother pulled DY out of bed and hit her again. It was clear that mother was punishing DY for not doing her homework and her hitting DY was a product of mother's anger.
28. DY's school made two reports about DY disclosing to them that there had been an incident between her parents on the evening of 2nd or 3rd April 2019. The first was the initial report given at 8.50 am by DY and the second was a much more detailed report given later that day. The first report (3rd April 2019) had simply referred to DY being scared as her parents were arguing the evening before, that her mother had a red mark on her cheek and neck, and that DY was scared to tell anyone as the police might take her father away. I am confident that the second report was taken the same day as the school were highly likely to speak to DY the same day. DY was able to explain in that second report how the argument started between her parents, that her dad grabbed her mother by her hair and pinched her shoulders leaving a red mark. DY saw red marks on her mother's face and neck. Mother had wanted to call the police but DY had asked her not to as she loved her father and he meant everything to her. DY said that her parents argued and that most arguments occurred because her father thought her mother was in love with her brother-in-law. DY was scared to go home. I am satisfied that the initial report was simply a summary and the second report gave more detail as to what DY saw when DY was asked more questions about the incident.
29. Whilst father submits that DY has been manipulated by mother, he accepts that this did not occur until after the relationship broke down in July 2019. There is no reason for DY's account not to be accurate in April 2019.
30. Following the events in April 2019, Leicestershire Children's Services did an assessment of the family in April 2019. The school had reported that mother attended school at the time of the incident with bruising. Mother had described the domestic abuse as an isolated incident and it appeared that mother and father had reconciled. The local authority closed their involvement with the family.
31. DY said this was the first time such an incident had happened at home. Father was described as working 15 hours a day as a lorry driver.
32. The children were in Romania between July 2019 and January 2020 living with maternal grandmother. I am satisfied that mother anticipated that they would return ahead of the new school year in September 2019 albeit the lack of consent from father prevented that from happening. It appears that father visited the children in Romania in October 2019. I have very little information about that visit save that neither mother nor grandmother raised that any issue occurred at that visit. The transcripts provided from father showed no concerns and that the children wanted to see their father one child expressing it as "the best present ever".
33. It was agreed that father attended mother's partner's home on 25th December 2019. It is disputed how father behaved at the door. Police information confirmed that mother provided information for a Domestic Abuse Risk Assessment. Mother said she was

afraid of father due to previous domestic abuse in July 2019 (although I have assumed this refers to April 2019). However, she said that he had not hurt the children or said/done anything of a sexual nature that made her feel bad.

34. Mother made a witness statement to the police on 22nd March 2020 stating that her new bank card had been sent to father's address and that she believed two cash withdrawals on 19th March 2020 which amounted to £ 500 had been made by father.
35. Mother reported father to the police in May 2020 for the April 2019 assault and his threats to disclose naked videos of her. Mother made a witness statement dated 20th May 2020. She described an assault in March 2019, which I have assumed to be April 2019, where he beat her up with his fists and squeezed her throat. She fell to the floor and father attacked her further. She said that she was aware that father had 5 cameras. He told mother they were for safety and protection. She said that she thought he had recordings of her when they were intimate. He would tell her what he had been doing in the house. She knew he had recordings saved. He controlled her friendships and her finances. She said he slapped her in 2019 as she did not put water in the coffee-machine.
36. Mother alleged that the children had been left alone when they saw their father in February 2020 and left with father's eldest son on the second occasion who had driven fast in his car. She said that she admitted slapping DY but this was because of father's abusive behaviour towards her.
37. On 2nd August 2020 father was arrested by the police. The police recovered his electronic devices for evidence of recordings. The police saw a recording of DY stating that she did not want to live with her mother and that she beat her. I have not seen the video but the police were of the view that father was clearly telling DY what to say. Father denied mother's allegations save that he accepted pushing her out of a room in April 2019.
38. DY was interviewed by the police on 23rd June 2020. She said that her parents argued a lot and father said mean things about her mother namely name calling and accusing her of cheating on him. She described her dad as jealous and using an app on his phone to search for women. She gave an account of what she saw in April 2019. Father dragged mother's ear until he pinched her so much blood came out and he pushed her. Father pushed her again and mother was about to die. She was pushed to the edge. Mother went downstairs and said she was calling the police but DY asked her not to. Mother had blood on her and her face was a mess. She did not know how she sustained the injuries to her face. She said her mom came into her room and beat her up as she was forced by father because he had cameras around the house. She said her mother was beating her a lot but later said it was not very often. She did not have any injuries from her mother as she did not hit her hard. The last time was when DY was 9 years old. DY said the cameras were everywhere including in the bathroom. She said father threatened mother with videos of her naked if she went to the police. She said people in Romania has seen the videos of mother naked or beating her.
39. DY told the police that her dad would hit her harder than her mother and it would really hurt. It was rare for mother to beat her but father did it often. She said her

mother was not allowed to have friends. She referred to father having control of the finances and stealing £ 500 from her mother.

40. It appears from the comment on the WCC assessment that the police were concerned that DY had been coached by mother.
41. Warwickshire Children's Services started an assessment of the family in August 2020. Mother said she had not been aware of the cameras that were hidden around the house. She claimed to be a controlling relationship with father. Father said the children were saying what mother told them to say.
42. DY was spoken to on 1st September 2020. She said she loved her mother but with her father it was all about the money. She did not want to see her father. She said it was because father talked trash about mother and that he had cameras in the house that made her feel uncomfortable. Father had left them home alone. She said she would visit father when she was 18 years of age. She did not want to go to father's house alone. She had a negative view of father grounding her but was positive about mother even though she grounded her too. DY said she was hit once by mother. Father forced mother to keep them quiet.
43. DD nodded that he was happy going to his father's house.
44. I had a number of transcripts from the video contact father had with DY during the summer of 2021. At times there were regular conversations but DY regularly was rude and angry at her father. Some of the key conversations were –
 - (i) On 31st March 2021 – the conversation started pleasantly. Father mentioned meeting up and DY said that she did not know if she wanted to, she was afraid of him. She said she had changed and that now she knew more. She said she knew this from herself and her mother. She heard mother talk to LT about her problems. She blamed father for not allowing them to go back to Romania to visit their grandmother. DY said that all her father wanted to do was to lie. She accused father of leaving them home alone. Father responded by stating that mother left them home alone. She was fearful of who would cook for them if she were with father.
 - (ii) On 21st April 2021 – DY said early in the conversation that she did not want to talk to her father. DY was rude to her father and she said it was because he was paying £ 28 per month maintenance. She said her mother showed her proof referring to a letter. She then asked father why they could not come back to the UK earlier. She told father he abandoned his children. She told him that he beat mother up. Father said he pushed mother but did not hit her. DY said mother had marks on her body. DY said she saw with her own eyes that he was mean to mother. She said that father never trusted mother. DY appeared to accept that her mother beat her. Father told DY that he never raised a hand to her, DY did not argue back at father about this. She later referred to father trying to hit her and spanking DD.
 - (iii) On 28th April 2021 – there is an exchange when father asked the name of DY's school and she refuses to disclose it. DY then tells father what she believed happened on 25th December 2019. She said he knocked on the door like a crazy man. When questioned how she knew that, DY said she

trusts her mother. When told she would learn the truth, DY said she knew the truth and she saw it with her own eyes. She said she knew how he beat mother. The conversation then turns to April 2019 when DY challenges her father as to how mother received injuries if he only pushed her. She accused her father of lying.

(iv) On 9th June 2021- DY tells her father she did not want to talk to him. She accused her father of not listening to her. She said she could not stand him anymore. She said she had lost count of how many things he had done to her. She said she had realised some stuff. She was afraid of him when he beat mother and she saw that with her own eyes. She then referred to what appeared to be the April 2019 incident. Father accused DY of lying and she said she was not lying.

45. The parties and children were interviewed by the Cafcass officer Joy Russell for the reparation of her report dated 27th May 2021. When interviewing mother, Ms Russell noted that mother found it difficult to talk about her experiences with father. She said that he forced her to have sex with other men. She described being strangled in April 2019 in front of the children. Mother had wanted to go to the police but father said he had video cameras around the house and threatened to show video clips of her having sex with other men and a video of mother hitting DY. She admitted hitting DY.

46. DY told Ms Russell that father used to beat her and DD up because they were making noise. She was annoyed that father denied this in video contacts. DY said her mother had hit her in the past but she felt that mother was doing that because father had told her to. DY said that father had hit her because she couldn't complete a level on a game that she was playing. Father accused mother of sleeping with her brother-in-law. He would call mother crazy and stupid. Mother would barricade them inside a room away from father.

47. DY recalled the April 2019 incident and that father held mother over a sharp pointed edge which could have killed her. She remembers mother having blood on her nose.

48. DY said that she did not enjoy staying at father's home after her parents separated. She had to sleep with father in his bed and father spoke negatively about mother. She felt uncomfortable getting changed as there were cameras in the room. Father asked her to make a video saying that she did not want to live with mother and she was too scared to refuse. DY was scared of her father, she felt her mother was different with LT.

49. DD called his father a bad dad and that he pushed his mother down the stairs. His bad dad punched his bottom and made him cry. He was punched to the face once. He did not want to live with his father but would like to speak to him. He felt angry and sad about his father.

50. Mother made 12 allegations.

Allegation 1 – Mother made 4 allegations of physical, psychological, and emotional abuse

51. Firstly, mother said in her statement that in March 2009, the Applicant was very angry and very aggressive with her because he believed that one of their friends was looking at mother and was flirting. The Applicant threw mother in another room where he shouted and slapped her. Maternal grandmother TM could confirm this because it was around the time of DY's christening and she came to Spain in the following days to celebrate and saw mother with a bruised eye. Mother added very little to her statement in her oral evidence.
52. Maternal grandmother said in her written statement that she went to Spain in March-April 2009 to attend her granddaughter's baptism. She noticed mother with a black eye. Mother avoided telling her what had happened, but she said it was clear that she had been hit. She observed the tense relationship between her daughter and father. He was ordering mother around in an aggressive fashion.
53. Father said in his statement that Mother had fabricated these versions of events. He referred to the Single Assessment prepared by Leicestershire County Council where mother confirmed that father had never been abusive throughout the marriage or hit her and she has never feared father. Equally, there was no police report. Even at a later date, when the mother was reporting a number of incidents to the police, this was never mentioned.
54. I had concerns that this allegation appeared to have been tacked on to mother's April 2019 allegation. Maternal grandmother had not seen the incident. A godmother had seen the alleged incident but there was no statement or evidence from her. Mother had a number of opportunities to raise this incident but had not done so. **I was not satisfied on balance that this incident occurred.**
55. Secondly, mother said in her statement that in August 2016, she was with the Applicant and both children in Romania for two weeks to visit mother's parents. During this time, the Applicant asked mother to heat some food for him. As she had over-heated his food, father became angry and in front of maternal grandmother threatened mother that he would kick her if she did not cool down the food. Maternal grandmother TM was a witness to this incident. Mother claimed in her oral evidence there were many incidents and many witnesses but I had to deal with the allegations I had before me and the evidence supplied. Mother had chosen which allegations she wanted to pursue.
56. Maternal grandmother said in her written statement that father became aggressive when mother heated his food too much. He threatened mother that if she did not cool the food and he would take action and hit her the next time. She said that she noticed many arguments and disagreements, because father drank a lot of alcohol and her daughter was always sad.
57. Father questioned why he would say such a thing in front of the respondent's family members? He said that no-one would say something like that let alone in front of their in-laws. She had not reported this incident to the police.
58. Father was a hard-working man and worked long hours. He expected mother to support him and make him food when he was hungry. I am satisfied that arguments would follow if mother did not meet his expectations. I am aware that the parents

lived with maternal grandmother for 18 months. If the father had behaved in an aggressive fashion towards mother, I am confident that his behaviour would have been seen frequently and regularly; it was not. This was a single incident when the parties did not live in Romania. **I am satisfied that there may been unhappiness on father's part that he could not eat his food immediately, but I am not satisfied that he threatened to hit/kick her.**

59. Thirdly, mother said in her statement that on 31st December 2018 she was with the father, mother's sister, LS, and her husband MS to celebrate the New Year at a local restaurant. Mother was invited by her brother-in-law, MS to dance. The Applicant was very irritated and nervous about this and started to argue with the brother-in-law. Father was angry towards mother and started to question her about what type of relationship she had with her brother-in law. Mother then decided to leave the party because she was ashamed of the false allegations the father made in front of her sister and brother-in-law.
60. Father said in his statement that he never intimidated or questioned the mother on her relationships with family and friends. He understood they were close as they were family. Despite his earlier response to the schedule of allegation being put to him, he said in his oral evidence that he did not suspect a relationship between mother and her brother-in-law.
61. DY told the school in April 2019 that her parents argued about mother's relationship with her brother-in-law. The parents were still a couple at this time and there was no evidential basis for suggesting DY had been coached by her mother. She also mentioned this to Ms Russell in May 2021 and in her conversations with father (she mentioned MS). Mother mentioned father's accusations in her texts to him. DY also told the local authority that mother was talking to men online. Whether that was true or not, such suspected conduct is likely to lead to accusations of infidelity and arguments in most relationships.
62. I was referred to father's original response to the schedule of allegations where he said he had suspicions that mother and her brother-in-law were having an affair. He later resiled from that in his later statements and said he had never accused her. Father had been inconsistent about his response to this allegation and DY made a number of references to father's concerns, notably in April 2019 before any alleged manipulation took place.
63. **I was satisfied that father had accused mother of having a relationship with her brother-in-law.** This had caused arguments as DY confirmed.
64. Fourthly, mother said in her statement that between January 2019-April 2019 the father started to accuse mother about incest with her brother-in-law. Father began shouting at mother and was being verbally abusive, using derogatory language. Father conducted two DNA tests for the children, DY and DD, because he believed that they were a result of this incest with mother's brother-in-law. Father gaslighted mother, persistently manipulating her, which caused mother to doubt herself and ultimately lose her own sense of perception and self-worth. DY remembered very well how the father came with a stick and took a saliva sample from her and DD, and with scissors took some hair samples. She remembered how father came to mother and showed me

the result of the DNA test and laughed that the test was only 99.9% accuracy, and he was not 100% sure. In her oral evidence, mother claimed that the child questioned the swab but there was no mention of this within the bundle.

65. Father questioned in his statement why he would conduct a DNA test. This incident had not been reported to any professionals. DY had not mentioned this incident.
66. If father suspected that mother had an affair, then it followed that he may question paternity of children conceived within that period. The children were born many years prior to the suspicions about mother having an affair with the brother-in-law. There was insufficient information about the allegations and little from DY who allegedly recalled having a saliva swab taken. **I was not satisfied on balance that father undertook DNA tests on the children.**

Allegation 2 – April 2019

67. Mother said in her statement that in April 2019, father was violent against her in front of the children. She alleged that he grabbed her neck and strangled her. Father threw mother in another room, where he closed the door and continued to kick mother in the head and stomach. The children were very scared and started to cry. The next day, DY went to the school very fearful about this incident and told the teachers what had happened.
68. Mother clarified in her oral evidence that when she referred to being kicked – she meant hit with his hands. Kick was a term used in Romanian that also covered the use of arms and hands. She said that DY had told the school that father had assaulted mother. Her first report on 3rd April was that she saw a red mark on mother, her second report within 24 hours was that she had also seen the assault and that this was a normal occurrence. Mother denied discussing the assault with DY.
69. Father said in his statement that he completely denied assaulting mother. He said it was unfortunate that DY had relayed this incident to the police in a way that supported mothers' version of events.
70. DY's account of this incident increased in terms of severity. Her initial account that she saw the beginning and end was the correct version. The later embellishments including being held over the edge are in my judgment, a narrative given to her from her mother.
71. Both parties agree that an incident took place. I am satisfied that DY saw the start and end of the incident but not how mother sustained her injuries. DY was veracious about her mother having injuries to her face and neck. The school confirmed red marks and/or bruising on mother. Father has not been able to explain how mother sustained the red marks on her face and neck area albeit he accepts pushing mother. These marks would not have been sustained as a result of a push. **I am satisfied on balance that father struck mother in the face or that she was pushed into an object and that she sustained red marks as a result. I was not satisfied that mother was strangled by father although she may have been held or pushed by the neck.**

Allegation 3- Father attending on 25th December 2019

72. On the 25th December 2019, father came to LT's address where mother was staying. Father punched the door and was screaming. The police were called. During the 999-phone call, the operator could clearly hear how hard father was banging on the door, and how he was screaming. When the police arrived at the scene, LT, opened the door and asked them to remove father from property, because he was violent. When father attended, he knew that the children were not there, because the decision of Romanian Court was not made until January 2020.
73. Mother's partner in his written statement said that at 11 am he heard heavy banging on the door. He said that he saw father punch and kick the front door shouting "where are my kids, I want to see my kids". He called the police and the police removed father. The police confirmed the children were not at the house.
74. Father denied this allegation in his statement and noted the absence of independent evidence to confirm how he was behaving. He accepts attending to deliver presents but denies aggressive behaviour. He said in his oral evidence that he communicated with the children by message but he did not produce any messages between him and the children that confirmed they told him they were in the UK or that he intended to deliver presents to them.
75. The objective evidence confirmed that the Court allowed the children to return on 11th October 2019. Father was ordered to pay costs to mother. There was an appeal against that decision and the court confirmed the October order on 30th December 2019. The children returned home in January 2020. The children were not in the UK. Father has not given evidence as to why he believed the children were at that address. Father said he did not tell the children he attended the address, but even if he did, it is inconceivable that he would describe himself acting like a crazy person or banging and shouting outside the address.
76. There is no other information to confirm how father behaved and I am unable to rely solely on the account of Mother and her partner.
77. Mother had not invited father to attend LT's address. He just turned up. He could have sent gifts to the children through the post. Father has not produced any messages to suggest the children told him that they were in the UK. **I am satisfied that father turned up at least in part, to intimidate mother and remind her of his presence. I am sure that he firmly knocked the door. I am unable to be satisfied that he was shouting and banging/kicking the door. Mother and/or LT told DY about the incident and described father acting like a crazy man and that he was shouting and kicking at the door. The intention was to paint a negative image of father and to scare DY.**

Allegation 4 – 2 allegations of Financial control

78. Firstly, between 2018 and 2019, father became controlling and obsessive, and he confiscated mother's finances and her bank account. He withdrew money from the mother's account without her permission. He limited all her spending, and he asked mother all the time about receipts. The applicant father would also use her bank account at petrol stations and tool shops.
79. Secondly, on the 24 June 2019, father used her personal details and the bank account to apply for a loan of £500. He transferred this amount to his personal bank account. The applicant father had permission to use her bank account, but she never had permission to use his own bank account.
80. Mother told me in her oral evidence that father had financially abused her by taking money out of her account. She accepted that he had permission to use her account until they separated in July 2019. Mother produced copies of her account showing money both going into and out of father's account into hers up to June 2019. The statements showed transactions that she agreed to by her own admission. There was no clear evidence about financial abuse.
81. There was a £500 loan paid into mother's account in June 2019 prior to separation. There were a number of withdrawals into and out of mother's account to and from father's account but looking at the patterns of transfers, this was not unusual. From mother's evidence, he had permission to move money into and out of her account until they separated. There was no information about the loan from Satsuma Loans and there was no explanation why such enquires had not been made. The statement did not show any repayments to Satsuma Loans as the evidence regarding her bank statement did not go beyond June 2019.
82. Father denied this allegation in his statement. He said he paid money into mother's account to support her. He did not financially control her, she had the ability to spend as she wanted, and he never questioned her about this. If any money was taken out of the account, it was purely to help contribute towards the bills which mother had agreed to. Father made new assertions in his oral evidence that mother had his bank card on occasion and that she would repay him for things she bought online using his account. As unsatisfactory as that was, the allegation is mother's to prove.
83. This allegation was completely confused. Mother produced statements which showed a free flow of money from father's account and into mother's account. Mother was additionally paid irregular sums from father's company which both parents expressed as her wages, and also child benefit. Mother said that father had permission to access the account prior to the relationship ending. Mother had made a complaint to the police about father taking money in March 2020. That was not the incident that she referred to in her statement or her oral evidence. Mother did not obtain information from Satsuma Loans and I had no explanation why she had not done so. She would have been able to document who applied for that loan. **The evidence around this allegation was poor and I was not satisfied that there had been financially controlling behaviour.**

Allegation 5 : In April 2019 father threatening mother with videos.

84. Mother said that father had cameras around the house without her knowledge. She became aware of them in April 2019. Father showed mother naked videos from these cameras, and threatened that he would post them online if mother told the truth about domestic violence to Social Services and to the school.
85. Mother's oral evidence was confusing. She suggested she was aware of the cameras but unaware of further spy cameras in the house. This was something that she raised in her oral evidence for the first time. She also gave inconsistent accounts about whether she knew about the cameras, she told the police she knew about the cameras when they were installed but later alleged they were installed without her knowledge. She then stated that father had found someone for her to have sex with but if her position was that he threatened to disclose actual videos of her having sex, the fact that he found someone but she did not, did not assist her case.
86. Father denied this allegation in his statement and said that when he was arrested, his technology was seized and investigated. No further action was taken by the police.
87. When interviewed father said he had put 2 cameras in the house with mother's knowledge. In his oral evidence he said that there were 3 cameras. Mother suggested there were 5 cameras and identified the location for three of them. The video footage of mother was taken from a camera in the children's shared bedroom.
88. Mother told the Cafcass officer Ms Russell in May 2021 that father had video clips of her having sex with other men. She said he forced her to have sex with other men. But she also raised at other times, her concerns about images of her naked and videos of her being intimate with father. Mother kept changing her narrative about what her concerns were. Mother did not say that she was shown such videos by father and I believe that she may have been concerned about the footage rather than having been threatened by father about the footage.
89. **There was no doubt that there were cameras in the house and in my view, mother knew about the cameras when they were installed.** The parents disagree as to the number of cameras. There was clearly a camera in the children's bedroom. The children were aware of the cameras and disliked them. The police did not find any videos on father's devices after they seized those devices. It is unlikely that father had any intimate videos of mother or of them together because that would have been found by the police. Mother was wildly inconsistent about what her concerns were and whether she had sex with other men; she confirmed that she had not. It was therefore incomprehensible that father would threaten to expose videos of mother having sex with other men when she had not done so. The threats then changed to exposing videos of mother naked or intimate videos of the parents. No messages were produced to confirm that father threatened to expose any intimate videos of mother. **I did not find this allegation to be consistent or substantiated on balance although I find the presence of cameras in social areas and bedrooms to be invasive and a mechanism for father to monitor mother.**

Allegation 6 - In February 2020-father left the children home alone during contact.

90. Mother said that she found out from her daughter DY that during the children's visit, the Applicant left them home alone for 14-15 hours per day. Two days consecutive days without food, unsupervised with only phones and tablets. The Applicant also allowed the children to play games for 18+ (GTA 5). Father's normal working hours are between 4 AM and 6 PM. DY stated that she did not like to stay over at the father's, he would leave the children home alone, and DY would be scared. From mother's oral evidence it appeared that they were left home alone on day 1, slept at father's and then were supervised by father's son on day 2.
91. Father said in his statement that this allegation was completely and utterly false and that he would not leave his children alone. Mother's claim that he would work 14-15 hours per day was incorrect as his shifts would only be 8 hours and the children would never be left alone. On one occasion, the children were left with father's eldest son, L, who was 21 at the time and his girlfriend was also present. His son had a previous conviction however this had no impact on his behaviour with father's children and this did not mean that he was a dangerous person to be around.
92. This allegation could only have come from the children and noting the allegations of manipulation, I approach the allegation with some caution. Notwithstanding that, I believe that the children were correct that father went out to work when they went to see him. Father does not submit otherwise. Father was not truthful about his working hours. Father changed his account as to who was looking after the children. He initially said it was his son and his girlfriend but later said it was his son on one occasion with his girlfriend and his son's girlfriend on the other occasion. He was inconsistent about this. He did not address the issue of the children playing adult games or what food was provided to them. Equally mother has made much of father's son getting into trouble. She referred to him being in prison for murder. It transpires from the documents that it was highly unlikely that L was jailed for murder. **I am satisfied that the children were left home alone by father on one occasion and looked after by father's son on the other occasion.** This was not the best scenario for the children having just re-established a relationship with father, father would have been better advised to see the children when he was not working as clearly they were unhappy at being left and they were too young to be left alone. **I am not satisfied that the children were driven around wildly by father's son L or that he smoked cannabis whilst caring for the children but may have been likely to have been exposed to adult video games being played by L.**

Allegation 7 - February 2020- inappropriate children supervision.

93. During the second visit, the Applicant also left the children supervised by another child of his, from another marriage, L who has a criminal record in Romania and he tried to impress DY with his car. He drove around the city in an extremely dangerous way, speeding and using the handbrake of a car. Also, he smoked cannabis in the car with DY. DY told mother and mother's partner that he smoked something with a weird smell. Mother appeared to know L had been charged in Romania but not the precise details of his offending.
94. Father said in his statement that L does have a criminal record in which he received a conditional order however he did not go to prison. The criminal record was 2 years

before the children were even left with my eldest son in his care. He denied that L would drive recklessly with the children in his car.

95. Father was somewhat evasive about L's past. He had denied his son had a criminal record. It then transpired his son had been convicted in Romania. There was then some convoluted explanation between father and the interpreter that he was an offender not a criminal as a result of the vocabulary used. Father was at pains to say that his son's offending was not connected to children or hurting young people. Either way, father minimised L's past and had given contradictory information about his son's criminal record.
96. The objective material about L's conviction was less than clear. L was described as an accused and injured party to an incident in the documentation. The word "Murder" was used on the documentation. L was given a suspended prison sentence and ordered to pay court costs in March 2019. **There was insufficient information for me to find that this allegation proved.**

Allegation 8 - In July 2019 father refused to allow the children to return in UK

97. Mother said that father refused to allow the children to return to the UK from Romania after a summer holiday. She was forced to go to the Romanian Court where she spent over £4000 on solicitors. The only explanation for the refusal was that mother did not want to accept father's condition for divorce, and this meaning no obligation for him regarding to the children. The children were allowed to come back in UK in January 2020, after that the Applicant appealed the first decision of the Court. The children were unable to attend at school because of father's refusal.
98. In her written statement, maternal grandmother said that the father sent a text message to mother to enrol the children in a Romanian school and that he did not want them to go back to the UK. Mother had to go to Court to get an order to take the children back to the UK. The children remained in maternal grandmother's care in the meantime. DY missed her school and friends. They missed a lot of school and they only went to back to the UK in January 2020.
99. Mother's partner said that he stood by the statement he made to the Romanian Courts. The father refused to sign a travel document. The children came back to the UK in January 2020 and lost a year from school. He said the father wanted to obtain a divorce in exchange for his signature.
100. Father said in his statement that he did not refuse the children to return to the UK out of malice but to obtain a Child Arrangements Order to allow him to see the children. He wanted to obtain an order from the Romanian courts to allow him to see the children. In hindsight he understood he should have considered the impact on the children's schooling.
101. **Father blocked the children's return to the UK.** He was clear that he wanted the mother to agree a divorce and for him to see the children as a mechanism for providing his consent that they return. This was unlikely to happen quickly and before September when the children were due to attend school. Father put his own

selfish needs ahead of the children. DY was particularly affected by father's decision and this was evident from her conversations with father in 2021.

Allegation 9 – Father forced children to record video

102. DY told mother that during the visit in February, father forced the children to record videos where they said bad things about mother. The Applicant forced them to say in those videos that they wanted to live only with him and no longer wanted to live with mother. The video was made on the promise that he would give them the latest models of tablets and phones if they said this.
103. Father said in his statement that a link would be provided; it was not.
104. I never saw the video. DY told Ms Russell that father had made her record a video stating she did not want to live with mother and she could not refuse. The police saw the video and confirmed that it appeared that DY had been coached to make the video and was being told what to say by father. I am satisfied that the children were being used as a pawn by father in his pursuit of arrangements. **I am satisfied the children did not want to live with him and that father behaved in a harmful way to them by making them record such a video.**

Allegation 10 - In 2020, inappropriate conduct with DY.

105. Mother was told by DY that father fitted a video camera in the bedroom, where he slept with the children. DY stated she felt very uncomfortable about this, and she was scared about cameras which she saw in her father's bedroom. When DY stated that she did not want to undress in front of the camera, father stated that the camera was not working; however, the camera was flashing, and the father would speak to the children through the camera as he had access to it whilst he was at work.
106. Father said in his statement that the cameras were placed in the rooms purely by agreement with mother to simply look after the children. They have never been used to look at the children change, and it was purely just for security to watch over the children when they were playing and to ensure that they were safe. He said it was always clear that the camera was present in the rooms with the knowledge of all the parties including DY and DD, and the respondent had access to the cameras on her phone. Father said the cameras were not functioning in his oral evidence.
107. Mother knew about the cameras in the family home. This issue related to cameras in the home post-separation. DY told Ms Russell that there were cameras in father's home. I was aware from father that he recorded his video contact with the children. He had set up cameras in the family home. He was used to monitoring and he had the equipment to do so. A pre-pubescent girl is going to be particularly concerned about her body. **I was satisfied, on balance, that father had some sort of camera surveillance at his home address and that this made DY and at times DD, feel uncomfortable.**

Allegation 11 - Physical abuse towards the children

108. In 2019, during the relationship, father was violent with the children. Father got angry with the children after work when he wanted to have a rest, but the children were noisy, and most of the time he sent mother to make them quiet. However, most of the time father went into their room and kicked them. He more often kicked DD. Father also smashed the phones and laptops in front of them. Mother recalled that in 2019 father blamed DY because she did something wrong with the laptop and took this and smashed it in front of the family. Father used to kick DY when she was struggling to do homework.
109. Mother said under cross-examination that father was hitting the children 1 or 2 times a week or once per month, it varied. They were hit to the bottom and face. She said that she stood in front of the children to stop him. Mother gave several reasons why she did not report the abuse. She was scared of the videos or that she may have to move to Romania. Mother had said that she became aware of the videos in April 2019 and so this did not reconcile with any abuse of the children by father prior to that date. In addition, her family were in Romania and she had a nice house there. I was unclear why moving back to Romania would be so awful for her that she would not report the abuse of their children.
110. Father said in his statement that mother hit the children, he did not. There were no recordings or previous allegations of him hitting the children.
111. DY initially raised the issue of mother hitting her. It was not her father. DY told Ms Russell that father used to hit her and DD. She gave an example of when he hit her and that he used to smash his phone because he was angry. She challenged father in the video contact about the physical abuse but I also believe that DY has stated things told to her as what she believes to be true in those recordings. DD told Ms Russell how father used to hit him.
112. Mother sought to go beyond her statement and suggest that father hit the children in front of her. This was quite some embellishment. DY is not a reliable historian and has changed her account multiple times.
113. **There is a possibility that these children were used to physical chastisement from one or both parents. However, there is insufficient for me to conclude that father hit the children. I am not satisfied that father used to hit the children on a regular or gratuitous basis.**

Allegation 12 - 2018-2019-Sexual and emotional abuse

114. During 2018-2019 father always suggested and mentally terrorized mother to have sex with other men or women and that father was to watch or participate. Much of his violence against mother was due to her refusal to participate in his sexual fantasies.

115. Every time mother refused, father would constantly pressure her into accepting it and stating that it was good for their relationship. Mother did not have sex with other men.
116. Father said in his statement that he was disgusted and embarrassed at the allegation. Father found it contradictory of the mother to claim that father was a jealous man, yet be happy for her do such a thing. This had not been reported to the police at any point after separation or to any social services.
117. Mother told the police in December 2019 that she did not have concerns about anything done or said regarding sexual acts in the DASH questionnaire. Mother told Ms Russell that father forced her to have sex with other men in May 2021. Mother said she was afraid to report this but she was not afraid to report the physical assault by father. Mother claimed to have been blackmailed by videos kept by father in her oral evidence.
118. **I did not find mother's evidence to be credible on this allegation. I am not satisfied that mother was forced to have sex with other people by father.**

In relation to father's allegations -

Allegation 1 – Payment request to see the children

119. Father said that since separation, he had requested to see the children numerous times. Father referred to the exhibited text messages where mother demanded payment of monies to see the children.
120. Mother admitted that DY heard a conversation between mother and father on the telephone where mother accused father of stealing £ 500 from her account. She said that DY heard a lot.
121. The courts had ordered father to pay mother money representing the judicial fee and her advocates fee for the proceedings in Romania. It does not appear that he paid this. Mother sought to get father to pay these sums by offering and withholding contact in exchange for the payment of money. As financial ties had been severed, I have no doubt that mother needed extra financial support. **I agree that mother had asked father for payment and sought to exchange this for time with his children.**

Allegation 2 – Manipulation of the children against father

122. Father said he had not seen the children since 2019/2020 and therefore since, DY's views have been influenced against father. Father referred to 7 incidents.
123. Incident 1 – Telling DY that father was knocking on the door like a 'crazy man'.
124. **I have already made findings in relation to this incident at mother's allegation no 3.**

125. Incident 2 – Father said the children were crying for him in October 2019 but now appear not to want to spend time with him. DY admits she knows more information which she has received from the mother. DY has been influenced by mother.
126. In her statement, mother said the children were witness to father’s abuse.
127. Incident 3 – the police considered that DY was giving an account of father’s assault against mother in April 2019 that was identical to that of the mother. The police were concerned that she had been coached.
128. Mother states that DY simply states what she believes about the father and his behaviour.
129. Incident 4 – Ms Russell said that DY had written some notes for herself in Romanian before speaking to her. Father considered that DY had spoken with mother before Cafcass.
130. In her statement mother said DY followed the Cafcass officer’s recommendation. Ms Russell suggested this and wrote a letter to DY to write down a few notes in her native language, Romanian, to be easier for her.
131. Incident 5 – DY is now claiming that she was hit by father when she previously said she was not hit by father. The children have been told lies by the mother and they cannot properly account for what happened.
132. Mother believes that father has misunderstood the single assessment form Warwickshire.
133. Incident 6 – The children have heard many contradicting allegations against father and the children have formed an opinion of father.
134. Mother said the children had witnessed events with their own eyes.
135. Incident 7 – the child has been exposed to adult information.
136. I simply did not believe mother’s account in her oral evidence that the walls were thin and DY may have overheard conversations between mother and her partner. DY had heard full and clear information. She had seen paperwork.
137. Mother said DY has asked how much father was paying to the CMS. Mother had concerns that father was not paying sufficient sums to support his family noting his income.
138. DY and to a lesser extent DD, have been influenced by mother or on behalf of mother post- separation. DY’s account of the assault in April 2019 has fundamentally changed and her account has become more extreme. DY has been told by mother and/or LT about how father behaved in December 2019. I do not believe that father told DY that he behaved like a crazy person the doorstep. DY previously stated that

her father had not hit her and now states that he has. DY says that she has been told and knows more information during the contact session in 2021.

139. The evidence shows how DY's views have changed over time -

- In April 2019 DY was shocked at the incident between her parents but said that she loved her father and he meant everything to her.
- During the assessment completed by Leicestershire County Council between April and June 2019 DY described everything as fine.
- DY saw her father in October 2019 without any reported concerns
- DY saw her father in February 2020 and was concerned about being left home alone, cameras and sleeping arrangements.
- DY was spoken to on 1st September 2020 and she accused of her father being more concerned about money. She said she did not want to see her father because he talks trash about her mother and he had cameras in his house that made her feel uncomfortable when getting changed. She referred to being left alone at his house.
- DY was spoken to by Warwickshire County Council social workers on 14th Jan 2021. She referred to the cameras and that father was using the cameras to watch her undress. She did not want to have contact with him.
- During the indirect contact DY repeatedly challenged on her father on a number of issues. She made it clear she considered him to be a liar, did not want to spend time with him and did not want to talk to him
- Joy Russell spoke to DY on 21st May 2021. She alleged that father used to hit her and DD. She was annoyed that father denied this in video contact. Father called mother's names and he attacked mother in April 2019. She did not enjoy staying at father's because she had to sleep in the same bed and there were cameras in his room. She was unhappy that father forced her to make a video stating that she did not want to live with mother. She did not want any contact with father.
- The guardian Ms Ali met DY on 2nd March 2022 and DY said she would be scared to spend time with father as they were left alone or might get hit by father

140. The reasons that she does not want to see her father have changed. That may be due to the growing issues that she sees with father or simply cherry-picking from a list of available reasons to justify her refusals.

141. Some of the issues raised by DY are concerns that have been caused by father's behaviour namely the cameras and not being there for them when they came to see him in February 2020. Some of those concerns are issues that I believe have been presented by or on behalf of mother such as information about 25th December 2019, CMS payments, an exaggerated recollection of April 2019. I also consider that DY had aligned herself to mother and by doing so, has to reject her father.

142. **I do not accept that a child would enquire about how much maintenance their father was paying. And even if she did, the correct answer would not be to suggest he only paid a minimal figure and show her the letter. This was a clear instance of mother trying to influence DY by suggesting father was unwilling to financially support the family and involving DY in adult conversations. DY was clearly affected by that disclosure.**

143. **DY was happy to see her father in October 2019 and in February 2020. I acknowledge that father has contributed to her reluctance to see him or negative view of him. The children were forced to remain in Romania due to father's reluctance to consent. That impacted particularly on DY. Neither child would have responded positively when sent to spend time with father to find that he was at work and that on one occasion they were left alone. This was father's opportunity to make a grand gesture to his children. The children were clearly upset at being monitored by cameras. Father forced the children to record a video stating they did not want to live with their mother. That was harmful to them and manipulative.**
144. **Mother and her partner have shared information with the children that paints father in a negative and abusive light. This has compounded and reinforced the reluctance of the children to spend time with father, especially DY. Her narrative follows that of mother. She is now firmly aligned to mother and rejects father as a consequence.**
145. **DY sees father in an entirely negative light whilst viewing mother as entirely positive. This is a clear sign that she has been influenced. DD has not been so impacted, perhaps due to his young age, although he appears to have adopted the same narrative that he has been hit by father and is now scared of him. DY has accepted a role where she needs to punish him for perceived indiscretions and wrong-doing.**
146. **In my judgment, this is a complex case where both parents have sought to manipulate their children against the other parent and have not considered their children as their priority over gaining an advantage against the other parent. Father's failures have been compounded by mother's narrative. Both parents are firmly at fault for the position the children find themselves in. The children are being emotionally abused by their parents and that must stop.**

Allegation 3 – Respondent hits the children

147. **Father produced a video where the respondent repeatedly hits DY in the children's bedroom and DD was present.**
148. **In her statement mother said she did not deny that there was one single incident in 2019 when she hit DY. This happened on one occasion and father forced mother to be more aggressive with the children and make them quiet. In her oral evidence, she could not explain why she hit DY so many times.**
149. **DY said this happened when she was 9 years of age circa 2017. I saw the video of mother hitting DY in the children's bedroom. DY was hit multiple times and then pulled from the bunk and hit again. The translation confirms that this was because she had not done her homework.**
150. **Father said the videos were deleted shortly after they were recorded by the cameras. I am satisfied that father had the recording of mother for some time and had**

known for some time that mother had hit DY. He kept the recording for evidential purposes.

151. There was a question about whether this was an isolated incident. DY had confirmed that mother had hit her repeatedly but then also stated it was only once. Mother had said she would not hit DY and then said she only hit her on one occasion. Neither can be relied upon to be an accurate historian. Father did not say that mother had hit the children before. There is little to evidence that this happened previously although in my view there is a real risk that it has happened before.
152. When mother spoke to Ms Russell in May 2021 she admitted hitting DY but did not state it was because father had forced her to. DY made the same allegations but she clearly mirrored mother's rhetoric in absolving her mother from blame. This is typical behaviour of child aligning themselves to one parent, in this case the mother.
153. **I do not accept that father forced mother to hit the children.** Her actions in hitting DY 8 times are not those of a person forced to hit their own children. Mother was unhappy in her relationship, she felt isolated and lacked independence. In my judgment, she took her frustrations out on DY.

Allegation 4 – The Applicant seeking findings to address the greater issue of manipulation from the respondent mother.

154. I do not find it necessary to make findings under allegation 4. The relevant issues have already been sufficiently addressed in this judgment.
155. I give permission for my judgment to be disclosed to other agencies and professionals who are involved in child protection and to the children's school.