

Neutral Citation No: [2026] NIFam 10

Ref: HUM13028

*Judgment: approved by the court for handing down
(subject to editorial corrections)**

Delivered: 15/04/2026

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

**FAMILY DIVISION
OFFICE OF CARE AND PROTECTION**

Between:

DB

Applicant

and

WH

Respondent

and

Between:

A HEALTH AND SOCIAL CARE TRUST

Applicant

and

WH

and

DB

Respondents

[Fact Finding Hearing: Domestic Abuse]

**Gráinne Murphy KC & Rioghnach Kavanagh (instructed by Caldwell & Robinson) for
the Applicant father**

**Suzanne Simpson KC & Peter McGuinness (instructed by Keenan Solicitors) for the
Respondent mother**

**Moira Smyth KC & Caroline McCloskey (instructed by the Directorate of Legal Services)
for the Trust**

**Andrew Magee KC & Aidan Hughes (instructed by Quigley Grant & Kyle Solicitors) for
the Children's Court Guardian**

HUMPHREYS J

This judgment has been anonymised as it involves a child. The ciphers given to the parents and the child are not their initials. Nothing must be published which would identify the child or the parents.

Introduction

[1] These proceedings concern a child, MH, who is now five years old. The parents were engaged in a brief relationship between December 2019 and April 2020 and MH was born some months later. Since 2021, regrettably, the mother and father have been engaged in protracted legal proceedings relating to the father's arrangements for contact with the child.

[2] The court acceded to an application on the part of the mother to hold a fact finding hearing in relation to allegations made by her of domestic abuse. It was agreed that these findings would assist in the psychological assessments due to be carried out in relation to each parent and in ultimate welfare decision.

[3] This judgment is limited to the issue of the finding of facts in relation to the disputed allegations.

The legal proceedings

[4] In order to set this hearing in its context, it is necessary to outline a chronology of the legal proceedings to date:

| Date | Event |
|------------------|--|
| 10 May 2021 | Father's solicitor writes seeking contact |
| 6 June 2021 | Mother sends "Notice to Cease and Desist" |
| 7 June 2021 | Father's solicitor writes again seeking contact |
| 29 June 2021 | Father applies to Family Proceedings Court ("FPC") for contact and parental responsibility order |
| 7 April 2022 | FPC makes order for twice weekly contact and a parental responsibility order in favour of the father |
| 10 August 2022 | Father applies to the FPC to have contact enforced or defined |
| 9 December 2022 | Case transferred to Family Care Centre ("FCC") |
| 16 December 2022 | FCC makes defined contact order with penal notice |

| | |
|-------------------|---|
| 27 January 2023 | FCC grants leave for committal proceedings to commence against mother |
| 1 March 2023 | FCC makes defined contact order, once per week in contact centre |
| 22 March 2023 | Mother files statement for first time making allegations of domestic abuse |
| 16 June 2023 | FCC makes order for community contact on specified dates supervised by paternal grandparents |
| 19 September 2023 | FCC orders Article 56 investigation and Guardian appointed |
| 7 March 2024 | Trust provide Article 56 report recommending supervised contact |
| 22 May 2024 | Fact finding hearing adjourned in FCC |
| 20 June 2024 | FCC makes order for defined supervised contact |
| 25 October 2024 | FCC makes order for defined supervised contact with penal notice and transfers case to High Court |
| 21 November 2024 | High Court makes order for defined supervised contact with penal notice |
| 4 February 2025 | Mother pleads guilty to contempt of High Court order, time given to purge contempt and fact finding hearing vacated |
| 3 March 2025 | Mother issues C2 for variation of contact order |
| 11 March 2025 | High Court changes contact time |
| 30 April 2025 | Trust applies for a supervision order |
| 11 June 2025 | Father issues C2 re schooling, missed contact and role of grandmother |
| 6 October 2025 | Mother issues C2 to vary and suspend contact |
| 23 October 2025 | High Court varies contact arrangements |
| 6 March 2026 | Mother issues C2 for fact finding hearing |

13 March 2026 High Court directs psychological assessments of both parents and lists fact finding hearing

13/14 April 2026 Fact finding hearing

[5] At present the following applications are before the court:

- (i) The Trust's application for a supervision order;
- (ii) The father's application for contact; and
- (iii) The father's application for a residence order.

The schedule of allegations

[6] In advance of the hearing, the parties helpfully prepared a Scott Schedule which summarised the allegations of domestic abuse and each party's case in relation to same.

[7] The allegations under consideration in this fact finding hearing are as follows:

- (i) The father was verbally abusive to the mother while she was pregnant with MH;
- (ii) The father exerted coercively controlling behaviours over the mother;
- (iii) The father isolated the mother from family and friends;
- (iv) On 1 or 2 April 2020, when the mother was six weeks pregnant, she was assaulted by the father who put his hands around the mother's throat and pushed her to the bed;
- (v) On 24 June 2020, the mother met the father in a park to inform him of the gender of the baby. The father tried to persuade the mother to get back together with him, and when she refused he became verbally abusive, and followed her to her car;
- (vi) On 19 April 2021, when the father attended for contact with MH he was verbally abusive to the mother calling her a "fucking dickhead" an "absolute arsehole" and a "scumbag." He told the mother he would take MH off her then slammed a door, when leaving the property, in front of MH;
- (vii) On 19 August 2021, during contact with MH the father shouted at the Mother, pointed a finger in her face, and called her a "piece of shit" and "a wanker" whilst MH was in the mother's arms;

- (viii) On 19 January 2022, during contact with MH, the father became verbally abusive towards the mother, then pushed her against the door frame, whilst MH was in her arms;
- (ix) The father used his mother as a means of gaining confidential information about the mother and MH. The paternal grandmother abused her position as a paediatric secretary to access the mother's and child's medical notes.

The legal principles

[8] Section 2(1) of the Domestic Abuse and Civil Proceedings (Northern Ireland) Act 2021 creates a criminal offence of domestic abuse and defines "abusive behaviour" in this context:

"(1) This section contains provision for determining for the purposes of this Chapter when behaviour of a person ("A") is abusive of another person ("B").

(2) Behaviour that is abusive of B includes (in particular) –

- (a) behaviour directed at B that is violent,
- (b) behaviour directed at B that is threatening,
- (c) behaviour directed at B, at a child of B or at someone else that –
 - (i) has as its purpose (or among its purposes) one or more of the relevant effects, or
 - (ii) would be considered by a reasonable person to be likely to have one or more of the relevant effects.

(3) The relevant effects are of –

- (a) making B dependent on, or subordinate to, A,
- (b) isolating B from friends, family members or other sources of social interaction or support,
- (c) controlling, regulating or monitoring B's day-to-day activities,
- (d) depriving B of, or restricting B's, freedom of action,

- (e) making B feel frightened, humiliated, degraded, punished or intimidated.
- (4) In subsection (2) –
 - (a) the reference in paragraph (a) to violent behaviour includes both sexual violence and physical violence,
 - (b) in paragraph (c), “child” means a person under 18 years of age.
- (5) None of the paragraphs of subsection (2) or (as the case may be) (3) is to be taken to limit the meaning of any of the other paragraphs of that subsection.”

[9] Section 4(2) of the 2021 Act provides:

- “(2) Behaviour is behaviour of any kind, including (for example) –
 - (a) saying or otherwise communicating something as well as doing something,
 - (b) intentionally failing –
 - (i) to do something, or
 - (ii) to say or otherwise communicate something.”

[10] Article 12A of the Children (Northern Ireland) Order 1995 provides that where a court is considering whether to make a residence or contact order in favour of a “prohibited person”, it must consider whether the child has suffered or is at risk of suffering any harm as a result of the behaviour of the prohibited person. “Prohibited person” is defined as a person who is, or the court considers should be, prohibited by a non-molestation order from molesting another person.

[11] The legal consequences of the facts which I find and the ultimate outcome of the extant applications will be a matter for further consideration.

[12] The legal principles governing the conduct of fact finding hearings in this context were set out by Cobb J in *Re B-B* [2022] EWHC 108 (Fam) at para [26]:

- (i) The burden of proof lies, throughout, with the person making the allegation;

- (ii) In private law cases, the court needs to be vigilant to the possibility that one or other parent may be seeking to gain an advantage in the battle against the other. This does not mean that allegations are false, but it does increase the risk of misinterpretation, exaggeration, or fabrication;
- (iii) It is not for either parent to prove a negative; there is no 'pseudo-burden' on either to establish the probability of explanations for matters which raise suspicion;
- (iv) The standard of proof is the civil standard – the balance of probabilities. The law operates a binary system, so if a fact is shown to be more likely than not to have happened, then it happened, and if it is shown not to cross that threshold, then it is treated as not having happened; this principle must be applied, it is reasonably said, with 'common sense';
- (v) Sometimes the burden of proof will come to the judge's rescue: the party with the burden of showing that something took place will not have satisfied him that it did. But, generally speaking, a judge ought to be able to make up his/her mind where the truth lies without needing to rely upon the burden of proof;
- (vi) The court can have regard to the inherent probabilities of events or occurrences; the more serious or improbable the allegation the greater the need for evidential 'cogency';
- (vii) Findings of fact in these cases must be based on evidence, including inferences that can properly be drawn from the evidence and not on suspicion or speculation; it is for the party seeking to prove the allegation to "adduce proper evidence of what it seeks to prove";
- (viii) The court must consider and take into account all the evidence available;
- (ix) The evidence of the parties themselves is of the utmost importance. It is essential that the court forms a clear assessment of their credibility and reliability;
- (x) It is, of course, not uncommon for witnesses to tell lies in the course of a fact-finding investigation and a court hearing. The court must be careful to bear in mind that a witness may lie for many reasons, such as shame, misplaced loyalty, panic, fear, and distress. The fact that a witness has lied about some matters does not mean that he or she has lied about everything;
- (xi) The court's function in resolving disputes of fact in the family court is fundamentally different from the role of the judge and jury in the Crown Court, the purpose being to determine what has gone on in the past so that knowledge may inform the ultimate welfare evaluation;

[13] Also of significance in this context is the Lady Chief Justice's Guidance on Domestic Abuse and the proper approach to be adopted by the courts when considering allegations of abuse.

The mother's evidence

[14] The mother outlined that her relationship with DB commenced in December 2019 and she discovered she was pregnant whilst on a ski trip in March 2020. She described how the relationship deteriorated around this time, that she was called fat and ugly by DB, he tried to control her eating and drinking and said no man would ever want a woman with another man's baby.

[15] The timing of the pregnancy coincided with the restrictions imposed by the Covid-19 pandemic. Her evidence was that the father sought to coercively control her by trying to make her Covid bubble smaller by persuading her to cease sharing living accommodation with her cousin. She did not respond to this request.

[16] The relationship came to an end following an incident on either 1 or 2 April 2020. The mother gave evidence that DB was taking a nap in her bed upstairs when she went up to get some cigarettes. She went to check in his jeans for these when he pounced out of the bed and grabbed the trousers, causing her to be pulled down onto the bed on her back. He then sat on top of her and placed his hands around her throat and squeezed hard. WH says she was able to push him off and then told him to "get the fuck out of my house." She then went downstairs into the garden and phoned her cousin. She felt scared, terrified and worried and decided there and then to end the relationship.

[17] No complaint of assault was made to the police or any other statutory agency, nor was the protection of the court sought.

[18] The end of the relationship was not a mutual decision. DB wanted it to continue and the court was referred to text messages from him to the effect that he was heartbroken. WH sent messages seeking to establish a basis for friendship and co-parenting in the future. On 24 June 2020 they agreed to meet in the park for a "gender reveal" at which WH presented DB with a pink cupcake to identify that the baby was a girl. On her evidence, this conversation quickly deteriorated and DB became angry, shouting loudly at her. She says that she got up from a park bench to leave and was followed by him to her car.

[19] Following MH's birth, contact was arranged at the home of the maternal grandmother, PH.

[20] On 19 April 2021 DB arrived for a contact visit dressed in his nurse's uniform. WH expressed her concern at him holding the baby in this uniform in light of the pandemic. This caused DB to shout at her, calling her a "scumbag", "a fucking

dickhead” and “a fucking wanker” whilst she was standing holding the child in her arms. He aggressively slammed the door on his way out.

[21] Issues having arisen in relation to contact, DB instructed Caldwell & Robinson, solicitors, who wrote to WH on 10 May 2021 seeking an agreement for defined contact.

[22] WH denies ever having received this correspondence but, despite this, sent a “Notice to Cease and Desist” on 6 June 2021 to the solicitor who had sent the letter of 10 May. This document was full of the pseudolegal gibberish peddled by so-called freemen of the land and sovereign citizens. It stated:

“Today I found an unsolicited letter within the letter box of my private home address. I am not sure why this unsolicited letter was sent. I am putting you on notice to Cease & Desist all third party interloper contact”

[23] The notice goes on to declare that the solicitor’s letter had been destroyed as would all future communications. WH stated that her fee for receiving any unsolicited correspondence or contact from “third party interlopers” was £500.00 + VAT per item.

[24] When questioned about the origin of this, WH stated that she was introduced by a friend to a mysterious former lawyer, known only as “Nigel.” He gave advice by way of Zoom meetings and was responsible for drawing up this and other documents, all free of charge.

[25] Despite the clear wording of this document, WH maintained that she had not received any correspondence from DB’s lawyers seeking agreement on contact or, indeed, the legal proceedings which issued in June 2021. This evidence was simply untrue and demonstrably so.

[26] On 10 August 2021, WH produced two “affidavits”, replete with religious quotation and legal nonsense, and sent them to DB. Essentially these state that she is not subject to the jurisdiction of the courts, even though, on her evidence, she was unaware of the ongoing court proceedings.

[27] On 19 August 2021, a further altercation occurred at PH’s house when again DB called her names and used foul language while WH was holding the baby. This resulted from a discussion about the provision of nappies and wipes during contact visits.

[28] On 21 August 2021, WH served a further pseudolegal document entitled “Notice of Access to Personal Property.” This proclaimed that the child MH was the “personal property” of WH and purported to offer unsupervised but “supported” access to this property. It sought to impose certain restrictions and limitations on such access and further prohibited the involvement of any “third party interlopers.”

[29] The final contact visit at PH's house took place on 19 January 2022 when, again, an argument ensued about the provision of items for the child. WH's evidence is that she was standing in the porch with the door open, holding the baby, when DB was shouting abuse at her and then he pushed her with two hands on the shoulder, causing her to hit her head off the doorframe. WH told DB that this would be his final visit.

[30] No complaint of assault was made to the police or any other statutory agency, nor was the protection of the court sought.

[31] WH was cross-examined about various accounts of the 19 January incident given in statements to the court. In one of these it is stated that the push occurred "in front of" MH and in another that it "transpired" to be in the presence of MH rather than when the child was in her arms. When her final statement was made in April 2024, following the filing of a statement by her mother, it is stated that MH was in her arms. In none of the statements does it say that the push caused WH to strike her head.

[32] On 22 February 2022, WH served a third pseudolegal notice on DB, this one entitled "Notice to Remove Access to Personal Property and Opportunity to Correct", announcing that access to the "personal property" had been withdrawn. It explained that the reason for this was the behaviour exhibited by DB on 19 January 2022, stating:

"During your access on 19/01/22 you treated me unfairly and negatively using name calling and presenting yourself in an aggressive manner. After I asked you if you were bringing nappies or food when you come to see [MH], you became very aggressive, visibly and audibly. You resorted to name calling while standing at the entrance of the home, these included but are not limited to calling me a scumbag" and a fucking scumbag"

[33] The notice also offered an opportunity to make amends by the delivery of a written apology and a meeting. The fee of £500 + VAT was again demanded in relation to communications from third party interlopers.

[34] It is evident that no mention is made in this notice of any physical assault. When asked about this, the mother stated that "Nigel" had advised her not to mention any assault since it would escalate matters. This concern regarding escalation is difficult to square with a communication removing access to a child who is described as being one parent's personal property.

[35] In February 2022 and April 2022 Caldwell & Robinson wrote to WH at her mother's address, where contact had taken place, in relation to the ongoing proceedings before the FPC. On each occasion the correspondence was returned to sender marked:

“Address unknown. No contract”

[36] The FPC proceeded to hear the applications and grant orders in WH’s absence on 7 April 2022, a event she claimed to be wholly unaware of.

[37] WH also gave evidence in relation to the unlawful accessing of her personal data, in the form of medical records, by DB’s mother, which occurred on three separate occasions, 6 May 2020, 15 November 2022 and 28 November 2023. She also accessed the records of MH on 29 December 2022. This was described by WH as a total invasion of privacy.

[38] The legal proceedings were ongoing and, following transfer to the FCC, a defined contact order was made with a penal notice attached. By January 2023 contempt proceedings had been initiated and these were served by a process server. This led to WH contacting the police to complain that she had been assaulted by the process server.

[39] Once contempt proceedings were listed for hearing WH became involved in the court process for the first time and a statement was served on her behalf on 22 March 2023. This contained allegations of physical assault, the first time such allegations had been made in a formal setting.

[40] In cross-examination the court was taken through a series of texts and WhatsApp messages passing between the mother and father both before MH was born and in the months afterwards. Frequent references are made to name calling, and it is evident that WH was quite able to criticise and call out DB’s behaviour on occasion. However, at no time is there any mention made of the non-fatal strangulation which took place at the start of April 2020. The picture painted in the text messages in April 2020 is of a man expressing himself to be “heartbroken” and a woman trying to find an amicable solution for future co-parenting. When asked why she never mentioned the assault, WH’s repeated response was that she was trying to “defuse not escalate.”

The grandmother’s evidence

[41] The court also heard evidence from PH, the mother of WH and maternal grandmother of MH. She gave an account of a chance meeting with DB shortly after the relationship had come to an end in which he talked of wanting to reconcile, of his concern about WH smoking whilst pregnant and made admissions in relation to his past behaviour. In particular, he told her that on 1/2 April 2020 he had thrown WH onto the bed and pinned her down because he did not want her to smoke.

[42] PH stated that she was shocked by this revelation and spoke to her daughter about it. She recounted a similar story with the additional reference to his hands being around her throat.

[43] Until January 2022 contact took place at PH's house and she gave evidence that DB used foul and abusive language on occasions. In one instance she went into the living room and removed MH as a result of this abuse.

[44] She was a witness to the events of 19 January 2022. On PH's account, DB pushed WH up against the door frame in the porch, causing her back to go against the frame. MH was in WH's arms at the time.

[45] Despite what she had seen, no report was made to the police or a solicitor nor did PH recommend to her daughter that she take any such action.

[46] WH was questioned about the correspondence from Caldwell & Robinson, which was returned to sender, marked "addressee unknown" and "no contract." She admitted that the handwriting on the envelopes was hers but was quite unable to proffer any sort of coherent explanation for why she would take this course of action. A variety of answers were given from "there was a lot going on" to "a friend in work told me to do it" to "I can't remember." It is utterly inexplicable why a person holding a senior office in the public service, and a mother, would not simply pass on important correspondence to her daughter.

[47] PH was cross-examined at length about a number of documents disclosed in the legal proceedings. In one email of 21 September 2023 a representative of the contact centre (where court directed contact was taking place) commented how contact had to cease as a result of the abusive and disrespectful behaviour of PH towards members of staff. PH described this as being completely inaccurate.

[48] In another document in 2024 a social worker records PH as saying that MH would never have any contact with DB regardless of the outcome of the Trust's Article 56 investigation. PH said this was not correct, she had said there would be no contact unless it was safe.

[49] In a third document, dated 6 February 2025, when contact was due to commence on a court ordered basis at Trust premises, a social worker records that PH said, "Aye [MH] they are trying to traumatise you" to the child and "How do you feel about traumatising children?" to the members of staff. It is also noted that PH used the terms "abuse" and "torture" on multiple occasions to social workers. PH denied saying any of these things.

[50] It is possible that PH was being demonised and victimised by a number of professionals involved in facilitating contact visits. Alternatively, it could be that PH is implacably opposed to DB having any form of contact with her granddaughter.

The father's evidence

[51] DB gave evidence about the nature of his relationship with WH, saying it was good fun and they enjoyed mutual interests. He denied making any negative

comments about her appearance, emphasising that he was very much attracted to her. He also denied any allegation of coercive control, including any suggestion that he sought to isolate WH from her family and friends.

[52] In relation to the events of 1/2 April 2020, DB stated that he was upstairs having a nap when he was awoken by WH going through his jeans, looking for his grinder with marijuana in it. A brief tussle over the jeans ensued to the extent that the pocket was slightly ripped. As a result, WH fell on top of him in the bed and she put her hands around his throat. This feeble effort caused him to laugh and he used his hips to force her off. She was flung across the bed and said, "get the fuck out of my house." At this, DB got up, dressed and left.

[53] DB gave evidence that he met PH by chance sometime later but there was no discussion about the events of 1/2 April, the conversation focussed on the harmful effects of smoking on the unborn.

[54] DB said that on the day of the gender reveal at the park, the conversation around their future arrangements broke down but ended amicably enough. She left first and he waited a couple of minutes before heading home in the same direction.

[55] On 19 April 2021, the day DB appeared at PH's house in nursing uniform, he accepted using foul and abusive language towards WH, including calling her a wanker, a scumbag and an arsehole. He insists this did not occur in the presence of MH.

[56] On 19 August 2021, DB again accepted that he used foul and abusive language, of a similar nature, towards WH.

[57] His evidence in relation to the last contact visit at PH's house, on 19 January 2022, was that he attended only to be criticised for bringing the wrong wipes and that he left after verbally insulting WH. He denies that there was any push or physical assault.

[58] In relation to his mother accessing records belonging to WH and MH, DB pointed out that, as a result of the making of the parental responsibility order, he was able to obtain information in relation to MH's vaccination status from her GP. He had no need to ask his mother to access this. He was adamant that he played no part in his mother's behaviour.

[59] DB was cross-examined in some detail about the content of messages he had sent in the aftermath of the breakdown of the relationship. He accepted that the parting was not mutual, despite stating the contrary in his statement to the court of April 2023. Rather the texts revealed that DB was hurt, angry and frustrated by the events which had occurred. He also accepted that his statement to the court was inaccurate in other material respects, including the amount of contact there had been between the pair from the date of separation until MH's birth.

[60] The messages are replete with references to name calling by DB, none of which was denied in a response. He accepted that his use of language towards WH was upsetting, distressing and demeaning.

[61] DB was taken to the various accounts which he had given of the incident on 1/2 April 2020. There were material discrepancies between each of these, including whether she attempted to strangle him, whether cannabis was involved, the rip in the jeans and whether WH jumped on top of him.

[62] Different versions of the gender reveal meeting in the park had also been given in statements to the court. In particular, DB had said that they walked separately out of the park but continued to talk whilst in evidence he had made no such reference.

[63] DB's account in relation to the events of 19 April 2021 was also riddled with inconsistencies. He gave evidence that whilst he was wearing nursing uniform he had been in college that day for a lecture rather than working in a healthcare setting. This conflicted with the contemporaneous text messages which clearly indicated he had been working in a health centre.

Consideration

[64] The evidence given by each of the witnesses was unreliable and unsatisfactory in a number of material respects. I have serious issues with the credibility of each for the following reasons.

[65] WH was unable to provide any coherent or credible reason why no allegation of physical abuse was made or appeared anywhere in the documents, text messages or elsewhere until March 2023, over three years after the non-fatal strangulation incident and over two years after the push into the door frame.

[66] As is evidenced by the various pseudolegal notices, the spurious affidavits and the policy of returning correspondence, WH and PH engaged in a predetermined policy of ignoring the courts and seeking to undermine the rule of law. They were both well aware of the involvement of Caldwell & Robinson and the ongoing proceedings in the FPC and FCC. This was a conscious decision, taken by two intelligent people, not to bring the disputes before these courts but instead to thumb their noses at the legal system and to claim that it had no jurisdiction over them. That policy persisted for two years before the prospect of WH being committed to prison for contempt. Their attempts to distance themselves from their own actions now, by blaming "Nigel" or "someone at work" are both risible and disingenuous.

[67] There is a body of evidence which strongly indicates that PH was utterly opposed to DB having any contact with MH post-January 2022 and was prepared to make serious allegations against professional people in order to prevent contact from occurring.

[68] The various accounts given by DB in his statements were accepted by him to be inaccurate and inconsistent. No credible explanation was given for this.

[69] Bearing in mind the guiding principles set out in *Re B-B* and having had the opportunity to see and hear the witnesses being examined and cross-examined by senior counsel, I have arrived at the following conclusions.

[70] I find as a matter of fact that DB did not call WH “fat” or “ugly” or question what she was eating during the course of her pregnancy. Having perused the considerable volume of text messages passing between the pair, it is apparent that WH had no compunction in referencing the name calling and derogatory abuse engaged in by DB. However, at no time did she mention abuse of this particular nature. I have no doubt that had it occurred at the relevant time it would have been alluded to in the course of these exchanges. I accept DB’s evidence that he was attracted to WH and did not regard her as being fat or ugly at any stage.

[71] There is simply no evidence in this case at all to sustain an allegation of coercive control. There was no attempt by DB to isolate WH from her family or friends or to control her. This is illustrated by the fact that she lived with her cousin until MH was born at which time she moved in with her mother. The various messages which were exchanged both before and after the birth are strongly suggestive that WH, not DB was in control of the relationship and the arrangements. I have concluded that this allegation was simply bolted on to WH’s case in order to try and bolster the allegations of domestic abuse without any evidential foundation.

[72] In relation to the events of 1/2 April 2020, I conclude as a matter of fact that DB did not attempt to strangle WH nor did he physically assault her on this occasion. I find that for the following reasons:

- (i) WH made no allegation of assault to the police or any other agency, nor did she seek legal advice on the issue. It is apparent that WH is able to seek advice when required, whether from “Nigel” or from solicitors who have acted for her in relation to these proceedings. Equally, she is able to make a complaint of assault to the police as she did in relation to the actions of the process server in January 2023. Having heard her give evidence, she is an able and articulate individual with a well-developed idea of her legal rights and I simply do not accept her claim that she was, at all times, trying to defuse rather than escalate.
- (ii) There are a plethora of messages passing between the pair following the end of the relationship. If this had, as WH says, been precipitated by an assault including non-fatal strangulation, it is simply inconceivable that this would not have warranted a single mention amongst all these exchanges.
- (iii) I have concluded that WH was well aware of the legal proceedings instigated by DB and simply chose to ignore them. If she had been the victim of a vicious

assault in the domestic context, she had every opportunity to make this case before the FPC and the FCC in the two years prior to the committal proceedings finally prompting her to obtain legal representation. If her former partner was an individual capable of such an assault, it beggars belief that she allowed the court orders to be made without inviting the judge to consider her claims, bearing in mind the impact that this could have on MH.

- (iv) I have taken into account the various different versions of events offered by DB. His evidence on this issue is less than compelling. However, the burden of proof rests on WH on the balance of probabilities and I simply cannot be satisfied, on all the evidence, that DB assaulted her in the manner alleged.

[73] I find as a matter of fact that DB used vulgar and offensive language to WH on 24 June 2020 at the meeting in the park but not that he followed her to her car in any sinister or threatening way. It is quite apparent from all the evidence that DB has a propensity to use offensive language and resort to name calling when he is angry or frustrated. That is clearly what happened here when the conversation broke down in relation to co-parenting arrangements. Having heard both parties, I find that there was some continued level of engagement between them as they left the park but they were both going in the same direction and this is not a matter of any consequence.

[74] On 19 April 2021, I am satisfied that DB arrived at PH's house in his uniform having worked at the health centre and this is why WH was reluctant to facilitate contact. I am also satisfied that DB lost his temper and subjected WH to a tirade of foul-mouthed abuse. On the evidence, I do not accept that MH was in WH's arms but she was in the vicinity at the time. This abuse was not only inappropriate, it was upsetting, degrading and demeaning.

[75] On 19 August 2021, I find as a matter of fact that DB again subjected WH to foul-mouthed abuse. Again, I find that MH was not in her mother's arms but was in the vicinity of the altercation.

[76] I find that DB again subjected WH to verbal abuse in the doorway of PH's property on 19 January 2022. However, I find that he did not physically assault WH by pushing her into the door frame. I have so concluded for the following reasons:

- (i) No credible reason has been offered as to why this incident was not brought to the attention of the police or other agency or, even more pertinently, to the court which was already seised of the contact dispute either by WH or PH;
- (ii) On 22 February 2022, just a month after the incident, WH purported to withdraw access to her personal property by service of her notice for reasons which related exclusively to verbal abuse. If she had been pushed into a door frame by DB, hitting her head, it is inconceivable that this would not have been referenced in this document.

[77] On the evidence presented, I have also concluded that DB had no knowledge of and took no part in his mother's unlawful accessing of data and records belonging to WH and MH. I accept his evidence that he was able to obtain MH's records lawfully through the GP by virtue of the parental responsibility order. He did not stand to gain in any way from his mother's conduct.

Conclusion

[78] I therefore find that there was no physical assault or coercive control in this case. There were repeated instances of vulgar and demeaning abuse of the mother which occurred, on three occasions, when the child was either present or in close proximity.

[79] It will be apparent from the largely historic nature of the allegations dealt with in this judgment that all these issues ought to have been concluded years ago. The one certainty to emerge from all the evidence is that none of this will have served to benefit MH. It is time to bring all these matters to a conclusion and I will hear the parties as to directions to achieve that end.