Neutral Citation: [2016] NIFam 4

Ref: **KEE10029**

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

Delivered: **05/07/2016**

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

_____

FAMILY DIVISION

_____

IN THE MATTER OF THE CHILDREN (NORTHERN IRELAND) ORDER 1995

Between

A HEALTH AND SOCIAL CARE TRUST

Applicant

and

JK, AD

Respondents

and

IN THE MATTER OF AR

(Care or supervision order: parental acrimony: future harm)

_____

KEEGAN J

Introduction

[1] The identities of the parties have been anonymised in order to protect the interests of the child to whom this judgment relates. Nothing must be published or reported which allows this child or any related adults to be identified in any way.

[2] The case relates to a young child AR who is now aged 4 years and 3 months. His parents are JK and AD. Both parents are educated, intelligent people. The father is currently in full time employment. The mother is unemployed at present.

[3] In these proceedings the Trust applies for a care order in relation to this child. The parties have agreed that the threshold criteria is met. The main issue in this case is whether I should make a care order or a supervision order. Mr Ritchie BL appeared for the Trust, Ms McGrenera QC and Mr Cleland BL for the respondent mother. Ms Trainor BL for the respondent father and Ms Brady BL for the Guardian

ad Litem ("the Guardian"). I am grateful to all counsel and their instructing solicitors for the conspicuous care and attention they have applied to this case.

[4] In the light of the core issue I have to determine I do not consider that it is productive to recite every aspect of the tortuous history of this case. However, I do set out some background as follows.

Background

[5] It appears from the papers that the parties met in 2007. However, a romantic relationship did not progress at that time. It was 2010 when the relationship began and that led to the parties marrying on 23 December 2010. Both parties were previously married. It is significant to note that Ms K had a very troubled obstetric history involving many miscarriages and the tragic birth of a child who died shortly after being born. Dr Lynch in her psychiatric report quotes Ms K as saying "that when AR was born she thought she had won the lottery he was so perfect".

[6] The relationship did not last long between the parties and they separated shortly after AR's birth. I note that on 6 June 2012 the PSNI made a referral to Gateway when Ms K called asking police to assist in her moving her husband from the home. When the police arrived Mr D was gone to his mother's and thereafter there were a series of reported incidents before a final separation and ensuing court proceedings. Court proceedings seem to begin on 22 April 2013 when Ms K applied for a non-molestation and occupation order. Mr D also made an application for an ex parte non-molestation order. Both of these sets of proceedings were resolved on undertakings.

[7] I then turn to the history of children order proceedings. These were commenced on 4 July 2013 when Mr D applied for an ex parte residence order. This was refused however, a prohibited steps order was made and an interim contact order was made on 10 July 2013 directing one overnight contact at that stage. On 14 May 2014 Mr D made a further application for interim contact pending a hearing on 3 July 2014. A residence order was made in favour of Ms K and a final contact order in favour of Mr D. That set out contact on Saturday 11.30am to Sunday 11.30am, Wednesday 4.30pm to 7.00pm and other arrangements for birthday and holiday times. This order was appealed and some minor variations appear to have been made on appeal by order of 5 August 2014 at the Family Care Centre. The case remained in the Family Care Centre and there was also an application by grandparents for contact which itself has an unhappy and convoluted history I do not intend to recite in this judgment. In any event public law proceedings were first contemplated when Her Honour Judge Philpott directed an Article 56 investigation due to concerns regarding continual marital difficulties being visited upon the child. This was on 22 September 2014.

[8] The investigation led to a report and an application for an interim care order being lodged by the Trust dated 22 November 2014. Directions in relation to the

interim care order were made and a hearing was listed for 4 December 2014 but for various reasons it could not proceed. The hearing did proceed on 13 January 2015 and I note that an interim care order was made on that date. The plan is set out in a report from the Trust which I have read. It essentially looks very like the plan that has been put before me in this hearing as it sets out the work required to be undertaken by the parties. In particular that plan states that if the mother undertook the work AR would remain in her care however if she did not that the child would be placed with his father. The Article 56 report which I have read for these proceedings is dated 17 November 2014. In any event that interim care order was appealed to the High Court and the appeal was allowed by Weir J on 26 February 2015. It was allowed on the basis that an interim supervision order be substituted and a plan for the father's contact was agreed bringing it to three over nights a week. The matter returned to the Family Care Centre and the case was then transferred to the High Court.

[9] From 26 February 2015 the case proceeded on an interim supervision order. This was not without difficulty and so the Trust ultimately applied for a care order before this court. I heard the case on 7 and 8 December 2015. At the outset of those proceedings I did ask all parties to consider whether they could focus on a potential private law solution before embarking on a care order application. The care plan at that stage was that the child would be placed with the father with supervised contact twice a week to the mother to allow for therapeutic work to take place. The Trust and the Guardian very fairly agreed that they would be willing to look at the shape of any private law solution before insisting on proceeding with a care order application to obtain either an interim care order or a full care order.

[10] The parties' representatives were afforded some time and upon instruction they were able to say that their clients agreed a shared residence order in principle but that they wanted me to adjudicate on some of the terms. All parties agreed that I should deal with this as a preliminary issue in the hope of obviating the need for a care order. In taking that course the Trust and Guardian representatives were clear in articulating their very real concerns about AR in the context of extreme parental acrimony and the Trust in particular was clear that this option was a last chance. I heard oral evidence over 7 and 8 December 2015 from Ms K, Mr D and Ms Trainor the social worker and I heard oral submissions from all counsel. As a result of that hearing I made a detailed order dated 11 December 2015. This was a shared residence order, a supervision order with conditions and a parental responsibility agreement setting out how both parents were expected to behave.

[11] I repeat the preamble to my order of 11 December 2015 that it was based upon "both respondent parents recognising that they share parental responsibility for AR and as such both will endeavour to exercise their own duties towards the child solely with A's best interests in mind and upon the basis of this common and fundamental position the parents agree that the provisions within this document shall provide the framework for their individual and collective exercise of parental responsibility." I made these orders on the basis that leave be granted to release an

agreed set out of documents to Arlene Healy, psychotherapist, for the purpose of providing a report. Ms Healy is a highly experienced social worker and psychotherapist who although retired was willing to accept a referral in this case with a view to changing parental attitudes and eliminating or at least reducing parental acrimony in the best interests of the child.

[12] I did make some comment about the two parents in the course of my previous ruling. Firstly, I said that the mother believes that she is a victim of domestic violence at the hands of the father. The father accepted some historical behaviour and indeed accepted some responsibility in relation to an elbow injury for which he apologised but which he said was in self-defence. There was an e-mail produced to court which added some weight to the mother's case in relation to a reference to suicide in the past. I indicated in that previous judgment that I accepted that the mother has genuine fears in respect of these matters and the father without making admissions must understand the mother's position. Further, I went on to say that the father believes that the mother has been obstructive and controlling in her dealings with him and professionals. I said that I thought that the father was correct, certainly as regards control, given the e-mails and texts that I had seen about arranging things such as medical appointments. I said in my previous judgment that such behaviour had to change.

[13] I left the parents in no doubt in that judgment and at subsequent reviews that I was giving them a chance with the regime under the order of 11 December 2015 despite the reservations of the Guardian and the Trust. I also had to decide the issue of AR's schooling. At the December hearing AR was at nursery. That issue of choice of nursery had not been agreed but was decided by Her Honour Judge Philpott at the Family Care Centre. Sadly, I also had to decide AR's Primary 1 choices. The parents were completely unable to communicate on this issue despite my exhortations that they try to agree. I adjourned the case a number of times for that to happen but as it did not I made a specific issue order on 17 December 2015 in which I had set out the three choices in order of preference to allow AR's Primary 1 form to be completed in January 2016.

[14] I then turn to events following the December 2015 orders. The parents did both attend with Arlene Healy and this work commenced in January 2016. Ms Healy filed a preliminary report dated 1 March 2016. In that report I note that Ms Healy said:

> "Having spent my whole career working with children with the past 30 years in CAMHS I have spoken to them honestly about the possible consequences for their son if they fail to resolve matters before the court."

[15] The report saw some common ground on which to proceed and referred to a review to take place on 22 March 2016 to see if family therapy could progress. I

reviewed the case on 8 March 2016 and was content that matters should proceed on. Sadly the therapy quickly broke down as a result of a joint meeting on 22 March 2016. Ms Healy writes and I quote from her report:

> "In my previous letter I advised that I was due to meet with AR's parents again to review progress on 22 March. I hoped we would be able to build on the little bit of progress established during the previous two sessions. At this meeting however JK made a very serious allegation that her ex-husband had raped her during the marriage. Such an allegation made it impossible to continue: Mr D looked shocked and was initially speechless."

[16] Ms Healy goes on to say that she reported this matter to social services. She met Mr D who totally denied the allegation. She met Ms K who said that she did not think that this was new information to the court or social services. She was adamant that she had been raped by Mr D in the past. She said there was no point in reporting this to police as it was simply her word and there was no evidence. Ms Healy explained on reading the reports that she could find no reference to this allegation. Further, she said in her report that the professionals involved in this case were not aware of such an allegation. As a result of this issue the therapeutic process ended save that Ms Healy did continue to see Ms K a number of times on an individual basis. I therefore listed the case for hearing and the matter was heard before me on 22 June 2016 and some subsequent days.

The Evidence

[17] Both parties filed statements for the hearing and the Trust and Guardian filed reports. At the outset the Trust plan was for a care order seeking removal of the child to the father's care with twice a week supervised contact for the mother. That position was refined after the evidence of Arlene Healy and indeed all parties put revised positions after the oral evidence of Ms Healy was given.

[18] I now turn to summarise that evidence. At the outset I asked Ms Healy and the parents was there consent for her to give evidence given her therapeutic role. All agreed that there was. Ms Healy began by telling me that she had 40 years' experience in child protection work. She was now retired but she had qualified as a social worker and then worked with the Trauma Centre and alongside Child and Adult Mental Health Services ("CAMHS"). She said that since retiring she had undertaken some private referrals in her role as a psychotherapist. She said that this was mostly to deal with parental acrimony. That she had been briefed by the Official Solicitor on a number of occasions to represent children's interests and that her work with parents had generally yielded good results.

[19] Ms Healy then adopted her two reports. She said this was a very complicated case. She explained her concerns for AR that if parents criticise each other they also criticise the child. She also said that the older the child gets the more aware he becomes. She said that in her experience 4 to 5 was the age of awareness so she foresaw issues in AR's future if things did not change. She said that the fact that AR did not have a sibling to talk to was an added concern. She said that in her opinion AR would be affected and emotionally harmed if the situation did not improve and this is in her experience would most likely manifest itself in mental health difficulties the first signs of which might be upset, bed wetting and nightmares.

[20] Ms Healy said that she had seen the outworking's of such situations through her work. Drawing on her work at the Trauma Centre and CAMHS she said the fear is that if AR is damaged he may experience mental health and behavioural difficulties and not fulfil his full potential in life. In terms of current arrangements Ms Healy thought that the current order was too complicated and in particular would be difficult for AR to manage as he got older. She said that the communication book had not worked. She said that interfaces between the parents should be kept to a minimum. Ms Healy said that she had hoped to achieve a business-like relationship between the parents for the sake of AR but that was not possible. She said that given Ms K's allegation on 22 March that mediation was no longer viable. Ms Healy was clear that there was a likelihood of future emotional harm in this case and as a result of this assessment and Ms Healy's other recommendations, all parties refined their positions in court.

[21] After the evidence of Ms Healy the parents both accepted that the threshold criteria was met on the basis that the subject child is likely to suffer significant emotional harm as a result of parental acrimony. The Trust also revised its care plan whereby the Trust sought a care order on the basis of a week to week split of care between the parents. The Trust recommended that both parents undertake educative work with Action for Children regarding the effects of parental acrimony upon children. The Trust also agreed to consult and give notice to the parents should there be a decision to change the care plan. The Trust's clear aim was that the care order could be discharged by 12 months if improvements were made but the impetus for that would be with the parents. Finally, the core of this plan was that while AR shared time between both parents that the Trust needed parental responsibility to make decisions for AR that the parents had abjectly failed to do this and the supervision order in place for 16 months had not worked.

[22] The father accepted the Trust plan and agreed that a care order should be made. The mother agreed that a public law order should be made but she said there should be a supervision order alongside a joint residence order. The mother also disagreed with various aspects of the Trust's plan in terms of practical arrangements. The Guardian representing AR agreed with the Trust plan and submitted that a care order should be made. All parties stressed that whichever order I decided to make it should be a final order.

[23] As a result of the mother's objection to the revised care plan and the application for a care order, I heard evidence from the mother. Sadly this evidence was characterised by the mother continuing to cast blame upon the father for a variety of issues. The mother failed to answer most of the questions directly put to her and preferred to use questions as a platform to remind the court that the father had in her view conducted himself in an obstructive way and also more seriously that he had abused the child. The mother give evidence that she had sought to revive the police investigation into allegations the father hit the child with a "Mike the Knight" stick, allegations not repeated at a joint protocol when the child said it was the mother who had hit him however his language was viewed to be problematic. The mother also referred to the fact that father would not swap days. The mother said the father plays to an audience and uses social services.

[24] Most poignantly, the mother repeated her allegation made in her statement that the father was not a good father. As regards the rape allegation she said it was true and was made after the father called her a bully. She said that Mr D's mother was the reason they were in court. She also said that social services were biased against her but that she got on well with the new social worker Ms Brannigan and that things had improved as demonstrated by the recent discovery. When pressed by the court Ms K did accept some personal responsibility for the current situation. She said she knew it was not one-sided and that she and Mr D needed to remove the 'mindless antagonism' between them for the benefit of AR.

Submissions of the parties

[25] Following the evidence in this case all parties made submissions. I summarise the salient points raised by each as follows both from the written cases and from the oral submissions made to me.

[26] Mr Ritchie, in a well-marshalled written argument, set out the case for a care order encapsulated in nine points which I summarise as follows:

(i) There have been court proceedings from April 2013.

(ii) A supervision order has been in place since February 2015 with little improvement.

(iii) The court has had to adjudicate on many issues regarding AR due to parental disagreement.

(iv) The current orders are highly detailed.

(v) The parents have been encouraged to draw back from the brink and to change their approach and Ms Healy was a last resort.

(vi) Notwithstanding the courts active role, there has been ongoing tension and acrimony such that AR has been found to be likely to suffer significant harm.

(vii) The parents cannot communicate with each other directly or indirectly.

(viii) There remain open police investigations into various allegation made by the parents.

(ix) There are divergent views about AR's health including toileting matters.

[27] Mr Ritchie in oral submissions, pointed to the fact that the depth of ill-will is palpable from Ms K's evidence. He said that the parents need the Trust to share parental responsibility because if there is a vacuum in decision-making AR is failed. Mr Ritchie said that the Trust was not saying this was a case of removal as yet or a case for a care order forever and that under a care order the parents could demonstrate change.

[28] Ms McGrenera QC augmented a number of written arguments on behalf of the mother with focused and well-structured oral submissions which I summarise as follows:

(i) The mother had made a huge step in her thinking by accepting threshold.

(ii) This case came down to proportionality. Ms Mc Grenera said that there was a major difference between this case and other cases of intractable hostility where care orders were contemplated due to one party not promoting contact.

(iii) Any decision should be in the best interests of the child but also justified under Article 8(2) of the European Convention of Human Rights ("ECHR").

(iv) I should bear particular regard to the fact that the child was reported to be thriving in reports and school reports. She said that no actual harm was identified as yet.

(v) Ms McGrenera realistically accepted that some aspects of the interim supervision order had not worked but she said that things would be different if a final supervision order were made and that had not been tried before.

(vi) I was referred to a decision of Gillen J in J and S [2004] NI Fam 10 where the arguments in relation to care order versus supervision order are set out and where the judge also pointed to the fact that a care order could exacerbate matters. In this regard Ms McGrenera said that Arlene Healy had also commented that a care order could make things worse.

(vii) I was referred to the mother's concerns regarding the Trust's bias and that a care order could be used by the father to level issues at the mother.

(viii) I was referred to positive features the mother said were reflected in recent discovery.

(ix) Ms McGrenera also reminded me of issues the mother had with the plan. She did not want the week to week regime and she had other issues regarding holiday contact.

[29] Ms Trainor on behalf of the father adopted the Trust's position and submitted that a care order was essential for AR's benefit as the parties could not communicate. Ms Brady referred me to the various Guardian reports which were admitted by agreement. She also made submissions that this was a case where significant future harm was conceded and that the Trust had to 'hold the tiller' between the two parents. She said that the Guardian considered a care order was necessary but that there was still a chance for the parents if they worked under the care order to improve.

Legal Principles

[30] I am being asked to make a care order in relation to this child in accordance with Article 50 of the Children (Northern Ireland) Order 1995 ("the Children Order"). There are a number of considerations as follows. Firstly, I have to consider threshold criteria. In this case all parties agreed that the threshold was met and I am satisfied in relation to it. I was not asked and I do not consider it purposive to make any other specific findings. The second step is to consider the Article 3 tests contained within the Children Order. These are the welfare principle, the no delay principle, the no order principle and the welfare checklist. Again, I have considered all of these tests without specifically reciting each of them in detail. I have paid particular regard to the emotional needs of this child and the likely effect of any change of circumstances upon him. I have also considered the age of this child and the harm he is at risk of suffering. I have considered the capability of each parent to care for him and the range of orders open to me.

[31] The core issue is whether or not I should make a care or supervision order. Under the law I have the power to make a supervision order notwithstanding the fact that a care order is the application before the court. In considering a care or supervision order I bear in mind the Article 8 ECHR jurisprudence. I must make an order in accordance with those principles which in broad terms is an order must be proportionate on the facts of the case. Finally, I have to consider the care plan and decide whether or not to approve it.

[32] In terms of the jurisprudence regarding care orders and supervision orders, I am indebted to counsel for referring me to cases which have dealt with this issue. Of course every case, particularly in the area of family law, is fact specific but there are a number of principles which can be drawn from the jurisprudence. The first is that the court should begin with the less interventionist approach and that is set out in a

case of Re O (Care or Supervision Order) [1996] 2 FLR 77. The second is that if a court is imposing an order upon an authority where the authority is not seeking the order cogent reasons must be given. That was the circumstance in the Re J and S case which was decided by Gillen J in which the Trust wished for a supervision order to be made and so I note that there were different factual circumstances from the present case. Thirdly, the protection of the child is the decisive factor. The court should make the stronger order if necessary as in Re D [1993] 2 FLR 423. Fourthly, care orders can be made even if children are placed at home as in Re T [1994] 1 FLR 103. Fifthly, just as the effects of domestic violence on children should not be underestimated so in my view emotional abuse and future emotional abuse is equally harmful. It is clear that a care order is not precluded in this situation although I accept that this might be a less usual circumstance. Every case of course turns on its own facts. Sixthly, it seems to me that the case of Re T aptly summarises the two principal reasons when a care order can be imposed. The first is to allow a Trust certain powers, not only to remove a child but to plan for the child's future in terms of a care plan. The second element is when it is necessary to share parental responsibility. That of course is the core issue in this case and I refer to a decision of Oxfordshire County Council v L [1998] 1 FLR 70 in that regard.

[33] I have also been guided by the sentiments of Sir Mark Potter in a case of Re T [2009] 2 FLR 574 where he says that any judge deciding this issue effectively has to take an overall look at the case. This overall look obviously enjoins the court to have regard to Article 8(2) of ECHR and to decide whether the interference with family life is proportionate. Finally, in terms of legal principles, in a case where there is no immediate removal contemplated I consider that the Trust should include the protections contemplated by Baker J in Re DE [2014] EWFC 6 in relation to notice and the correct procedure if a care plan once approved is going to be changed.

Conclusions

[34] I start my consideration by referring to AR who is after all at the centre of this case. The school and nursery reports are good. AR seems to be a chatty, boisterous and fun-loving young boy. He is just over four and about to start Primary 1 in September. AR is a boy loved by both parents. However, AR also has parents who are waging a vicious war against each other. There is the recognised risk in this case that this child will suffer significant harm in the future due to parental acrimony. The risk should not be under-estimated in terms of the potential effects upon AR's mental health and welfare and that is at the forefront of my mind in determining this case. I have to decide which order best meets the welfare of AR.

[35] I accept that this is not a case of implacable hostility. This is a case which has highly unusual circumstances, but there does remain at the heart of it an issue of future significant harm. I have considered the competing arguments in the case and having balanced all of the factors that are relevant I consider that a care order is necessary on the facts of this case for the reasons I set out in the following paragraphs.

[36] The fact of the matter is that a supervision order has been tried without meaningful change for 18 months. I augmented the supervision order when it was before the High Court with a comprehensive parental agreement. One example of this was a communication book which I clearly said should only be used to discuss welfare issues. Sadly it was used as platform particularly by the mother to raise allegations and vent personal animosity. This is a failure in parenting at a most basic level. As such, whilst I have considered a supervision order as the least interventionist order it does not in my view adequately protect the child. I do not accept that a final supervision order would make a difference. I also consider that there is not the inherent co-operation and collaboration needed for the smooth running of a supervision order.

[37] The Trust's core submission is that it needs parental responsibility and I agree. This is illustrated by the fact that the parents simply cannot make decisions about their child. This is particularly startling in that this court is dealing with two well educated people. Schooling was one example in that I had to decide the Primary 1 choice for this child. There are on-going issues as mundane as the sending of clothes at contact, who goes to medical appointments and handovers. Toileting is another issue of particular concern to me. This child has been discharged from the dietetic clinic but the mother continues to raise issues after contact in relation to toileting. The Trust clearly needs parental responsibility.

[38] The prospect of future harm has been graphically set out in this case. I found the evidence of Arlene Healy extremely impressive. The child is well at the moment but the formative age of 4 to 5 was given by Ms Healy as a time when the issues will manifest themselves. This is therefore a crucial time for AR. I have noted in the papers that there are already some upsets at contact. The child has already been subjected to numerous examinations and I can see an escalation in these matters. I accept that there are good reports in relation to the child's well-being at the moment, but fast forwarding, if things do not change the evidence of Arlene Healy is quite clear that this will not continue. I refer back to some problems that have already arisen in the child's young life particularly his first day at nursery was marred by a parental dispute. His last Christmas was characterised by a dispute over a bicycle and how it was delivered to him. I consider that these types of scenarios will continue. There have also been many serious allegations made in this case which I will not set out in detail, but which require the Trust to share parental responsibility to manage the situation.

[39] The mother, in her evidence, did nothing to assuage my fears in this case. Her animosity towards the father was palpable. It is clear to me that the mother cannot communicate or collaborate at the moment for the sake of this child. The mother's evidence also convinced me of the need for a care order. The father has of course accepted the need for a care order

[40] The mother herself said in evidence that there was "mindless antagonism" between the two parents. This is an extreme case of parental acrimony. I thought that there was a chance to work forward however that failed. The 22 March incident is another example of how parental acrimony gets in the way. I was told that the mother arrived at that meeting in a state of high anxiety about an insurance claim regarding the former matrimonial home. There was some dispute about the conversation that took place and who said what. But even if the mother's case is right that Mr D called her a bully what the mother said next was incendiary. I cannot accept the mother's case on this issue, particularly as it was never mentioned before, despite the fact the mother has filed many statements during the proceedings, and these have included many serious allegations against the father. But most pertinently the mother told Arlene Healy that the issue was known to the court and social services. That is simply wrong. This makes the mother's case incredible on this issue and her behaviour should not be repeated. It seems to me that the mother needs some help to regulate her emotions and I bear in mind the recommendations of Dr Barbour and Dr Lynch in this regard, but it is ultimately for the mother to seek some assistance.

[41] I have read the updated discovery and I cannot accept that it demonstrates such positive change as the mother suggests. There was a period of relative calm between January-March 2016. After that, issues regarding the communication book arose. There is an incident recorded where AR was upset at school when he was not informed that his grandmother was picking him up. There is reference to the mother asking that a police investigation be progressed and there is a referral on 1 June 2016 by the father about bruising. There is a familiar pattern in all of this which confirms my view that a care order is required.

[42] This case is not all about the mother's behaviour. As I previously said and I repeat, both parties are to blame in this case. I have not been asked and I have not conducted a minute fact-finding of all allegations, but both parents have engaged in making allegations against each other. Both have demonstrated rigidity, nit-picking, point-scoring which in my view necessitates the making of this draconian order. I have applied the welfare tests and the checklist and I consider that in doing so, that a care order is the only order that can protect this child. The welfare of the child is the paramount consideration. I also consider that a care order is proportionate in the context of the care plan before the court and I say this particularly in the context of the revised care plan. This is a care plan where both parents are at the moment allowed to share equal time with the child. The care plan seems to me to be measured and forward looking and I commend the Trust for their well-thought out and balanced plan.

[43] In relation to the care plan there are some important aspects that I specifically endorse. These parents both desperately need educative work about the effects of parental acrimony on their child. I understand that this will be provided by Action for Children and that it will start in August. I agree that there should be a

dispensing of the communication book. I agree that there should be the least possible interfaces between the parents.

[44] I have also considered the mother's criticisms of the care plan. The mother has given evidence that she does not accept the structure of the care plan and in particular the week to week arrangement. The mother has set out an alternative structure which in my view is far too complicated as it involves an eight week cycle. Ms Healy has said that the current structure is not workable and so it seems to me that there is no other option other than to go to a week to week pattern. I accept that this is a change for AR but I consider that he will be able to adapt.

[45] I do understand the mother's argument about the issue of day care because the father is working. That seems to me to be a reasonable point, but it is outweighed by the fact that there should be a removing of interfaces between these parents and in any event the child seems to enjoy nursery and he will also see his grandparents on certain days. I do encourage the mother to take up some work herself. The mother may be correct that the week to week should start on a Monday rather than Friday. I will leave that issue and other practicalities to the Trust. This care plan will be subject to frequent reviews and monitoring and the Trust will have to consult with both parents and work forward. I am sure that the Trust, after this judgment, will in the first instance sit down with both parents and fine tune the care plan and explain the start date and other practicalities in consultation with the parents.

[46] I do not accept that the making of a care order will make matters worse. As regards AR he is already familiar with social workers and they would be in his life whatever public law order is made. The school are already aware of social services involvement. I also bear in mind that the mother now has good relations with the social worker Ms Brannigan. She should work forward with her. The Trust should be alert to the mother's concerns regarding how the father might use the care order, but by approving this care plan and making a care order, I am effectively investing the power to move forward in the Trust. I do note that the parents have not resolved their divorce and ancillary relief and it seems to me that that matter should progress. I note that there is a Financial Dispute Resolution listed for 29 September 2016 and I do hope that if those matters are dealt with as that might lead to an easing of tensions between the parents.

[47] I appreciate that this a draconian order however I consider that it is necessary to protect AR's welfare. I enjoin both parents to work with social services. There is an incentive to effect change because unlike many cases the Trust has said that the care order may be discharged after 12 months if progress is made. This is an achievable goal. I see and commend many parents in the divorce courts who have managed to establish a business-like relationship in relation to their children. The parents may want to reflect on the fact that AR only has another fourteen years of childhood left. They have a chance now to effect change and they are well aware of the consequences if they do not. AR himself will also become an adult and the

parents might reflect that if things continue as they are AR will also question them as to why they could not put aside their differences for his sake. I therefore make a full care order having approved the care plan. I discharge the Guardian ad Litem.