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IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

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FAMILY DIVISION

OFFICE OF CARE AND PROTECTION

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Between:

A MOTHER

Applicant

-v-

A HEALTH AND SOCIAL CARE TRUST

-and-

A FATHER

Respondents

IN THE MATTER OF LD (A MALE CHILD AGED 13½ YEARS) (No 2)

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The Mother appeared as a litigant in person
Mr T Ritchie BL (instructed by the Directorate of Legal Services) for the Trust
Mr Conor Downey solicitor appeared for the Father
Ms N McGrenera KC with Ms P McKernan BL (instructed by McShane & Co solicitors) for the Guardian ad Litem ("the guardian") on behalf of the child

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McFARLAND J

Introduction

[1] This is the mother's application for six orders:

By C1 dated 30 May 2022

a) An order for more and unsupervised contact with her son LD;

b) A residence order in respect of her son LD;

c) A "responsibility order" with "specification who is responsible for a child";

By C1 dated 6 June 2022

d) A prohibited steps order prohibiting the Trust and the father from removing LD from the United Kingdom;

e) A specific issue order concerning who should possess LD's passport;

f) A Port Alert Order.

[2] This judgment has been anonymised to protect the identity of the child. It is the third judgment delivered by the Court of Judicature in this matter, this court having previously delivered a judgment ([2021] NIFam 51), and the Court of Appeal having dismissed an appeal of that judgment ([2022] NICA 33). I have continued to use the cipher LD for the name of the child which are not his initials. Nothing can be published that will identify LD. References to Articles in this judgment are articles in the Children (NI) Order 1995.

[3] LD is now aged 13½ years. He is the child of the mother and the father and after what started as a protracted private law dispute concerning his residence and contact, the Trust became involved through the Article 56 procedure. In due course a care order was made by the court. The threshold related to the emotional abuse suffered by LD in his mother's care. The approved care plan was that LD should continue to reside with his father and his partner. In addition, the court ordered that the mother have fortnightly direct contact supervised by the Trust and weekly telephone contact.

[4] The contact is at a location as directed by the Trust (normally at Trust premises) and it is to be supervised by Trust staff. As both the mother and LD speak in their mother tongue when conversing during contact, an interpreter is required for the benefit of the Trust staff to understand what is being said and in particular what the mother is saying to LD.

The mother's applications and the hearing on 18 October 2022

[5] The mother made three applications on the morning of the hearing. The first was an application that two social workers be excluded from the courtroom and that each should be precluded from giving evidence. The mother's application appeared to be on the basis that the social workers had been involved in LD's care, they had been untruthful as alleged by the mother and that they had been involved in the emotional abuse of LD. I refused this application primarily on the ground that the court could not prevent social workers employed by the Trust, a respondent in the

case in whose care LD is placed, from hearing the case against it, and from giving evidence.

[6] The mother then applied for an adjournment on the basis that she had arranged to consult with a solicitor on 26 October 2022 about the case. No indication was given that this solicitor would actually accept instructions and come on record for the mother. This application was refused primarily because of the potential for delay. The mother's applications dated back to the end of May and beginning of June 2022, the case had been reviewed on 23 August 2022 without any indication from the mother that she was seeking legal representation, and the case was then fixed for hearing on 10 October 2022, but was adjourned at the mother's request, because of her ill-health. There was a need to bring finality to the situation.

[7] The third application was a request from the mother that I admit into evidence covert recordings made by her of several LAC meetings. She had previously raised this with the court and had indicated that she had made the recordings on her telephone without the knowledge and consent of the other participants. She had submitted some transcripts made by her, although these were not complete. I indicated that I would reserve the court's position on the admissibility of this evidence until after I had heard the oral evidence.

[8] The hearing then proceeded. The mother has a reasonable command of English but an interpreter had been retained for the purposes of translation of the mother's evidence, her questions and her submissions into English and the evidence of the social worker and the guardian and the general proceedings into her mother tongue. Notwithstanding the mother's tendency to interrupt other speakers by speaking over them and as a consequence she may have had difficulty in actually listening to what they had said, I am satisfied that the mother was able to engage fully in the proceedings. The Trust and the guardian opposed the mother's applications. The father did not participate in the hearing. Prior to the hearing, through his solicitor, he indicated that he opposed the mother's applications.

[9] At the conclusion of the evidence the mother indicated that she wished to call two additional witnesses. These witnesses were identified as interpreters who had been involved in the mother's engagement with the Trust either at contact sessions or for` LAC meetings. The mother indicated that the purpose would be for these witnesses to corroborate a version of events which the mother said was different from the evidence given by the social worker. It was difficult to identify exactly which contact session and/or LAC meeting and what version of events the mother was referring to. Although it was clear that the mother had been present during all the contact sessions and all the LAC meetings, the mother had not given evidence herself about the alleged contradictory versions. She had not approached the witnesses to ascertain if they were willing to give evidence and what they would say if they did give evidence. She wanted the court to adjourn briefly so that she could go out into the public area of the courthouse to see if either of the witnesses was present. This was on the basis that they may have been in the building for other

unrelated business although the mother had no reason to believe that they were present.

[10] To some extent this application to call the witnesses tied into the earlier application to adduce the covertly recorded meetings. The applications lacked specificity and the mother had failed to identify what evidence contained in the contact records or the LAC minutes she wished to challenge. In all the circumstances I refused to adjourn the hearing for the entirely speculative purpose of allowing the mother to ascertain if the two potential witnesses were in the building. In addition, as she had failed to file statements of their intended evidence, she required the leave of the court to adduce this evidence (see Rule 4.18(1) and (3) of the Family Proceedings Rules (NI) 1996 (as amended)).

[11] For similar reasons I declined to permit the mother to adduce the evidence from what she described as recordings of LAC meetings. I did not consider them to be relevant particularly as there was no real issue as to what transpired during the meetings. The differences between the mother and the Trust related to how care planning for LD should be managed and should develop, and not what was said by participants at various LAC meetings.

The Mother's applications generally

[12] LD is the subject of a care order and is therefore a looked after child in the care of the Trust.

[13] Article 9(1) states that "no court shall make any Article 8 order other than a residence order with respect to a child who is in the care of an authority."

[14] Article 8 orders are defined by Article 8(1) and (2) and they include prohibited steps orders, and specific issue orders.

[15] The court is therefore prohibited from making either of the orders sought by the mother and mentioned at [1](d)-(e) above. I, therefore, decline to make either of those orders.

[16] It is unclear exactly what order the mother had in mind at [1](c). There is no such thing as a "responsibility order". If it was intended to be a specific issue order then for the reasons mentioned at [12] – [15] above the court cannot make such an order. In any event, I do not believe a formal court order is required to define responsibilities for LD which appears to be what the mother is seeking. In the context of the mother's applications the legislation deals with the position, particularly at Articles 5, 6, 29 and 52. Both parents share parental responsibility for LD. Parental responsibility is defined as "all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property." However, the making of the care order meant that LD was received into the care of the Trust and he remains in its care (Article 52(1)). In

addition, Article 52(3) provides that the Trust shall have parental responsibility for LD and can also determine the extent to which the mother or the father may meet their parental responsibility for LD. It is therefore within the power of the Trust to limit the mother's parental responsibility and this would include preventing the mother ascertaining where LD is living and his holiday arrangements. There is specific provision in Article 29 concerning the whereabouts of a child in care. Article 29(2) requires a Trust to keep a parent informed as to the child's whereabouts but Article 29(4) provides that if informing a parent of the whereabouts prejudices the child's welfare it can refuse to do so. I therefore decline to make the order sought by the mother at [1](c) above. It is not necessary as the responsibilities are already clearly defined by statute and require no further court order.

[17] Although a contact order is an Article 8 order, the mother's contact application can be considered under Article 53 of the Children Order and the court is not precluded from making such an order.

[18] The mother's application for a residence order can be considered and should the court make such an order then by virtue of Article 179(1) the care order would be revoked.

[19] A 'Port Alert Order' is an order by the court exercising its inherent jurisdiction.

The mother's application for a Port Alert Order

[20] The mother has to show that there is a real and imminent risk that LD will be unlawfully removed from Northern Ireland.

[21] Article 52 makes provision for a looked after child's removal from Northern Ireland. Article 52(7)(b) provides that he cannot be removed from the United Kingdom without the permission of all parties who exercise parental responsibility (in this case the mother, the father and the Trust). However, Article 52(8)(a) provides that this should not "prevent the removal of [the] child, for a period of less than one month, by, or with the written consent of, the authority in whose care he is." LD is living with his father under the care order and therefore the legislation permits the father to take LD on holiday for periods of up to month if outside the United Kingdom with the permission of the Trust, with no real prohibition or restriction in holidays within the United Kingdom, either in Northern Ireland or to Great Britain.

[22] The mother has presented absolutely no evidence to the court concerning any harm that LD has suffered when outside Northern Ireland on holiday. The only potential harm that LD is likely to suffer when on holiday would be the emotional harm that he would suffer should the mother be minded to contact social services and police in the country of his holiday. That contact may precipitate visits at an official level to the holiday location, local investigations and may result in

embarrassment and emotional harm to LD (and his father and his partner). For this reason, the Trust and the father have refused to advise the mother of any holiday location for fear that she would disrupt the holiday.

[23] The mother has not shown that there is a real and imminent risk of LD being unlawfully removed from Northern Ireland and, in the circumstances, she has not shown that it is necessary for the court to exercise its inherent jurisdiction to make an 'Port Alert Order.' I therefore decline to make such an order.

The mother's application for a residence order

[24] It is clear from the mother's application and supporting statements she does not accept the making of the care order in December 2021. She exercised her right of appeal, but the appeal was dismissed. I understand that she is pursuing an appeal to the Supreme Court although leave to do so has been refused by the Court of Appeal. There is no stay on the operation of the care order pending such an appeal. She cannot run this application as a re-hearing concerning the issues determined at the earlier hearing and affirmed by the Court of Appeal.

[25] As with any decision relating to the upbringing of a child, the court must treat the child's welfare as the paramount consideration (see Article 3(1) and (3)). The 'welfare checklist' to be applied is as follows:

> "(a) the ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding);
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> (b) his physical, emotional and educational needs;
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> (c) the likely effect on him of any change in his circumstances;
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> (d) his age, sex, background and any characteristics of his which the court considers relevant;
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> (e) any harm which he has suffered or is at risk of suffering;
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> (f) how capable of meeting his needs is each of his parents and any other person in relation to whom the court considers the question to be relevant;
>
> (g) the range of powers available to the court under this Order in the proceedings in question."

[26] Findings were made by the court as set out in [2021] NIFam 51 at [8]–[13] and

the annex to the judgment. These can be summarised as findings that the mother suffers from very deep seated mental health and psychological problems, which can be categorised as complex post-traumatic stress disorder, personality disorder, delusional thinking and schizophrenia. This had resulted in the mother making numerous false allegations against the father in respect of his care of LD and as a consequence causing emotional harm to LD.

[27] The mother asserts that her GP has stated to her the opinion that she no longer suffers from any mental health problems. No such evidence from the GP has been placed before the court. The mother has refused to permit the disclosure of a report from Dr Lynch, consultant psychiatrist, dated 2 October 2020 to her own GP and in the circumstances whatever the opinion of the GP may be, it could not be considered to be complete without access to the most recent specialist psychiatric assessment of the mother. The court cannot rely on the mother's self-reporting on her own medical condition. Her evidence to the last LAC meeting was that she did not have any issues with her mental health.

[28] In December 2021 it was noted that the mother had made a deliberate decision not to take her prescribed anti-psychotic medication. The mother has presented no evidence to the court which suggests that she is currently taking this medication. There does not appear to be any significant change in her presentation since December 2021.

[29] When the court carries out even the most basic analysis of the 'welfare checklist' there is a strong body of evidence supporting the case put forward by the Trust, the father and the guardian. The court is also mindful of Article 3(5) which provides that "where a court is considering whether or not to make one or more orders under this Order with respect to a child, it shall not make the order or any of the orders unless it considers that doing so would be better for the child than making no order at all."

[30] The consistent expression of wishes and feelings from LD is that he does not wish any changes in his circumstances. He has said this to the Trust social workers, to the guardian and to me during a meeting facilitated by the guardian, the minutes of which have been provided by the guardian's solicitors. I consider these to be genuine wishes and feelings of a mature intelligent 13½ year old. The mother dismisses these expressed wishes and feelings on two main grounds. The first is that she states the opinion that until LD is 18 years his wishes and feelings should not be given serious consideration and the second is that she considers that he is suffering from what she described in evidence as the "Stockholm syndrome." I am assuming that this is a reference by the mother to the notion that LD is being currently held against his will as a hostage by his father and by the Trust and has developed a subservient psychological bond to his hostage-takers (his father and the Trust). This is an example of the mother's irrational and delusional thinking if she considers that LD's current care arrangements are akin to a hostage situation where he is being held against his will.

[31] LD's physical, emotional and educational needs are currently being met under the care order. He remains in good health and is no longer suffering the emotional harm identified in [2021] NIFam 51. His attendance at school is very good and the school have expressed no issues about his educational achievement or social engagement within the school community.

[32] The making of a residence order in favour of the mother would revoke the care order and would be a significant change in LD's circumstances. He would move from the full-time care of his father to the full-time care of his mother. The Trust would no longer have a direct influence. It would be inconceivable that LD, in such circumstances, would not be placed on the child protection register because of the strong evidence of emotional harm suffered by LD when in his mother's care. There is no evidence that would suggest that the mother would be likely to work collaboratively with the father or the Trust in such circumstances.

[33] This feeds into (e) and (f) in the welfare checklist, the harm that LD has already suffered and the ability of the mother to meet his needs. One stark example of the mother's attitude came out during the evidence. The mother refuses to accept correspondence addressed to her from the Trust and delivered by the Royal Mail. Her stated reason is that she objects to the address of the Trust as set out on the envelope. This is the 'return' address on the envelope to assist the Royal Mail to identify the sender of the letter to facilitate the return of an undelivered letter. Such letters are routinely returned unopened on this basis.

[34] It is clear evidence of the mother's obsessive personality, but also raises important issues. Should the mother be permitted to exercise parental responsibility on a day to day basis in respect of LD she must exercise this in a responsible child-centred manner. She cannot refuse to open letters which are likely to contain important information about her son because she objects either to the sender, or even to the return address of the sender.

[35] Having considered all the evidence in this case I cannot accept the mother's case that LD's welfare would be enhanced by a change of his residence to her home, and with the discharge of the care order. This court in December 2021 (see [15] of the judgment) stated that if the mother continued to present with the same delusional beliefs it is very hard to have confidence that LD could be safely placed in her care.

The mother's application for contact

[36] The current contact regime is once a fortnight direct contact which takes place primarily on Trust premises although some relaxation is permitted to allow LD to walk with his mother outside. This contact is supervised by a social worker and with an interpreter present. The Trust endeavour to make the supervision as unobtrusive as possible by using a viewing and listening facility to allow the mother

and son to be physically separate. In addition, there is weekly telephone contact, which is ostensibly supervised by the father, but in reality, is controlled by LD with the father not being involved. After the hearing the mother sent an email to the court office on 25 October 2022 stating "Can you please send an information to a Judge that i have a regular every day phone contact from 3 days with my son [LD]". I am not sure as to the purpose of this communication. If it is a statement of fact, I am satisfied that telephone contact takes place weekly on Tuesdays and not as the mother may have suggested by this email. The weekly contact was confirmed in the reports of the Trust and guardian and in the conversation that I had with LD prior to the hearing. If it is a request for future daily telephone contact, I will deal with it briefly below at [45].

[37] This is a relatively modest level of contact.

[38] It is, however, currently pitched at a level which LD wants. As with the question of his residence, he has expressed a very clear and consistent view. He wishes to see his mother on a regular basis. He is an articulate and intelligent 13½ year old. When meeting with him I perceived that he had a concern about his mother's welfare and for that reason wants to keep in contact with her, but on terms that he can manage. He recognises that having contact does result in difficult situations arising. He does object to the constant repetitive nature of her questioning which appears to be focussed on where he lives and other personal details. On occasions he refuses to even converse with his mother and stops off the line of questioning and changes the subject. In addition, he says that he blocks his mother's telephone number so that he only speaks to her on the designated indirect contact day. A simple example of the control exerted by LD over the contact arrangements was on 8 July 2022 when LD declined to go into the contact room with his mother until the interpreter, who had been late, had arrived.

[39] To that extent he is very capable of managing his contact with his mother and protecting himself. However, he has indicated that he wishes the reassurance of having a social worker present with an interpreter so that the social worker can protect and intervene should it be necessary.

[40] This is the primary difficulty with the mother's contact application. It runs counter to the expressed and consistent wishes and feelings of LD. As a 13½ year old he should not be allowed to dictate the exact terms of any contact that he has with his mother, but his views cannot simply be ignored in their totality. He has shown that he can exercise judgment by blocking his mother's telephone number outside the permitted contact period and refusing to start contact before the interpreter arrived, so he is very capable of refusing to co-operate with a contact regime which is not to his liking.

[41] He also wishes the contact to take place under the auspices of Trust supervision with an interpreter present. It must be acknowledged that the mother

can be persistent and obsessive in relation to her questioning. During the last LAC the mother insisted on questioning the guardian about her direction of travel on leaving a contact session that she had observed. The mother knew that the guardian was transporting LD home that day. The minutes reflect that the mother continued to ask questions about the direction taken. This exercise was repeated during the hearing, when the mother cross-examined the guardian, pressing her about which direction she took, left or right, when leaving the premises. This only stopped when I directed the guardian not to reply as the question had no relevance. I considered that the sole purpose of the line of questioning was to attempt to extract even the most basic details about the possible location of LD's home.

[42] The stage has not yet been reached which would allow for an increase in the regularity of contact or a relaxation of the current levels of supervision. The Trust staff need to be there to protect LD from any emotional harm that he could be exposed to in the company of his mother, and to provide LD with the reassurance he needs to ensure that the contact is a positive experience for him.

[43] The supervision is an important factor catering for LD's emotional needs. Increasing the regularity and removing the supervision and other location requirements would be significant changes in LD's circumstances both impacting on his well-being, but also threatening the future of all contact as LD is likely to just refuse to go. He already uses his ability to block his mother on the telephone to avoid telephone contact outside the permitted weekly arrangement.

[44] The mother has not provided evidence to the court that would suggest that she is capable of meeting LD's needs during these periods of contact. The evidence suggests that both LD and the Trust staff have to intervene to avoid difficult situations arising.

[45] I will now deal with two emails received from the mother after the hearing but before delivery of this judgment. I have mentioned the email of 25 October 2022 at [36] above. A second email of 26 October 2022 stated that LD told his mother that he wanted contact this coming Friday to be at a pizza restaurant. If the email of 25 October 2022 was a request for daily telephone contact, I do not consider that it is appropriate for the court to make such an order. The primary reason is that LD has said that he is happy with telephone contact once a week and that he blocks his mother when she attempts to contact him more regularly. The request of 26 October 2022 for contact in a pizza restaurant is a request that the court micro-manage care planning. This does not form part of the court's overall function. Whether or not LD actually wishes a change of venue will be a matter for the social worker to assess on the day, and then they must make the appropriate decision taking into account his best interests and available resources. I therefore decline to give any direction as to the location of contact, save that it be supervised and controlled by the Trust in accordance with the current care plan.

[46] I have previously referred to Article 3(5) (see [29] above) and I consider that

this is a case for invoking this provision. The court should not make an order unless it considers that doing so would be better for the child than making no order at all. The contact regime initially directed by the court at the conclusion of the care proceedings in December 2021 is being managed by the LAC process. The mother has not placed before the court any substantive evidence that suggests that these contact arrangements are not catering for LD's needs. In all the circumstances, I consider that no order is required, and I will dismiss the mother's application.

An Article 179(14) order

[47] Both the Trust and the guardian have pressed the court to make an order under Article 179(14). This is an order that would prevent the mother from making any further applications for a stipulated period without the leave of the court. Their reasons were set out in detail in the skeleton arguments placed before the court.

[48] The general approach to applications of this nature was set out by Butler-Sloss LJ in *Re P* [1999] 2 FLR 573 at [41] in the following terms:

> "(1) [Article 179(14)] should be read in conjunction with [Article 3(1)], which makes the welfare of the child the paramount consideration.
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> (2) The power to restrict applications to the court is discretionary and in the exercise of its discretion the court must weigh in the balance all the relevant circumstances.
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> (3) An important consideration is that to impose a restriction is a statutory intrusion into the right of a party to bring proceedings before the court and to be heard in matters affecting his/her child.
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> (4) The power is therefore to be used with great care and sparingly, the exception and not the rule.
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> (5) It is generally to be seen as a useful weapon of last resort in cases of repeated and unreasonable applications.
>
> (6) In suitable circumstances (and on clear evidence), a court may impose the leave restriction in cases where the welfare of the child requires it, although there is no past history of making unreasonable applications.
>
> (7) In cases under paragraph 6 above, the court will need to be satisfied first that the facts go beyond the commonly encountered need for a time to settle to a regime ordered by the court and the all too common

> situation where there is animosity between the adults in dispute or between the local authority and the family and secondly that there is a serious risk that, without the imposition of the restriction, the child or the primary carers will be subject to unacceptable strain.
>
> (8) A court may impose the restriction on making applications in the absence of a request from any of the parties, subject, of course, to the rules of natural justice such as an opportunity for the parties to be heard on the point.
>
> (9) A restriction may be imposed with or without limitation of time.
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> (10) The degree of restriction should be proportionate to the harm it is intended to avoid. Therefore, the court imposing the restriction should carefully consider the extent of the restriction to be imposed and specify, where appropriate, the type of application to be restrained and the duration of the order."

[49] This guidance has been approved as appropriate for this jurisdiction (see, for example, Gillen J in *Re L* [2004] NIFam 7 and Keegan J in *KT v ST* [2017] NIFam 7).

[50] Recently King LJ observed in *Re A* [2021] EWCA Civ 1749 that the guidance in *Re P* had stood the test of time, but it was important to take into account certain developments in the intervening period with advances in communication technology and the increasing number of personal litigants. It is a worthwhile exercise to set out in full an extract from her judgment at [34]–[36]:

> "34. Although the guidelines have substantially withstood the test of time and have received the endorsement of this court on a number of occasions in the intervening period, the fact remains that they were set out in April 1999, some 22 years ago. In the intervening period the forensic landscape has changed out of all recognition. Amongst the many advances is the advent of the smart phone and of social media in all its forms. Of particular relevance in this context is the almost universal use of email as a means of instant communication. Another development of relevance is that as a result of the withdrawal of legal aid in the majority of private law cases, a large proportion of parents are unrepresented and therefore do not have, as the judge described it in the present case, the 'steadying influence' of legal advisors.

> 35. One of the consequences of these changes which is seen not uncommonly in private law proceedings is that the other parties, and often the judge him or herself, can be (and often are) bombarded with emails from a parent, whether male or female, who is representing him or herself. Such behaviour may be the result of anxiety but in other cases, as in this case, it is part of a campaign of behaviour by one parent against the other which amounts to a deeply disturbing form of oppressive behaviour on their part.
>
> 36. Regardless of the motivation, behaviour of this type, as exhibited by the mother in this case by way of an example, is deeply distressing to the parent who is the subject of such abuse and litigation at this level and is highly debilitating to each of the parties and to their children. All too often such communications are ill-considered and ill-judged with the consequence that every minor dispute or misunderstanding is met with an application to the judge. More importantly, the distress and anxiety caused to the other parent and to the children at the centre of such a raging dispute cannot be overestimated, nor can the damaging consequences where the focus of the litigation veers away from what, on any objective view, would and should be regarded as the real issues going to the welfare of the children concerned."

[51] It must be acknowledged that the conduct of the mother in *Re A* is not on a par with the mother in this case. It must also be acknowledged that *Re A* was a private law case, and the father was not protected by the local authority exercising parental responsibility as the Trust does in LD's case.

[52] However, I consider that there is an aspect of the mother's conduct which does need to be analysed. After the care order of 17 December 2021 the mother appealed the making of that order. That, of course, was her right, although she lodged her appeal in March 2022 outside the permitted period. The mother applied for the first set of orders, including the residence order on 30 May 2022 and the second set of orders of 6 June 2022. She was therefore seeking the discharge of the care order when the Court of Appeal was still considering her appeal against the making of the care order. This was eventually heard and dismissed by the Court of Appeal on 9 June 2022. She therefore applied for an order which would have discharged the care order 10 days before the Court of Appeal were due to hear her appeal against the making of the order in the first place and with no new evidence relating to the post-care order situation.

[53] The mother had previously benefitted from advice given by an experienced solicitor, senior and junior counsel. She dismissed her legal team and pursued her appeal and these applications without legal advice. Her appeal was stated by Keegan LCJ as being without merit. My assessment of these applications is that they also lack merit. Three applications were seeking orders that this court could not have made. The remaining three were not supported in any way by evidence that would have allowed a court to make the orders. The mother, using the words of King LJ, lacks the "steadying influence" of legal advisors.

[54] King LJ in *Re A* at [39] indicated that the court's jurisdiction to make an Article 179(14) order is not limited to those cases where a party has made excessive applications – "it may be that there is one substantive live application but that a person's conduct overall is such that an order … is merited."

[55] The guardian has pressed the court to make such an order to protect the emotional well-being of LD who is particularly concerned about the ongoing litigation and the uncertainty that the litigation brings. He is also concerned about potential future changes in his circumstances, whether they relate to residence or contact. The guardian's opinion at 8.1 of her report is that she is "firmly of the view that it is not in [LD's] best interest to be subject to further court proceedings" and she recommends at 8.2 that the court apply "legal remedies available to avoid the potential of [LD] being made subject to further court proceedings" as he had "experienced enough instability and uncertainty."

[56] The making of an Article 179(14) order will not preclude the mother from making an application, but she will need leave and will have to show that she has an arguable case with a reasonable prospect of success. This is an important filter, particularly given the mother's current presentation.

[57] I therefore will make an Article 179(14) order for 12 months. LD is 13½ years old and his wishes and feelings and his emotional needs will develop as he matures. I consider that 12 months is a sufficient period in all the circumstances. As a looked after child the Trust will continue to review his care as part of the LAC process. The Article 179(14) will only impact on court proceedings.

Conclusion

[58] For the reasons set out above I dismiss the mother's applications.

[59] An Article 179(14) order will apply to the mother for a period of 12 months from the date of this judgment.

[60] The guardian is discharged.

[61] There will be no order as to costs but legally assisted parties will have a taxation order in respect of their legal costs.