OPEN LETTER RIGHT TO REPLY

Dear Clerk to LJ Wall;

This is for the personal attention of Lord Justice Wall;

I note that the formal hand down of the judgment is to take place on August 25th 06. I do not believe in attending as this will only give pretence and precedence to an otherwise flawed judicial system of protecting one's own kind as the judgment ignores the truth, the law and the facts of the case. Furthermore it is a deliberate act of judicial abuse of power.

I may as well have read nursery rhymes in Court perhaps that would impress LJ Wall. My children's welfare has not been paramount as ever and judicial analysis of the factual and legal argument was once again lacking.

I also sent the school report on my son which shows very different behaviour to that which the school and/ or CAFCASS Guardian reported to Court. It has also now come to light that not only were there two bundles before the court which were never served on me but also that there was a witness bundle.

As you expected and rightly so in last paragraph;

'' **If, in his eyes, I now join the ranks of the biased and the time-serving, the public will, I hope be in a position to judge the fallacy of that approach from the publication of the judgments of this court in his case**.''

You do so by your own actions in this judgement. I couldn't have described it better myself.

The public cannot judge themselves without seeing the evidence and argument which was before the courts involving – HHJ Milligan, Mr. Justice Sumner, HHJ Bond, Lord Justice Wilson, Mr. Justice Coleridge and LJ Wall and therefore ask for permission for the public to see the evidence against them and the State bodies when you are going public with such self-serving diatribe and trite and I have the right to defend myself against libel, slander and falsehoods. My children's welfare has never been paramount only the continued cover-up of wrongs by not only the State bodies but also the Judiciary themselves.

In your own words; ''**Anything which shows the proper working of the family justice system is, in my view, to be welcomed**.''

I have provided three affidavits and insist that I be prosecuted for perjury.

I have provided factual and legal argument, evidence, statements and addendums and insist I be prosecuted for contempt of court as I must have been lying.

I also note the blinkered attitude to Parental Alienation Syndrome and ask you again how can I have changed the children's memories, blanked their memories, and instilled hatred in my children when I have not seen them since October 26th 1999? How can they hate their father for 'making things look so good?' Should I have abused them as the mother aided and abetted by the stepfather has? Should I have lied to them?

You are creating a dysfunctional future generation and this vile system abusing the law and human rights shall be brought back to a just administration; as we, the public, whom you serve have the right to expect.

I request permission to appeal to the House of Lords on the following grounds;

1. Do Lord Justices as well as other Judges have to obey the law?

2. Is a Judge permitted to ignore pertinent evidence and fact before them?

3. Are state bodies under a duty to obey the law and act honestly and openly within Family proceedings?

4. Is there not a right to justice within family proceedings?

5. Can Judges at whatever level ignore Human rights case law?

6. Do parties in Family Court Private law proceedings not have the right to pursue Application for damages and redress under sections 6, 7 and 8 HRA 1998 equally as in public law?

7. Can Judges make section 91(14) orders to last until a child is over 18?

8. Can judges select and ignore facts and/ or law as they see fit after it is brought to their attention?

9. Is CAFCASS a body fit for purpose given that like local Authority social services there is a history of misleading the court, perjury, perversion of the course of justice and other unlawful acts?

10. Is the UK Family Court sitting in secret able to deliver justice such as in this case when Judges deliberately mislead themselves and make astonishing assertions against litigants who speak protesting at the abuses of human rights and common law?

11. If State bodies and Judiciary can behave in such manner as I can show, why should anyone in UK obey the law?

12. Are judges permitted to abuse their power?

13. Is the children's welfare paramount in such circumstances as mentioned above?

14. Should Parental Alienation Syndrome be investigated and assessed by a specialist child and adult psychologist trained in such matters when Judges have no training in child welfare as is evidenced in this case and in case law.

Obviously now I only have one further route; recusal of Mr. Justice Coleridge and any future Appeal cannot be heard by yourself for promulgating the abuses.

I repeat below that which was said in open Court and has simply been brushed under the carpet;

"Blackstones" Constitutional law and human rights volume 8 on Judicial Functions states The principal functions of the judiciary may be described as follows:

> To provide for the orderly resolution of disputes, whether between private individuals or bodies, or involving public bodies or the exercise of public or governmental functions by public or private bodies;
>
> To uphold the principle of legality or the rule of law;
>
> To protect the individual against unlawful state activity;

This is an Appeal against the following orders:

Order of February 22nd 2006 made by the Courts own motion

An order of March 29th 2006 by Mr. Justice Coleridge.

It is history repeating again, the only difference is that had the Appellant been from Turkey or of former Eastern Europe Countries there would be massive public and Government outcry. Sadly the Appellant is a British, Caucasian and a male who have lesser rights than illegal asylum seekers who have the Court's sympathy.

Law bidding families are being disfranchised by biased decisions solely based on CAFCASS or similar agency officers despite the finding of Lillie & Reed v Newcastle City Council & Others [2002] EWHC 1600 (QB).

In the case of Re J (Care Proceedings: Disclosure) [2003] 2 FLR 522 FD where there was concealment and an attempt to mislead a parent and the court. Circumstances surrounding this case are no different.

Last year the Court of Appeal removed HHJ Milligan from further conduct of this case due to his gratuitous words 'Come to me in a different frame of mind and anything may be possible.'

The Court of Appeal kindly stated that there must be great progress in this case. I come before you to say there has been none to date. I did not pursue HHJ Milligan doggedly to have a better class of bias. I did it to protect my children's my rights and rights of any citizen under articles 6 and 8 of the Human Rights Act 1998.

Article 6 rights are fundamental and not to be offset or balanced against anyone else's rights under article 8. Article 17 clearly states that no one in power least the Judge has the power to act which will violate the rights of the citizen. This is further protected by article 13 of the European Convention on human rights.

Yet the manner in which I have been treated to date makes me believe that I am a victim of an politically correct institution – Jews in the WW2 were better treated and put out of their Misery but I am persistently being tortured – something even ECtHR accepts as a violation of Article 3 of the Convention e.g. Tekin v Turkey where mental torture is recognized.

The respondent mother locked my son in the bedroom from the age of 2.5 to 5, she has lied to child welfare person including health visitor, GP, counselor, schools, her solicitor, social services AND she is rewarded by all.

Aided and abetted by the State institutions, respondent and her husband believe they are above the law, unlawfully changing my children's surnames, telling false stories to my children and alienating them, misleading the Court, and with such confidence that they arrive at Court without lawyers knowing their acts will be blessed by CAFCASS and Mr. Justice Coleridge with impunity.

If a third party abused my children I would be supported by the State in pursuing them for redress and to help my children. Just because the abuser is my ex-wife, it is covered up and even a Guardian who is supposed to represent the children independently turns blind eyes and deaf ears.

In the words of Lord Laming, - "the professionals involved were ready to accept the excuses of the primary carer and abuser" – and – "<u>too often it seemed that too much time was spent deferring to the needs of the mother and not enough time was spent on protecting vulnerable and defenceless children</u>". In the Climbie Inquiry the main abuser Marie Therese Kouao made sexual abuse allegations about Carl Manning to the social workers to cover up her abuse.

Para 15.10 Lord Laming in the Climbie enquiry said :- The basic requirement that children are kept safe is universal and cuts across cultural boundaries. Every child living in this country is entitled to be given the protection of the law, regardless of his or her background.

I had Appealed the involvement of HHJ Milligan on the grounds that he was a biased judge as he has invented hearing that had never taken place, denied daytime wetting in my daughter despite being given the pediatric notes, made judgment on evidence he had refused to be allowed in Court and abused his power and acted against the children's best interests even accepting a one and a half page letter to the mother's solicitors as a 'report on the mother's fitness for residence having seen her medical records' as the Court had ordered.

The truth was the mother's solicitors did not inform the psychiatrist of the Court order, the letter was based on only two meetings with her in the UK for postnatal depression not emotional instability, and borderline personality disorder and he took into account no evidence, no statements, neither carried out any psychiatric or psychological testing and simply repeated whatever the mother told him.

The facts, symptoms and issues relevant to the welfare of the children still remain uninvestigated on behalf of the children. In volume five, section L page 7A it is clearly stated that 'the outcome of investigations and assessments carried out by Social Services did not indicate the need to invoke Court proceedings that would in turn have led to a much more detailed assessment i.e. a comprehensive assessment.' That form of assessment is more in-depth and takes a wider view of all significant factors including if necessary parental Alienation or psychological abuse.' 5L7A.

Yet the Social worker Maggie Smith had previously stated in her report and under oath that she had carried out a comprehensive assessment.

Judge Milligan was a biased Judge; this can be seen by the statements he made e.g.

'She (the mother) started by using the sock in the door idea that she got from father to restrain him from leaving his room and also taking the handle off. Again that is an idea that came from father.' 2L8[3-7]

'This is a man to whom I think it has never occurred that there might be another view that might be as good as or better than his and I have to consider his evidence in the light of that assessment.' 2L(16)[3]

'Father says that she is a manipulative liar. I do not believe this for a second. I thought that this was a truthful lady whose evidence I accept and in so far as it conflicts with the father's evidence I have no hesitation in preferring what mother had to say to me.'2L9[9]. (I was only allowed the last ten minutes of the hearing to cross-examine the mother).

‘Social services report that there had been many complaints by the father to them that the mother was unfit, so much so that they were in the view of social services, bordering on harassment and had given rise to investigations from the period of June 94 to August 97 and these investigations had thrown up no child protection issues or concerns’. 2L12[15].

This is contrary to the facts; the Community Psychiatric nurse reported concerns to social services in June 1994; we had moved to Spain from August 1st 1994 until November 1995 and the Social Worker Neil Toyne only made a single house visit on 8th July 1996. Further, Social Services had set-up a care package at the mother’s request. All of course missing from their investigations and reports.

Social services carried out the assessment of risk 5D1 without meeting me, taking into account evidence and interviewed only the judge and CWO. I was also informed in the report that I had no right to make a complaint about the report, 5D5 [6-8]. Could not call HHJ Milligan to give evidence and despite statements under oath and in reports the GP 4H10 and 44 para 11, health Visitor 3B(3) and school 3E14(3) all deny any involvement in the assessment of risk.

When questioned regarding the locking in of my son she said 5G13G ‘’I’ve checked with the health visitor as well about the locking in the bedroom and that was dealt with a long-time ago and ‘’It was admitted between the health visitor and the mother and it doesn’t happen now.’’ This is contrary to the truth. The health visitor notes 3B4-11, senior nurse managers confirmation 3B3 and the child and family guidance notes 3B12-22 show this to be untrue.

When challenged on the health visitor’s involvement and pointing out the Health Visitor had no involvement with the my son since October 1998 and my daughter since 1996, the social worker changed her argument ‘’okay then there’s currently no concern.’’ 5G9. It beggars belief how a person who has not seen my daughter for four years and my son for one and a half years could have any concern for them.

She stated under oath ‘’I have worked with thousands of families and I can tell you I can sense without even knowing when a mother’s emotionally unstable I don’t even have to look at them I can sense it a mile off.’’ 5G9B I have suggested to the director of social services the social worker be employed by the Police forensic dept to prevent cases such as that of Dr. Shipman.

‘’I have every confidence that what his mother tells me is true or else he wouldn’t be able to concentrate at school and he wouldn’t be putting on weight.’’ ‘’I am sure that this can be clarified through the mother. There are no problems with his eating and sleeping.’’ 5G5/6 Again such reliance on the mother’s words alone is biased and unprofessional.

Describing my son under oath she said ‘’You’ve got one child that is actually a little bit disruptive and all over the place’’. This is contrary to the Social work addendum describing him as a delightful

typical 6 year old boy. He has now been referred for a full assessment. 5G14B

She said ‘’The fact that he gets a tap on the mouth for spitting or swearing I do not believe to be inappropriate’. Most six year olds spit and swear.’’ My son has never spat or sworn in my presence. 5G17B.

Describing my son’s aggression to his sister; she said ‘’He will hit Xxxxxxxx – if he doesn’t hit Xxxxxxxx I’d be very worried. He will learn not to hit Xxxxxxxx when she slugs him back one day he’ll stop.’’5G17F.

Article 6 rights are fundamental and not to be offset or balanced against anyone else’s rights under article 8.

In recent case heard by this Court Neutral Citation Number: [2006] EWCA Civ 6, it was stated;

> Para 6; Inconvenience, costs and delay do not, however, count in a case where the principle of judicial impartiality is properly invoked. This is because it is the fundamental principle of justice, both at common law and under Article 6 of the European Convention for the Protection of Human Rights. If, on an assessment of all the relevant circumstances, the conclusion is that the principle either has been, or will be, breached, the judge is automatically disqualified from hearing the case. It is not a discretionary case management decision reached by weighing various relevant factors in the balance.

Maggie Smith Social worker under oath stated that she wished all fathers were as caring as I 5G13G and that the reason my children behaved appropriately when with me was associated with the way in which I treated them. 5G4B.

LJ Wilson last November described me as highly intelligent. Mr. Justice Coleridge even stated in his judgement that I gave a lucid and articulate presentation.

The respondent mother’s full diagnoses of emotional instability after a battery of psychological tests with the risk of psychological abuse of the children, her borderline personality disorder and manipulative personality have never been assessed or investigated which may well be related to the symptoms of Parental Alienation Syndrome and psychological abuse.

Similarly the symptoms in the children – my son’s sleep disturbances, anxiety, referrals to child and family guidance every year since 1997 barring 2003, his counseling for low self esteem and lack of confidence in 2004 and referral to psychiatrist in 2005 or my daughter’s daytime wetting and UTIs since 1997 neither have been investigated.

As a result the children have been placed at risk of harm, yet the judicial comments I personally

have evidenced couldn't be invented;

HHJ Milligan 'This is a man to whom I think it has never occurred that there might be another view that might be as good as or better than his and I have to consider his evidence in the light of that assessment.'

''This is a man, in my judgement, who is pursuing his own interests which is completely different thing to standing back and taking a serious view as to what may be in the best interests of the children themselves...This is a man who is blind to the children's needs insofar as they come second to his own plans''

Mr. Justice Sumner in April 2002 said in this Court 'If he is unable to separate his own intense feelings about the injustice to him and the poor care that this mother gives, the children will not have a proper relationship with their mother if there is the risk that her standing with them will be undermined.' 2N14[13].

Mr. Justice Coleridge in his judgement of March 29th this year stated 'What the father seems quite unable to appreciate is that the ongoing proceedings are doing much more harm to the prospects of his seeing the children than if he desisted.'

I refer the Court to Raja V Austin Gray (a firm), [2002] EWHC 1607 (QB) 31st July 2002 and in particular paragraph 12 where it states; It seems to me that it is reasonable and in the public interest to expect professionals, and indeed anyone else offering particular skills for reward, to exercise them with reasonable competence. This includes the Judiciary with their ample pensions, lawyers, barristers, Guardians, Social workers, CAFCASS officers.

LORD DENNING SAID: "Whoever it be, no matter how powerful, the law should provide a remedy for the abuse or misuse of power, else the oppressed

will get to the point when they will stand it no longer. They will find their own remedy. There will be anarchy." I am now at that point.

Appeal of February 22nd 2006 order

The first Application arises from an order dated 22nd February 2006 of the Courts own motion that has been unfortunately delayed as Bournemouth Registry informed the Court of Appeal that there had been a hearing behind the order.

The Appeal from the order of the Courts own motion on February 22nd 2006 was outstanding and to preserve my position I had no choice but to walk out after informing the Judge of the reasons before the hearing and at the end, contrary to the order which states that I did not give notice, Mr.

Justice Coleridge rose and gave me five minutes to pack the voluminous papers.

It is unfortunate that the Appeal of the order dated February 22nd 2006 has been delayed beyond my control due to Bournemouth Courts informing the Court of Appeal that there had been a hearing that day when there had been no hearing and no Judgement.

Mr. Justice Coleridge made an order on January 31st 2006 for a half day directions hearing after he had requested the directions that I sought.

Mr. Justice Coleridge then made an order of the Courts own motion. I was unaware of any written request. I was unaware of the making of the order until it was received on February 27th 2006.

Family proceedings rules 4.14 state —(1) In this rule, "party" includes the guardian ad litem. (2) In proceedings to which this Part applies the court may, subject to paragraph (3), give, vary or revoke directions for the conduct of the proceedings, including-

the timetable for the proceedings;

the service of documents;

Directions under paragraph (2) may be given, varied or revoked -

of the court's own motion having given the parties notice of its intention to do so, and an opportunity to attend and be heard or to make written representations,

I am unaware of or had any notice to parties being given, pursuant to 4.14 (3) a, or of any written request 4.14 (3) b or 4.14 (3)c, have not had the opportunity to be heard or to make representations. Therefore the Court is in breach of the above rule in making the order of the Court's own motion.

I did not have the right to put my case on the making of that order. I took the appropriate step and Appealed.

The rules were not complied with. The order was in breach of article 6.1 HRA 1998 and Family Proceedings rules 4.14. Either the rules and due process exist and should be followed or they do not. In this case they do.

Due process had not been complied with. I had not even had the right to disclosure of documents known or that should exist pursuant to Civil proceedings rules and for which I had supplied a detailed statement and list of documents to be disclosed dated September 9th 2005.

It has never been addressed other than Mr. Justice Coleridge simply stating on March 29th 2006 'I'm not ordering disclosure.' without giving any reasons.

The order of February 22nd without my input, knowledge or any right to give argument whether in writing or orally reduced the full complex case from a half day hearing for directions ONLY to a half day final hearing for hearing of removal of the Guardian, appointment of child and adult psychologist Dr. Lowenstein the other 16 directions sought along with the Guardian's Application for a section 91(14) order when she has not done any effective or otherwise investigation, without the right to due process and in breach of article 6.1 and 8 HRA 1998.

A half day hearing was insufficient time for the matters to be heard and these had unilaterally been condensed by the Judge sitting showing Mr. Justice Coleridge was operating with a closed mind as was shown by his giving defences on behalf of the Guardian and refusing argument from me on disclosure simply stating 'I am not going to order disclosure.'

He had also ordered the Guardian to prepare a report on contact. I have not made an Application for contact. The only contact that may have been considered was interim contact until expert had reported as to the abuse of my children and their current psychological state as well as thta of the mother who has never been investigated and the issue of alienation whether described as PAS or PA.

He also ordered any skeleton arguments to be filed the day before the hearing. This did not give any time for a litigant in person to consider whatever argument may be given.

If the Applications that I sought were refused it is obvious that I would appeal.

Disclosure had not even been addressed. The order also gave directions for the Guardian to file a report on contact.

My Application was for residence or shared residence which has not to date been addressed.

This order to file a report on contact was no doubt explained by the Guardian's Application for a section 91(14) order.

What Mr. Justice Coleridge was no doubt unaware of and yet ignored in it's totality when raised in Court is that she had not met parties, and had carried out no investigation of medical or behavioural concerns, contacted the children's school or GP to get the medical files, paediatrician, checked the social services files or had investigated my son's counselling for low self esteem and lack of confidence and his referral to psychiatrist and the reasons for it.

The order of January 31st had set the hearing for directions only.

I therefore submit that the order was unlawful, unfair and had an unfair effect on the hearing set for March 29th 2006 to which my only response could have been to put my case on the three most urgent matters for removal of the guardian, appointment of child and adult expert psychologist Dr. Lowenstein and disclosure and to preserve my position by leaving Court after the blatant bias shown to me and when the Appeal had not been heard against the order of February 22nd.

The Guardian's solicitors notes

I have also requested for release of the solicitors notes of the meetings and conversations with my children prior to the hearing.

It has been delayed beyond my control. I have the right to the notes since the Guardian's solicitor cannot usurp the role of the Guardian and she was not giving legal advice but as she clearly stated in her letters to was carrying out the role of the Guardian in understanding the wishes and feelings of the children.

There has been no assessment of Gillick competence in my children. If my children are sufficiently aware and able to understand and make decision on their own behalf then they should have been shown the papers concerning them before Court.

I tried to inform my children on December 2nd 2005 of the truth but Mr. Justice Coleridge closed me down when I did so.

The solicitor for the Guardian has been regularly in contact with the children. These notes have not been released and has been requested after Mr. Justice Coleridge refused by way of Court order dated 21st November 2005 to have them released. I did not Appeal directly at the time as after meeting my children and witnessing Parental Alienation Syndrome as the Court had consistently been warned was signed of sick by my GP.

The Solicitor cannot undertake the role of the Guardian. It usurps the role of the Guardian who is supposed to have specialist training in questioning children. If the Guardian's solicitor can carry out

the role of the Guardian CAFCASS could be scrapped.

Volume 1 H 16 letter dated 15th September Guardian's solicitor stated that my daughter no longer had utis, yet this is not in the Guardians notes and could only have been told to the Solicitor direct. My daughters UTIs were ongoing but the guardian had not sought the medical notes GP letter dated 9th September 2005 Vol 1 K 12]

Guardian's solicitor met my children to prepare statements [letter dated 20th September 2005 vol 1 H 28 para 2/3] 'I interviewed the children because it is part of my job.' Yet the Court had not been notified my children were instructing the solicitor direct.

In letter dated 13th October 2005 [vol zero, K 1] 'I have also spoken with the children directly and communicate with them regularly. A lot of what the children have said they have repeated both to the Guardian and myself but some of the things they have said to me alone. Consequently the children's wishes and feelings will not always be fully expressed in the Guardian's contemporaneous notes.

In vol 1 H 38A letter dated 9th November 2005 Solicitor stated 'My role at present is to build a relationship with the children so that I can fully understand their wishes and feelings.'

If the children were being represented by the Solicitor to be legal advice then **FPR 4.11 applies**—
(1) In carrying out his duty under section 41(2), the guardian ad litem shall have regard to the principle set out in section 1(2) and the matters set out in section 1(3)(a) to (f) as if for the word "court" in that section there were substituted the words "guardian ad litem".

> where it appears to the guardian ad litem that the child-
>
> is instructing his solicitor direct, or
>
> intends to, and is capable of, conducting the proceedings on his own behalf, he shall so inform the court and thereafter-
>
> shall perform all of his duties set out in this rule, other than duties under paragraph (2)(a) and such other duties as the court may direct,
>
> shall take such part in the proceedings as the court may direct, and
>
> (iii) may, with leave of the court, have legal representation in

his conduct of those duties.

The Court was not informed.

Since these communication had been made from the respondent mother's house, all parties except myself would be aware of the contents of the communications. They were not to give legal advice as the Court was not informed pursuant to FPR.

I have the right to know what has been said as she was not giving legal advice but according to her own words carrying ou the role of the Guardian.

The children's words have not been based on the facts of the case and with allegations of psychological abuse and Parental alienation syndrome would be very important in evidence and argument for appointment of child and adult psychologist Dr. Lowenstein and the behaviour of the Guardian for her removal. I therefore submit that these notes should be disclosed.

This brings me to the issue of the Guardian's notes and her failure to prepare contemporaneous notes. The Court ordered that the Contemporaneous notes be released to me after CAFCASS had tried to argue they could only be disclosed after proceedings had ended in breach of article 6.1 HRA 1998. The Guardian's solicitor stated they were contemporaneous notes yet the Guardian under stated they were only an aide memoir.

The Guardian stated that her notes were an aide memoir and not contemporaneous notes under oath to try and justify matters appearing in her report that were not in her notes. It should also be remembered that the Guardian's solicitor was also interviewing and communicating with my children.

I draws the Court's attention to the CASE OF T.P. AND K.M. v. THE UNITED KINGDOM (Application no. 28945/95)

> The local authority, which is charged with the duty of protecting the child and is a party in the court proceedings, may reasonably not be regarded by a parent as being able to approach the issue with objectivity. The question whether crucial material should be disclosed should therefore not be decided by the local authority, or the health authority responsible for the medical professional who conducted the interview.

The same principle applies to CAFCASS officers.

The Guardian's notes are not full or contemporaneous. Her excuse was that they are an aide memoir. Allegations of a serious nature have been made. The notes should be full and contemporaneous. The Guardian under oath cannot remember the date she told me she would first see the children and introduces matters not in her notes into her final report.

Notes must be contemporaneous and full. This would then comply with the duties of a registered social worker, working together under the Children's Act, and Police and Criminal evidence Act 1984.

In the Report of the Inquiry into Child Abuse in Cleveland (1987). At para. 12.34, it is to be noted that unanimity was recorded among the experts who had given evidence to the inquiry in relation to a number of matters. Those were endorsed by the inquiry team:

All interviews should be undertaken only by those with some training, experience and aptitude for talking with children.

The need to approach each interview with an open mind.

The style of the interview should be open-ended questions to support and encourage the child in free recall.

The interview should go at the pace of the child and not of the adult.

The setting for the interview must be suitable and sympathetic.

There must be careful recording of the interview and what the child says, whether or not there is a video recording.

It must be recognised that the use of facilitative techniques may create difficulties in subsequent court proceedings.

The great importance of adequate training for all those engaged in this work.

In Lillie and Reed v Newcastle City Council, a libel case heard in open Court at paragraph 405 it is stated: what I derive from the expert evidence generally (and indeed from the Cleveland Report, the Memorandum of Good Practice and the recent judicial pronouncements on the subject) may be shortly and simply stated:

Young children are suggestible.

Great care is required in analysing and assessing the weight to be given to statements from young children.

It is important to take into account the context of any such statement and how it was elicited (for example, whether any pressures, rewards or leading questions were used).

It is necessary to focus also on the wider circumstances of the child's life in the period leading up to any such "disclosure" that might explain or colour what the child is saying.

It is vital to take into account delay between any event recounted and the statement itself.

One should take into account carefully any bias or pre-conceived ideas in the mind of an interviewer.

It is desirable to have in mind throughout any scope for contamination by statements from others, whether children or adults.

Similarities between what one child is saying and the statements of another may be two-edged, in the sense that they might tend to corroborate one another's accuracy or merely reflect a common source.

One should be wary of interpreting childish references to behaviour, or parts of the body, through the distorting gauze of adult learning or reading

And in paragraph 406 'the Review team's own expert Professor Bull told them that " the way in which a child is interviewed/ questioned will have a profound effect on the accuracy of a child's testimony, especially if the child is very young and the event(s) in question are in the distant past". The general thrust of the research carried out in recent years by Professor Bruck and her colleagues is well known. Indeed... anyone nowadays looking into allegations of child abuse would be "mad" not to take it into account. .... What the research has thrown into stark relief is quite simply that very young children do not appear to have the same clear boundary between fact and fantasy as that which most adults have learnt to draw.

and in paragraph 408 At the risk of over-simplification, it is possible to highlight some of the propositions thrown up by the research that need to be addressed. ...It is important, first, to recognise that, although such obvious factors as leading questions, repetition, pressure, threats, rewards and negative stereotyping can fundamentally undermine the evidential worth of a child's account, it may well be that a child will tailor his or her account in response to more subtle and less easily detected influences. In particular, there is (or may be) a tendency to say what the child perceives the questioner would like to hear. Moreover, it may not be as easy to spot that a child is adopting such an approach, as it would be to identify a leading question. What had, I believe, not been generally appreciated prior to the recent research was that children do not merely parrot what has been suggested to them but will embellish or overlay a particular general theme with apparently convincing detail. This can be very difficult to detect, even for those who are experienced in dealing with children.

CAFCASS clearly are not following good practice in questioning children and arriving at results which are predictable given the lack of objective, impartial and knowledgeable procedure and research being used or is that CAFCASS's intention to use it in reverse just as the methodology of PAS investigations.

The need for notes to be contemporaneous and full are also noted in guidance given in Working together under the Children Act and supplements from the Department of Health. The Guardian was plainly wrong to not keep contemporaneous notes and as ever Mr. Justice Coleridge ignored the facts of the hearing before him.

Meeting with my children

The meeting with my children on December 2nd 2005 was very revealing. Mr. Justice Coleridge had stated that it may raise a whole raft of issues yet he ignored them despite bringing them to his attention.

It was clear that the respondent mother and stepfather have manipulated them. 1AC5A…Their hostility was illogical and at times severe manifesting many of the features of parental Alienation Syndrome.

I was accused by my daughter of manipulating them for giving them a good time, 1AC7 and 1AC what am I supposed to do? Abuse them as the mother has done and then attempt to cover it up? Would I be rewarded with residence if I had so behaved?

They hated their then six year old, now seven-year-old cousin. 1AC9A-B.

They had been given false information regarding material on websites that they claimed to have seen but could not since it did not exist. The Guardian's solicitor had threatened me with applying to Court for publishing material the Guardian admitted under oath that she had not checked f to see if it was true. 1AC15-17.

On November 10th 2005 my son had requested help for his behavioural problems yet at that meeting he stated they had ended six months previously. 1AC12E/G.

My daughter had memory blocks of violence by the mother which Mr. Justice Coleridge heard on the tape. 1AC9/10.

My daughter accused me of inventing my son being locked in the bedroom by the mother and stepfather. 1AC11B.

My daughter did not know if I had made hundreds of Applications or a couple. 1AC4E.

Yet my son stated that the stepfather admitted he knew he was doing wrong but blames my son. My son now believes that he used to beat people up. 1AC11.

My son had memories from when he was two and a half, which is psychologically impossible. 1AC11F

Both children bluntly refused Christmas presents. 1AC.

This was all false information fed by the mother and stepfather. All of this need proper input as my son has had behavioural problems with the mother from 1997. My daughter has had daytime wetting and urinary tract infections since 1997 for which there is no physical cause and daytime wetting lasting over three months is indicative of emotional abuse, never mind seven years.

My daughter sent a loving letter in April 2001 4(O)1-4.

I refer the Court to Sommerfeld v Germany whereby it states:

> 42. ‘‘it must determine whether, having regard to the particular circumstances of the case and notably the importance of the decisions to be taken, the applicant has been involved in the decision-making process, seen as a whole, to a degree sufficient to provide him with the requisite protection of his interests.
>
> 43. ..Correct and complete information on the child’s relationship with the applicant as the parent seeking access to the child is an indispensable prerequisite for establishing a child’s true wishes and thereby striking a fair balance between the interests at stake.
>
> 44. In the Court’s opinion, the German courts’ failure to order a psychological report on the possibilities of establishing contacts between the child and the applicant reveals an insufficient involvement of the applicant in the decision-making process. ’’

In the case of CASE OF GÖRGÜLÜ v. GERMANY (Application no. 74969/01) 26 February 2004 it is stated that ‘‘Although the essential object of Article 8 is to protect the individual against arbitrary action by the public authorities, there may in addition be positive obligations inherent in an effective “respect” for family life. Thus, where the existence of a family tie has been established, the State must in principle act in a manner calculated to enable that tie to be developed and take measures that will enable parent and child to be reunited

In the case of ELSHOLZ v. GERMANY (Application no. 25735/94) 13 July 2000; The Court, having regard to its findings with respect to Article 8 considers that in the present case, because of the lack of psychological expert evidence and the circumstance that the Regional Court did not conduct a further hearing although, in the Court's view, the applicant's appeal raised questions of fact and law which could not adequately be resolved on the basis of the written material at the disposal of the Regional Court, the proceedings, taken as a whole, did not satisfy the requirements of a fair and public hearing within the meaning of Article 6 § 1. There has thus been a breach of this provision.

Yet my children have not been able to tell fact from fiction, truth from falsity and unless an expert independent and impartial child psychologist is brought in the children will not have their psychological integrity respected, their voice will not be heard or their medium and long term best interests or their welfare respected.

If after the meeting with my children Mr. Justice Coleridge had any real concern that there was no problem with them, he would not have made the order dated 31st January for a half day hearing for directions.

The Guardian had sought three experts as of 17th November but the person who thought an expert was not so urgent was Charles Hale QC after reading the Guardian’s initial core bundle which did not include the evidential material necessary only the orders and judgments and the social worker’s flawed and invented investigations.

Coleridge’s judgment

Mr. Justice Coleridge said in the hearing ‘I’m not reinvestigating ..subjecting court proceedings and funds.’ His only concern has been with cost and the judge offered no guarantee sufficient to exclude any legitimate doubt in this respect as afforded by Article 6 of the ECHR. (De Cubber v. Belgium, Publ. Court, Series A, vol. 86, pp. 13-14, § 24).

The Applicant feared that his submissions and evidence would not be given a fair hearing, not only before the hearing but also during the hearing when subsequent behaviour further proved the matter.

It must be remembered that I did not know what was said in the Judgement as once the Applications for removal of the Guardian, appointment of child psychologist and disclosure had been refused I had no choice but to leave Court as the Appeal of the order of February 22nd 2006 was awaited to be heard.

The skeleton argument for the Court of Appeal was provided on the basis of the facts of the case and also on the facts of what had happened in Court.

The Judgement is date stamped 1st June. I did not receive it until 4th June 2006. Despite an email from Mr. Justice Coleridge's clerk that they thought the reel had left Portsmouth, I discovered that neither Mr. Justice Coleridge or his clerk had ordered the transcript at Public expense and the order was in Bournemouth County Court without any instructions on implementation.

As I suspected Mr. Justice Coleridge would ignore relevant matters, ignore the children's welfare, and ignore anything I said and misled himself and further he introduced matters he never raised in Court.

Mr. Justice Coleridge states he does not believe that I did not receive the emailed skeleton argument of Charles Hale, I do not have email at home and did not even know it was being sent and never have been asked or consented to service by e-mail as is required by FPR.

I did not receive it until half an hour or so before the hearing. He invents matters in his Judgement as he never raised this in Court. Charles Hale stated in Court that it was unfortunate that I had not received it.

If Mr. Justice Coleridge had raised this in Court I would have disabused him. Charles Hale or the other parties did not raise this. I had thought that my opponents were the other parties but turned out to be Mr. Justice Coleridge by inventing his judgement after the event.

The judge ordered a report on contact in his own motion order dated February 22nd 06 and then in his Judgement [para 7 page 4] he states that he moved onto the third Application for residence, shared residence or contact. The Guardian's report was only on contact. I was unprepared for such a change but this has only appeared in the Judgement – in Court he stated contact .

I had not applied for contact. I disabused the Judge when he stated he was going to hear my Application for contact in that, until an expert is involved even interim contact was premature. The blame for any suffering of my children [and there is a long history of problems, resides entirely with the mother, stepfather and the State bodies and biased Judges.

Mr. Justice Coleridge knew that I was appealing the order. [Page 18E of the Judgement]. I had notified all parties and the Court not only prior to the hearing but at the beginning of the hearing. Knowing that I was appealing his order of February 22nd and he refers to Applications for appointment of child psychologist, removal of Guardian and disclosure (although he denies in his judgement and simply misleads himself [Page 3 para 6]).

It was pursued when he himself refused it after lunch with out permitting any argument or giving any reasons.

I was not given the Appeal on April 28th 2005 by the Court of Appeal because the previous section 91(14) order was time unlimited [Para 4 and 39] but because HHJ Milligan had the appearance of bias for the gratuitous words 'come to me in a different frame of mind and anything may be possible.'

I appealed on his bias and the hearing before him was for his recusal for being a biased judge. I had not Appealed the section 91(14) order since it was given by fraud and by a biased judge who gave me a homily as I was leaving Court. Mr. Justice Coleridge is merely protecting the lower Court judges he is responsible for. He cannot change the basis or the grounds upon which the previous Appeal heard on April 28th 2005 was made or given.

Mr. Justice Coleridge states para 3 that only one hearing was heard by HHJ Bond and all other by himself. This is untrue. There was only one hearing on November 21st 2005 heard by Mr. Justice Coleridge. HHJ Bond heard matters on July 1st, August 1st, and September 9th 2005.

I have not made an Application for contact – Mr. justice Coleridge ordered a report on contact in his order of February 22nd 2006 of the Courts own motion. (para 4). The Application before the Court was for residence/ shared residence after the system sorts out its own mess.

There is no analysis or mention of the argument that I put to Court.

There is no mention of the case law that I raised.

Whilst Charles Hale refers to the mother and stepfather being heard; there is no mention whatsoever of their argument. The stepfather had not even given a statement so could not give evidence in Court.

There is nothing on the issue of the children's surnames unlawfully changed by the mother.

There is nothing on the failure of the Guardian to check the websites before instructing her solicitor to threaten me, when there was nothing to see on fathers4justice and only my name on men's hour.

There is nothing on the perjury of the social worker. There is nothing on bias of HHJ Milligan or the fact that there is no estoppel and the welfare of the children has not been paramount.

He states Para 42 'The system cannot be used by litigants to fight campaigns against the statutory services for its own sake.' I would remind the Court that the Judiciary should not be protecting criminal and unlawful acts of the State bodies. Their acts have perverted the course of justice and misled the Court and been against the best interests of the children and their welfare.

There is no analysis or even comment on the decision making process of the Guardian.

I do not need leave to Appeal from Mr. Justice Coleridge. Page 19. No Jugde is going to give permission to Appeal when he himself refuses the Applications, he would be admitting that he was plainly wrong.

The Judge refers to two bundles from the Guardian I was never served with these. I was only sent an up-dated index, which appears to be for one bundle which I neither received.

I did not have the whole morning as Mr. Justice Coleridge states we did not go into Court until 11am.

Mr. Justice Coleridge did not use or consider the welfare checklist.

Mr. Justice Coleridge stated that there are no concerns of the children and deliberately ignored my son's regular referrals to child and family guidance, counselling for low self-esteem and lack of confidence, and referral to psychiatrist. My daughters maturity which is a factor for child protection where children are not permitted to be children. My daughters ongoing urinary tract infections and daytime wetting since 1997. The mother's emotional and psychological history and my daughter describing the mother's behaviour as being the same as my son.

Mr. Justice Coleridge has the temerity to state that I am abusing the family Justice system (para 42) and the system is itself in serious danger of abusing the children. He is misleading himself. No wonder he did not want to read all the documents before the Court. He then will have realised that the children have already been abused by the mother and stepfather, under the noses of the child protection system.

The case law referred to Mabon was not used in the skeleton argument and never served on me. Mr. Justice Coleridge ignored the case law that I provided for parties and the Court. This seems common practise throughout his judgement and in his behaviour in Court.

Mr. justice Coleridge stated (Para 42) ‘The father has been warned and counselled by judges over and over again, that he will not achieve his aim by endless forensic brute force.’

I do not know where this comes from. Again matters raised in the Judgement were not raised in Court or I would have disabused him. Perhaps applying an agile brain to the actions and omissions of the state Authorities and what she be good practice is uncomfortable rather being led by the nose with State controlled lawyers.

The tape he refers to in Para 7 and 26 is evidence from 1995 to October 1999, shortly before the mother stopped all contact in breach of Court order. It was evidence of what the children have been subjected to by the mother, her violence, instability, punishment of my daughter for disclosing the locking in of my son, and evidence of alienation in that the children’s memories have been altered, and my daughter had memory blocks.

Sara McCartney MP heard the same tape. Her reaction was instantaneous: ‘it sounds like the mother is unstable.’ Mr. Justice Coleridge states that ‘The mother sounds, on occasions, to be completely besides herself and at the end of her tether.’ Para 26. This is untrue. She was having psychiatric and psychological therapy for problems of personal origin with the risk of psychological abuse of the children.

That tape must be played in open Court. It contains selected material to show that after the psychiatrist had signed the mother off simply for postnatal depression her behaviour was the same. As proof that I was the victim of violence at her hands. To show the extent to which the mother went including punishing my daughter for disclosing the locking in of my son to the class teacher and to the CWO Linda Middleditch. Her unlawful threats to kill me and that I would never see the children again.

It is also proof that on January 3rd 1998 my daughter did say ‘Daddy I don’t want her to hit you’ on another occasion of violence by the mother and also that her solicitor was behind her actions forcing her to do things that she did not want to do and not acting on her instructions as he should be.

This is clear evidence that Mr. Justice Coleridge should not act as child psychologist. The mother was fully diagnosed as being emotionally unstable after a battery of psychological tests.

In Para 27 Mr. Justice Coleridge refers to ‘a very lengthy statement by the father running I think to some 59 paragraphs over six pages.’ I never submitted any skeleton argument for the hearing.

In Paragraphs 33 to 37, Mr. Justice Coleridge addresses the issue of appointment of child psychologist. Mr. Justice Coleridge does address any arguments presented. He states that ‘The father is convinced that the children’s views are planted by the mother. It is far more likely in my

Judgement that the children's views are the result of the father's actions and behaviour.' This is trite.

How can a person who has not been in contact with their children from October 26th 1999 be blamed for the children's changes of memory, memory blocks, the hostility to the whole of his family including grandparents and seven year old cousin as evidenced in the meeting with the children and when the children admit they have been told all of this by the mother and stepfather. This is not just father blaming. This is arrant nonsense.

The Guardian never pointed out that there has never been a difficulty with the children talking happily about happy events in the past. The Guardian admitted that the only photo the children had was from 1995 or beforehand when I had a beard. There were no photos of me after. I had long hair and no beard from 1996.

The mother's hostility and psychological/ emotional problems and the admittals by my daughter that the mother's behaviour is similar to that of my son in being unable to control herself. There can be no evidence for concern for a psychological report if the Judge and Guardian act partially and ignored the evidence. Mr. Justice Coleridge made no mention in his judgements of my son's referral to child and family guidance after 1997 every year barring 2003, his referral to a counsellor for low self esteem and lack of confidence and his referral after to a psychiatrist.

Mr. Justice Coleridge ignored the ongoing daytime wetting and related urinary tract infections in my daughter.

Mr. Justice Coleridge ignored the fact that the mother has never been investigated for the diagnosis of emotional instability and borderline personality disorder which despite Court order in 1997 has never been investigated and is most probably linked to the mother's behaviour.

Mr. Justice Coledridge ignored the fact that it is proven in the words of the children that the mother and stepfather have told false stories to the children which is typical of alienation.

Mr. Justice Coleridge stated that a large degree of co-operation is needed for a psychological assessment. If that is the case; no child would ever go to the dentist, GP or school. Alienation would never be addressed or psychological difficulties. My son happily wanted help on November 10th 2005. He asked for help, and he wanted to go to a psychiatrist. I asked the Court if necessary to make the children wards of Court. Time and time again Mr. Justice Coleridge has bent over backwards for the mother/ Guardian and ignored the children's welfare in the process.

In Para 21 he refers to my position statement of 362 pages. This was not my position statement but an addendum to remind the Court of the law and child psychology. My Position statement was not put in the Guardian's bundle. She deliberately misled the Court and has refused to amend it.

In Paragraph 37 Mr. Justice Coleridge refers to the third and main application for contact. I have never made an Application for contact. Mr. Justice Coleridge invented this in his order dated February 22nd 2006.

Mr. Justice Coleridge stated in paragraph 41 that 'the father is on a crusade in relation to the past.' Mr. Justice Coleridge ignores the past and present, as the Guardian; the welfare issues for which there has been no investigation such as UTIs/ daytime wetting from 1997 to at least February 2005, my son's regular referrals to child and family guidance, counselling for low self esteem and lack of confidence, referral to psychiatrist and the mother's psychological and emotional history and diagnoses with the risk of psychological abuse of the children which is inconsistent parenting which seems to be ongoing and has never been investigated in the UK.

Mr. Justice Coleridge as the Guardian ignores the fact that my son had been referred to a psychiatrist in 2005 which I had stopped because it had to be a report from the Court due to PAS and/ or alienation and psychological abuse which is inconsistent parenting typified by the on-going problems that Guardian and Mr. Justice Coleridge have all ignored.

In Para 11 Mr. Justice Coleridge states that 'The father has always maintained that the children are at risk with their mother, in the face of the clearest evidence that this was not so; that evidence has been produced by a number of statutory services.' I don't believe Mr. Justice Coleridge has even bothered to look at the evidence or factual arguments in the various submissions. It has never been investigated. The only investigation by Statutory body involved social services who never met me, invented their report, and interviewed the Judge and CWO as the sole bodies contacted.

Mr. Justice Coleridge states that the 'battle over the children has waged ...over an astonishing nine years.' Para 10. He forgets that I was banned by virtue of the section 91(14) order from April 2000 until April 2005. A total of five years! There have only been 10 hearings up this Application on 27th February 1997, December 1st and 2nd 1997, 1st May 1998, 17th August 1998, 23 rd September 1998, 27th October 1999, January 13th 2000, 11th April 2000, 17th December 2001, 22nd January 2002. I was subject to a section 91(14) order wrongly imposed by HHJ Milligan from April 2002 to April 2005. Plenty of time for the mother and stepfather to cover up their abuse and to alienate the children further as this case shows.

Mr. Justice Coleridge stated in para 6 of his Judgement 'in particular, a Dr. Lowenstein, the American exponent of the much questioned theory 'parental alienation syndrome.' He ignores the fact that Battered women's syndrome accepted in the Criminal Courts is not in DSM 1V and was refused for inclusion, that Parental Alienation Syndrome is accepted in Germany, Holland, Spain, Israel, passed two Frye tests in the USA and a Mohan test in Canada. There is also a PAS file set up for the DSM Committee meeting this year and reporting in 2010. I raised in Court that the recognition of PAS in the UK appears to be a political problem.

Having training in anger management and special needs it is obvious that PAS exists. The

transcript of the children clearly shows factors of PAS from memory blocks, new memories, lies from the stepfather that my son used to beat children up, my son having memories from two and a half years old, hostility of the children's own volition, extension of the hostility to the whole of the father's family including a seven year old cousin, and extreme hostility because 'you made it look so good.'

What was I supposed to do? Abuse the children like the mother? Would I have been given residence if I had behaved in the manner that she has done?

When challenged on findings of HHJ Milligan as a biased judge Mr. Justice Coleridge stated 'She's bound to rely on his findings.' Yet there is no estoppel the children's welfare cannot be paramount if biased, and fraudulent and untrue material is relied upon.

The decision that the Court makes will also be based on wrong facts, not be in the best interests of the children, against their welfare and medium and long-term best interests which is allegedly the courts paramount consideration and simply promulgate the abuses experienced to date.

When challenged on the biased and perjured evidence of Maggie Smith Social worker Mr. Justice Coleridge said that he would not re-open social services enquiries and it would be extremely abusive of the children. He then said If the children have problems – then I'd try to discover more regarding the past... your daughter is an extremely pretty young lady. Do only ugly children need help?

He ignored my son's referrals to child and family guidance, for counselling and to a psychiatrist, his request for help on November 10th 2005 and my daughter's daytime wetting and urinary tract infections which are clear indicators of concern as well as the fact that they were lying in Court before him.

I have already mentioned that the Guardian's solicitor has already admitted in writing that Mr. Justice Coleridge did not hear from the other parties when I have the fundamental right to adversarial process as recognised in European jurisprudence.

A judge has no locus standi to raise the defence of fact for a party! He thus became the Defendant! And, he ceased to be a judge! In other words, he was, in law, a biased judge(See: Langborger v. Sweden (1990) 12 EHRR 416 at para 32). This is a blatant breach of article 6.1 HRA 1998.

Similarly it has also been admitted that I did proceed with my Application for disclosure contrary to the words in his judgement stating that I did not proceed. A further breach of article 6.1 especially when he just said I'm not ordering disclosure and refusing further argument.

A litigant is entitled to a reasoned decision in order to understand why he lost and in order to prepare an Appeal if necessary. I have been given no reasons.

Mr. Justice Coleridge was not acting independently or impartially.

The Courts are now a public Authority and cannot behave in such manner yet that is exactly what he did.

When a person claims that a public authority has acted (or proposes to act) in a way incompatible with a Convention right, and where that person is, or may be, a victim of such action, he may rely on Convention rights in existing court proceedings (s.7(1)(b)). I invoke those rights now.

It is a well-established principle of national law and Authority, in Lazarus Estates ltd v Beasley (1956) 1 All ER 341 Lord Denning: 'no judgement of a court, no order of a minister can be allowed to stand if it has been obtained by fraud – fraud unravels everything.' The Authorities, the Court have all acted fraudulently and unlawfully.

The hearing was a sham. In the case of Nideröst-Huber v. Switzerland ECtHRit is stated ;

24. **...**the concept of fair trial also implies in principle the right for the parties to a trial to have knowledge of and comment on all evidence adduced or observations filed (see the Lobo Machado v. Portugal and Vermeulen v. Belgium judgments of 20 February 1996, Reports 1996-I, p. 206, para. 31, and p. 234, para. 33, respectively).

I never received copies of the two bundles from the Guardian that are referred to in the judgement of Mr. Justice Coleridge.

I never received the skeleton argument of Charles Hale until half an hour before the hearing.

I never received the decision making material namely letters to and from the Guardian to the children's schools, and the GP requested well in advance of the hearing until I was leaving the hearing. Mr. Justice Coleridge refused to order that it be disclosed leaving it to the discretion of the Guardian.

In *O & Others 2005 EWCA 1759* LJ Wall stated in para 87 that 'In the same way that we have been critical of Judge Milligan and Judge Norrie for the manner in which they respectively treated Mr. O and Mr. Watson, we are equally critical of those members of the legal profession who do not obey the rules when dealing with litigants-in-person, and who do not extend to them the normal

courtesies they extend to professional opponents.

Under Civil Jurisdiction and Judgments Act 1982, Article 27

A judgment shall not be recognised (2) where it was given in default of appearance, if the defendant was not duly served with the document which instituted the proceedings or with an equivalent document in sufficient time to enable him to argue for his defence.

Guardian's decision making process

In Paragraph 29/30 he refers to written submissions from me. I never made any written submission for removal of the Guardian. He states there is not one scintilla of evidence to support or justify the Father's application. I don't think Mr. Justice Coleridge and I were at the same hearing. Nothing I said in Court, proved or argued is mentioned, although I gave a lucid and articulate presentation.

-

Section 91(14) orders are made at the conclusion and no evidence has been submitted to Court by the Guardian to the children suffering or to the alleged witnesses to this referred to in the Application.

She was given legal aid for a section 91(14) order on February 2nd 2006. She then applied for section 91(14) on 13th February prior to having received replies from the schools, GP or done any investigation etc etc.

When requesting disclosure of the Guardian's decision making process, Mr. Justice Coleridge stated – she can if she wants. Ignoring the role of a judge and the rights of the Applicant under article 6 and 8 HRA 1998.

When asked under what section of the Children's Act the written report is written he stated it was prepared by Guardian pursuant to appointment and as such to provide to the Court. I have the right to know if it is a section 7 or 37 report.

When asked for Mr. L to make statement on November 21st this was refused on the grounds that he would say the same as the mother, when revisiting the matter on March 29th 2006 he said 'If I think appropriate' Yet he had already reduced the hearing and I have the right to have the stepfather who is a party to the case, to justify his abuse of my children and then covering up after the event aiding the alienation.

Mr. Justice Coleridge ignored the signs and symptoms, the fact that my children have been taught to lie in Court and the evidence of Parental Alienation Syndrome and psychological abuse.

When questioning on how the Guardian knows that they are the children's real wishes and feelings she said ' I don't know – its part of my assessment skills.' I stated 'it doesn't sound very factual.' ' She replied that it is not a science.

When pointing out that the Guardian had already admitted she had not investigated alienation. Mr. Justice Coleridge stated 'She has given a view.' How can anyone give a view on a matter when they have not investigated. It beggars belief and would be ridiculed in an open Court.

Mr. Justice Coleridge said 'We have ample powers and the question is do we exercise them. I am not prepared even if thought helpful to allow a psychologist.'

On November 21st 2005 Mr. Justice Coleridge stated that he would be happy to hear from Dr. Lowenstein after meeting me with the children. Then he denies this right. His word is not to be believed. Clearly his word is to be taken with a pinch of salt.

When mentioning the relevance of daytime wetting Mr. Justice Coleridge stated that anything could be the cause and later that there is a whole range of possible explanations. Yet this is not true. Daytime wetting lasting over three months is indicative of emotional abuse. Is he really a Family Court High Court judge?

In this case it began in 1997 and is probably ongoing since the last reported UTI was on February 17th 2005.

When questioned on whether the words of the children were true the Guardian stated she the believed the children believed the words to be true and that it came from their hearts. Mr. Justice Coleridge then stated 'The question is whether it came from their hearts.'

In open Court the Public would sit with open mouths aghast. If the children are stating things that are untrue this needs to be investigated and is highly indicative of PAS.

The Guardian had not carried out any investigation and reported partially and even denied me the decision making process which Mr. Justice Coleridge refused to order her to release.

She had prejudged the situation applying for a section 91(14) order without further investigation than the children's words at the mother's house and one meeting on December 2nd 2005 after over five years of no contact for no good or proper reason by biased Judges and corrupt court reporters from CAFCASS and Local Authority social services.

The guardian had not investigated any further after a meeting with my children on December 2nd 2005 with the children except had a meal at a restaurant with the children. She then Applied for a section 91(14) order being given legal aid on February 2nd 2006 without any other investigation. She has blindly relied on the children's words and nothing else. She has relied on the children's untruths even when evidence exists that their words are untrue.

Mr. Justice Coleridge in defending her stated that she was obliged to follow the findings of HHJ Miligan and Mr. Justice Sumner, in which case the children's welfare has not been paramount. I have abundant evidence of bias and abuse of power by oth Mr. Justice Sumner and HHJ Milligan.

I refer the Court Re B Children's Act Proceedings issue estoppel [1997] 1 FLR 285 beginning Letter D page 295. Hale J:

> It seems to me that the weight of Court of Appeal Authority is against the existence of any strict rule of issue estoppel, which is binding upon any of the parties in Children's cases. At the same time the Court undoubtedly has discretion as to how the enquiry before it is to be conducted. This means that it may on occasions decline to allow a full hearing of the evidence on certain matters, even if the strict rules of issue estoppel would not cover them.
>
> There are no doubt many factors to be borne in mind, among them the following:
>
> > The Court will wish to balance the underlying considerations of public policy:
>
> that there is a public interest in an end to litigation. The resources of the courts and everyone involved in these proceedings are already severely stretched, and should not be employed in deciding the same matter twice, unless there is good reason to do so.
>
> That any delay in determining the outcome of the case is likely to be prejudicial to the welfare of the individual child: but
>
> that the welfare of any child is unlikely to be served by relying upon determination of fact, which turn out to be erroneous; and
>
> The court's discretion, like the rules of issue estoppel...must be applied, as to work justice and not injustice.

The priority is the children's welfare. The guardian's role is to represent them independently of both other parties and the stepfather yet did not do so.

Eric Pickles MP said : 'There is almost a process of Chinese whispers whereby that noble concept becomes bastardised onto an unwillingness to disclose, to justify, to listen to arguments, or even to see a need to explain decisions.'

He also stated that 'the Guardian is there to look after the interests of the children and to be impartial in the process.' Obviously he has not met Mr. Justice Coleridge who in his judgement stated that she is not there to be independent of parties.

Eric Pickles also said ' Although some Guardians may exist who are prepared to stand up to social services departments and act as bastions of freedom, they are very hard to find. Generally speaking Guardian's act as cheerleaders for social services departments. They are entirely compliant and seem incapable of doing much more than being a cheer leading section.'

The same applies to Alison Evans. She has aided and abetted the cover up for which reason I have sought her removal.

Guardian Ad-litem has not investigated the credibility of the mother and husband Mr. L.

Mr. L has not even provided a statement or response to the C1 and C1A served on both the mother and stepfather.

The Guardian admitted in her report paragraph 4.1 'I confirm that the many other issues raised by Mr O, relating mainly to past proceedings, domestic abuse and Mrs L' psychiatric history have not been addressed nor indeed investigated.' This obviously includes psychological and emotional issues and under oath she admitted that she had not investigated alienation. The whole matter has not been investigated at all.

The Guardian as with Mr. Justice Coleridge rely on fraudulent reports, judgements and untruths without examination even on paper of the issues. Therefore the welfare of the children has not been paramount as required by section 1 of the Children's Act 1989.

A Guardian Ad-litem/ Family Court advisor trained on convergence does not have the in-depth training and experience of a real Guardian Ad-litem and her actions to date have breached articles 6 and 8 HRA 1998.

The Guardian had not carried out sufficient investigation to protect the rights of the children, as is her role.

She solely relied on the children's words when she had not investigated the factual or truthful basis.

I submit that the Guardian has not been acting independently on behalf of the children but closed her eyes and ears acting on behalf of the mother.

She quotes the mother in her report for contact, when I have not even applied for contact and states that she has not had a meeting with any of the parties.

I have refused to meet her with my children and the solicitor to have the children tell me they don't want to see me and I have refused to discuss matters with the guardian's solicitor prior to Court hearings.

I would have welcomed being offered a meeting which the protection of a recorded meeting to discuss the facts of the case as they truly are and not as the Guardian wishes to present them. I would have welcomed an opportunity to show her the relevant facts and evidence before the Court, yet was given no such opportunity.

My complaint to the parliamentary Ombudsman covered this. Yet it was yet again refused on the grounds that the matter was up to the Judge sitting.

The Guardian's decision making process was fatally flawed. Her role is to represent the children independently of both parties.

She did not meet (allegedly) with the mother or father, yet she quotes the mother.

Her notes were not contemporaneous.

She did not investigate the facts of the case or the evidence before the Court on behalf of the children.

She relied on the biased Judgements of HHJ Milligan, Mr. Justice Sumner and the corrupt social worker Maggie Smith. yet she should have done a forensic examination to make sure that the behaviour of the Social Services dept and the Court served the children's welfare and their best interests.

She did not investigate why my son was having counselling.

She did not investigate my son's regular referrals to child and family guidance.

She did not investigate my son's referral to a psychiatrist.

She did not investigate the children's medical files.

She did not investigate social services file.

she did not speak to, meet or check up on potential witnesses.

She did not meet family members.

she did not investigate the children's words at the meeting with them when there is ample evidence of alienation. It is trite to say under oath that I believe the children believe that they are telling the truth.

She did not investigate the children's welfare other then repeat the words of alienated children.

She did not take any advice on the medical conditions such as urinary tract infections or daytime wetting.

She did not analyse the previous decision making process.

She did not investigate the missing Court file.

She did not investigate the mother's emotional and psychological history.

She ambushed the father with Dr. bentovim.

She ambushed the father with Charles hale skeleton argument.

She did not correct the fact that I never said that's the thing I am fighting for Justice.

She applied for a section 91(14) order before investigating the school and GP.

She asked limited questions of the school and GP after she had applied for a section 91(14) Application not beforehand.

Her notes were awful with seemed, presented, appeared, and I felt.

There was no separation of fact from fiction.

She has misled the Court with her chronology and statement of issues.

She has deliberately provided a misleading core bundle which has never been served on me, yet according to the Judgement there were two budnels before the Court!

She has not (allegedly) had meeting with the mother, the stepfather has not provided a statement yet reports glowingly on their care of the children when this has not been investigated.

She has not assessed psychological abuse or parental alienation (syndrome).

she has with-held from Court the fact that the mother is in contempt of Court and in breach of section 13 of the Children's Act 1989.

She did not check Gillick competence before sending the children to the solicitor after the initial meeting or since.

She admits that she never investigated any of my concerns or alienation. So what use was her report except to promulgate the wrong-doing.

The Guardian's role is to represent the children. To look into matters on their behalf and to investigate forensically.

She blindly accepts the Social services and CAFCASS previous involvement as being adequate to protect the children yet ignores the evidence of perjury, perversion of the course of justice, misfeasance and/ or malfeasance and bias.

She ignores alienation and evidence of concern for the children and the wrongdoing of the Family Justice System on their behalf.

Her report has been praised by Mr. Justice Coleridge yet he in his Judgement ignored the facts of the case as argued in Court, acted on behalf of the Guardian in giving defences and promulgated the situation.

Both children now hate the whole of the father's family on spurious grounds and have symptoms fully reminiscent of Parental Alienation Syndrome. Congratulations to CAFCASS.

It was by the simple act of writing a letter that I discovered why my son had been having counselling, that the missing Court file existed, that emails from me to FNF were in the Court file which should not have been and that a whole host of other matters were not as the Court had been informed in reports subject to the perjury Act of 1911.

The Guardian has stated on the phone to me that there is no evidence of alienation, and that she believed what the children were saying was true. This is appalling.

I did not know that the Guardian was meeting with the children on 29th November or before the meeting with their father on December 2nd 2005. The mother would certainly be aware. Yet another ruse to cook up some evidence against the father.

It is noted [1 H 50] children were anxious that they would be safe and that their father would not take them away. When they spoke of their father having a beard – this is another strange comment given that I removed the beard in 1996 and the main point they would have properly remembered was that until they last saw me I had long hair in a ponytail and was clean shaven. **Guardian admitted she did not see any such photos.**

The Guardian [1 H 50] told the children that the most important thing was for them to be totally honest with the judge and father. The Guardian noted [1 H 51 that she felt the children were speaking the truth.

Yet what transpired was solid prima facie evidence of Alienation. She has not even checked on the evidence before her. The Guardian clearly is here for the mother .

I preserved my position on why I agreed to that meeting in the fax 1 D 37]. When I saw the hostility in the children, I then asked questions to elicit responses in support of alienation, a matter raised previously in the Court but was ignored by HHJ Milligan refusing a family therapist, psychological expert input etc.

Nowhere before the Court was it ever argued that I manipulated the children by giving them a good time. If there is any objectivity in this Court it is obvious that the children are not thinking straight themselves. How can being a caring, sensitive parent and being child friendly possibly equate with manipulating them? Should I have abused them as the mother and stepfather have?

That would make an excellent media headline; 'father denied contact for six years with his children for giving them a good time.' Father fails to abuse his children. CAFCASS have run out of ideas so please fathers feel free to abuse your kids.

It is clear that in a complex case such as this with intermingled allegations of psychological abuse and Parental Alienation Syndrome, the symptoms in the children, their untrue words, the hatred to the whole of my family and the ongoing behavioural problems in my son that an expert child and adult psychologist trained in such matters would assist the Court.

Should Judges interview children?

Judges are not trained in child or adult psychology or analysing children's words. It is not their remit. CAFCASS have little training in this, as is evidenced in the manner in which the Guardian has approached this case. I have just received a letter from CAFCASS. I was hoping to have answers to the questions in advance of today's hearing but they are treating it as a request under the freedom of information act. I very much doubt that CAFCASS have policies or procedure on questioning children as is evidenced by this case. [Copy handed over to LJ Wall].

In F-K (A Child) 24 February 2005 **Neutral Citation Number: [2005] EWCA Civ 155**

> 135.…Mr. Horrocks accepted that a judge is entitled to depart from the evidence of an expert. However, he must give reasons for doing so. Furthermore, Mr. Horrocks acknowledged, a judge may decline to follow the combined evidence of a number of experts, so long as there is other available evidence upon which the judge may properly rely. Mr. Horrocks cited the decision of this court in ***Re B (Care: Expert Witness)*** [1996] 1 FLR 667, and the judgment of Ward LJ at p.670 C-E:

"The court invariably needs and invariably depends upon the help it receives from experts in this field. The court has no expertise of its own, other than legal expertise… By their special allocation to this work, they [i.e. Judges] acquire a body of knowledge which, strictly speaking, cannot be substituted for the evidence received, but which can be deployed to spot any weakness in the expert evidence. That is the judicial task. The expert advises, but the judge decides. The judge decides on the evidence. If there is nothing before the court, no facts or no circumstances shown to the court which throw doubt on the expert evidence, then, if that is all with which the court is left, the court must accept it. There is, however, no rule that the judge suspends judicial belief simply

because the evidence is given by an expert."

Mr. Horrocks also pointed out that in the same case Butler Sloss L.J.(as she then was) had said at p.674 F:

"Family judges deal with increasingly difficult child cases and are much assisted in their decision-making process by professionals from other disciplines: medical, wider mental health and social work among others. The courts pay particular attention to the valuable contribution from paediatricians and child psychiatrists as well as others, but it is important to remember that the decision is that of the judge and not of the professional expert. Judges are well accustomed to assessing the conflicting evidence of experts. As Ward, LJ said, Judges are not expected to suspend judicial belief simply because the evidence is given by an expert. An expert is not in any special position and there is no presumption of belief in a doctor however distinguished he or she may be. It is, however, necessary for a Judge to give reasons for disagreeing with experts' conclusions or recommendations."

Judge Allweis giving evidence to the Select Committee enquiry on CAFCASS on 8th April 2003, stated in paragraph 76; 'How the voice of the child is heard is actually quite a complex matter. There are some who say that the child should come and speak to the Judge; I have my skills – such as they may be- but I am not necessarily skilled as interviewing children to ascertain their wishes and feelings.'

Mr. Justice Coleridge is not a child or adult psychologist. His decision to see the children with me was protected by his words on November 21st 2005 when he said that he would hear from Dr. Lowenstein after the meeting with the children. It appears that the words of even a High Court Judge are worthless.

The training and education on Parental Alienation or I should say PAS is lacking in UK State Authorities.

Sir Mark Potter stated on 2nd May 2006 whilst giving evidence to the Select Committee that the work of CAFCASS is absolutely essential to the successful operation of the Family Justice System.

During that meeting Keith Vaz stated to Sir Mark Potter 'you are finding excuses for Politicians which you are not supposed to do as a judge.'

In this case Mr. Justice Coleridge found excuses on behalf of the Guardian from CAFCASS, which he neither should he do so.

Even though I took Mr. Justice Coleridge through an analysis of the children's words showing where their memories had changed, they had memory blanks, the hostility had extended to all the fathers family, where the memories had been altered and the admittals of the lies by the mother and stepfather, he decided to ignore the issues in his judgement and in Court paid lip service.

All that the Court and CAFCASS have done is to repeat the children's words without one iota of thought behind it. My daughter was punished severely in the past by the mother for disclosing the abuse of her brother, yet no assessment or investigation has been carried out into the matter.

The interviews with the children took place at the mother's house. This was true for the meetings on August 25th 05, November 10th, November 29th, 21st December 05 [then going to restaurant], and 15th February 06. Both the meetings with the Solicitor which should not have taken place were also at the mother's house.

In Re N Ward L.J. expressed agreement with a passage in the judgment of Wall J in Re and B (Minors) (No.1) (Investigation of Alleged Abuse) [1995] 3 F.C.R. 389,409:

> "From a forensic view point para. 12.35 of the [Report of the Inquiry into Child Abuse in Cleveland (1987) (Cm 412) the unsuitability of having a parent present at an interview] remains a correct statement of the proper practice, particularly in a case where the only evidence of abuse up to the date of the first interview was what the mother has said the child has said to her. Quite apart from any pressure which the mother's presence may place on the child, the golden rule is that each interview is to be approached with an open mind: such a rule is in my view immediately broken if the mother is present at the interview".

Attention is also drawn to the words of Morritt L.J. In Re F.S. (Minors) (Care Proceedings) [1996] 1 F.C.R. 667, 676-677:

> "The use of child psychiatrists is obviously of the greatest assistance to the court in many cases. In some instances that will extend to pointing out features of the child's evidence which tend either to support or undermine its credibility. But it is usurping the function of the judge to give an opinion directly on whether the man did that of which he is accused. In this case three of the experts stated their respective beliefs that the father had sexually abused N in the way of which she complained, not because of the results of medical examination, but because they believed what she said in the video interview. Not only was such evidence inadmissible, it was capable of being highly prejudicial. Though judges are often required to put out of their mind inadmissible and prejudicial matters they are entitled to expect the parties and their representatives to use care to see that they are not faced with it in the first place. Moreover, not only may the wrongful admission of such evidence cause problems for the judge, it is also susceptible to giving the accused person the impression that he is being tried by the experts and not the judge".

All the Guardian could do in Court was to say 'I believe that the children believe what they are saying is true.' and then this was followed by Mr. Justice Coleridge stating 'All that matters is does it come from their hearts.' This is trite.

The Judicial studies board advises against Judges hearing children. The role of interviewing children is that of the Guardian not the Solicitor or the Court. It is not to be missed that the Guardian and Solicitor have refused to show the children any of the paper before the Court or to correct their impressions.

It is noted in ***Elholz v Germany*** (13th July 2000) that

> "*a fair balance must be struck between the interests of the child and those of the parent (see e.g.* ***Olsson v Sweden No 2*** *(27 November 1992) and that in doing so particular importance must be attached to the best interests of the child which, depending on their nature and seriousness, may override those of the parent. In particular the parent cannot be entitled under Article 8 of the Convention to have such measures taken as would harm the child's health and development (see* ***Johansen v Norway*** *para. 78)".* This principle must apply *a fortiori* to Article 6.

In ***T. v U.K.*** (16 December 1999) and ***V. v U.K***. (16 December 1999), cases concerning murder charges against very young children, the Court noted that Article 6 , read as a whole guarantees the right of an accused to participate effectively in the trial. The Court noted

> "*The formality and ritual of the Crown Court must at times have seemed incomprehensible and intimidating for a child of eleven … the applicant states that he was unable to follow the trial or take decisions in his own best interests."* (para. 86, ***T. v U.K***.)

> Importantly the Court added "… *the Court does not consider that it was sufficient for the purpose of Article 6(1) that the applicant was represented by skilled and experienced lawyers*." (para.88, ***T. v U.K***.).

In Niemietz v Germany10 the Strasbourg Court indicated that private life includes at least two elements. The first is the notion of "an "inner circle" in which the individual may live his own personal life as he chooses"; the second is "the right to establish and develop relationships with other human beings". The Court developed this in Botta v Italy- What the Court said was this: "Private life, in the court's view, includes a person's physical and psychological integrity; the guarantee afforded by Article 8 of the Convention is primarily intended to ensure the development, without outside interference, of the personality of each individual in his relations with other human

beings." This has been elaborated by the Court in further cases12 where it was pointed out that: 10 (1993) 16 EHRR 97 at para [29]. 11 (1998) 26 EHRR 241 at para [32]. 12 Bensaid v United Kingdom (2001) 33 EHRR 205 at para [47], Pretty v United Kingdom (2002) 35 EHRR 1, [2002] 2 FLR 45, at para [61].

‘‘Article 8 … protects a right to personal development, and the right to establish and develop relationships with other human beings and the outside world." In Pretty v United Kingdom the Court stressed that: "The very essence of the Convention is respect for human dignity and human freedom." It follows from this, that included in the private life respect for which is guaranteed by Article 8, and embraced in the "physical and psychological integrity" protected by Article 8, is the right to participate in the life of the community and to have access to an appropriate range of social, recreational and cultural activities. The Strasbourg jurisprudence recognises that the ability to lead one's own personal life as one chooses, the ability to develop one's personality, indeed one's very psychological and moral integrity, are dependant upon being able to interact and develop relationships with other human beings and with the world at large.

While the essential object of Article 8 is to protect the individual against arbitrary interference by the public authorities, it does not merely compel the State to abstain from such interference: in addition to this negative undertaking, there may be positive obligations inherent in effective respect for private or family life.

Central to one's psychological and moral integrity, to one's feelings of self–worth, is the knowledge of one's childhood, development and history. So amongst the rights protected by Article 8, is the right, as a human being, to share with others – and, if one so chooses, with the world at large – one's own story, the story of one's childhood, development and history."

In Gaskin v UK 1989 (Series A no 159 p16 §39) the Court (ECtHR) found that it was the State's positive obligation in seeing that the child's right to establish details of his/her family heritage is not denied.

The importance of maintaining contacts between parents and children who had been taken into public care was underlined in *Scozzari and Giunta v Italy* 13 July 2000 (applications no 39221/98 and 41963/98). The Court said that a measure as radical as the total severance of contact can be justified only in exceptional circumstances (*B v UK* series A no 121 para 77).

An often invoked argument from Governments is that the parents do not co-operate with the authorities. This does not however dispense the authorities from making serious efforts to facilitate the contact between the child and the parent.

Yet in this case my children have been abused by the mother and stepfather, put in their sole care, the father denied all contact and as a result the children have not been able to tell fact from fiction, truth from falsity and unless an expert independent and impartial child psychologist is brought in the children will not have their psychological integrity respected, their voice heard or their medium and long term best interests respected.

All that the Court and the Guardian are doing is using PAS in reverse to justify mother custody with a known violent and abusive mother and the Court justifying the lies by my children on absurdities.

PAS or Parental alienation of the form in this case is a very severe form of emotional abuse. It will have a long term impact on the children's development psychologically and affect how they behave themselves as parents and in relationships.

The alienation was so severe I could not return to the classroom and gave up teaching. The shock to see my own children lying in the Jury room was beyond me. What sort of person could do that to their children and what system ignores the evidence before them?

I had raised the Alienation and psychological abuse in 2000 and also in my statement for September 23rd 1998. The only response from the State after the event is to admit In volume five, section L page 7A it is clearly stated that 'the outcome of investigations and assessments carried out by Social Services did not indicate the need to invoke Court proceedings that would in turn have led to a much more detailed assessment i.e. a comprehensive assessment.' That form of assessment is more in-depth and takes a wider view of all significant factors including if necessary parental Alienation or psychological abuse.'

Yet the Social worker Maggie Smith stated in her report and under oath that she had carried out a comprehensive assessment.

The Guardian admitted under oath that she had not investigated Alienation. In her report in Paragraph 4.1 she stated

> 'As directed by the Court, the issues including the removal of the Children's Guardian; the appointment of a psychologist; contact and an application for a bar on Mr O making further applications, without leave of the Court, are addressed within this report.
>
> I confirm that the many other issues raised by Mr O, relating mainly to past proceedings, domestic abuse and Mrs L' psychiatric history have not been addressed nor indeed investigated.

Parental alienation Syndrome exists even if this Court denies it exists. It is not sufficient for the Court to act Ostrich like and to hide behind the fact as children's welfare is being destroyed. Already in the UK we have the greatest amount of teenage pregnancies which is directly related to fatherlessness, the worst ever mental health of teenagers, increasing teenage delinquency, rape, drug and alcohol abuse, self harming and poor behaviour in the countries schools. Is someone trying to destroy the fabric of a civilised society?

I was informed that Charles Hale had drawn up the order. The order is erroneous.

My McKenzie friend's name was Mr. Bannon not Banner.

The Court and all parties were fully aware that I had Appeal number B4/2006/0522 outstanding.

I did not leave before final submissions. I had put three Applications to Court for removal of the Guardian, appointment of child psychologist and disclosure**.** All three Applications were refused without reasons and without hearing from any other party.

I do not need permission from Mr. Justice Coleridge to Appeal and all knew that I was going to Appeal the refusals.

There was no Application before the Court of to disclose transcript and order to Hampshire Social Services dept, the children's school, my son's ex-school and the GP.

The section 91(14) order is to last to October 8th 2009 which is my son's 16th birthday but my daughter would be 18 on 25th August and the Court has no jurisdiction once she is 18, Thank God.

I requested a stay on the order well in advance of this hearing, yet the judgement and order have been sent to the children's schools, GP and Hampshire corrupt social services department already, I require an order that he bodies destroy copies pending hearing of the Appeal.

The GP now refuses to respond further, my children's school refuses via the Chair of governors to address the unlawful change of my children's surname and by virtue of the order, I am stopped from suing the bodies for their unlawful and criminal acts, denied any information on my children and treated worse than a child abuser, which was the mother and not me.

I cannot Appeal the section 91(14) order as the whole point of the two Appeals is that I have not been permitted a fair hearing in either the decision making process or the manner in which Mr. Justice Coleridge or the Guardian and her entourage have addressed matters and justice to the

children requires psychological input for the benefit of the children's medium and long-term best interests.

A section 91(14) order requires cogent evidence. The Guardian provided none.

The Guardian has acted to continue the cover up and her sole investigation was to repeat whatever the children said at the mother's house.

The Guardian herself has not carried out investigation on behalf of the children.

She quite happily admitted she has not investigated my concerns in her report, the abuse of the children through alienation or psychological abuse, the failures of the State bodies on behalf of the children or even the alienation prevalent from the meeting on December 2nd 2005.

She repeats the words of alienated children verbatim regardless of whether they are true or not simply stating 'I believe that the children believe their words are true' parroted by Mr. Justice Coleridge who said 'it only matters if it comes from the children's hearts.'

I CANNOT ARGUE ON the SECTION 91(14) ORDER GIVEN WITHOUT the Appeal being heard for the Guardian's removal, appointment of psychological expert and disclosure and I would remind the Court that contrary to the words in the Judgement I did pursue my Application for disclosure but it was refused without reason by Mr. Justice Coleridge, not as he states that I did not pursue it and no parties were heard contrary to the right to adversarial proceedings. Mr. Justice Coleridge's judgement does not resemble the hearing I was present at and he has shown clear bias.

In Re S [2004] 1 FLR 1279 at paragraph 46 it is stated 'Whatever the difficulties, however scant the prospects of success, the Courts must not relent in pursuit of what had been a natural relationship between father and daughter, absent compelling evidence that the welfare of the child requires respite.''

Yet none of the welfare concerns for the children: emotional and psychological have been investigated to-date and the Guardian had done no investigation or had even received the responses from the schools or GP. My son's behaviour was allegedly improving at school, my son stated that he was getting better although on November 10th 2005 he requested help for his behavioural problems which the Guardian never investigated namely and unsurprisingly lack of confidence and low self esteem.

Whilst the GP had no concerns but he provided a partial and incomplete report and the Guardian did not inform him of the facts of the case. Neither had the Guardian carried out any investigation in

order to further cover up. Despite being told that there was no other contact with the GP I have just received a letter refusing copy of the communications between GP and Guardian on legal advice.

I refer the Court to Re M 21st June 2005 another Appeal against the learned Judge HHJ Milligan:

> para 26 True it is that these are children whose views ordinarily carry great weight but we have to bear in mind not only their age but also their understanding. Their understanding in this case is corrupted by the malignancy of the views, with which they been force fed over many years of their life.
>
> Para 41 In my view the judge was plainly wrong in making the order that he did. He should have transferred the seemingly intractable dispute to the High Court and directed a psychiatric or psychological assessment from an expert experienced in dealing with families with children with problems of this kind. Where as, in this case the Court has the picture that a parent is seeking, without good reason, to eliminate the other parent from the child, or children's lives, the Court should not stand by and take no positive action. Justice to the children and the deprived parent, in this case the mother, require the Court to leave no stone unturned that might resolve the situation and prevent long term harm to the children.

In Re C (a child) 16th February 2005;

> paragraph 27: In my view where there is an Application of this kind by a devoted and deserving parent, of whose conduct no reasonable criticism can be made, and the child concerned evinces dislike or distrust of the parent for no explicable reason other than it is a by product of a psychiatric disorder present in the child, it must, in principle, be wrong for the judge to proceed to make an order, the effect of which is to cut off contact with that parent, without first obtaining the guidance of an expert in the effects of that disorder with a view to obtaining advice on the best way of persuading the child to resume a relationship with that parent.
>
> Paragraph 37 I would set aside the order of the Judge dismissing the Application and make the following directions for its disposal, namely that being staisfied pursuant to 5.2 of the President's direction there is a special reason for the appointment of a Guardian other than a CAFCASS Officer....Paragraph 40 I am satisfied that ..the CAFCASS reporting officer, has reached the limit of what he can achieve with R, and that further intervention by CAFCASS might well prove counterproductive.

K (children) [2005 EWCA Civ 1094 21st July 2005 LJ Wall stated This is one of those most unfortunate cases where there is an extremely long history of involvement by the Courts, and where, at the end of that process, the Court has failed to arrange contact between a father and his children (para 2), the gravity of the outcome, both for the children and for Mr. K, and the

circumstances in which the children have come to be alienated from him both seem to me to be factors which entitle Mr K to address the full Court on an Application for permission to Appeal with Appeal to follow (para 4).

I therefore request permission to Appeal the orders of Mr Justice Coleridge of February 22nd 2006 of the Courts own motion and of March 29th 2006 flowing from that order and a stay of the order dated 31st March 2006 with the bodies already in receipt of the order and judgement namely the children's school, the GP, Hampshire social services all be ordered to destroy their copies and to disclose any other individuals, or other bodies in receipt to do likewise.