



Intractable Contact Dispute Quiz - Answers

1) **Family law cases which appear to involve, or have the potential to involve, intractable opposition to contact should be heard by...**

- a. Magistrates or a District Judge.
- b. A District or Circuit Judge (or in particularly complex cases, in the High Court)

Answer **(b)** - refer to the Schedule to the Allocation and Gatekeeping Guidance - Private Law [April 2014] - Part 2

2) **Depending on circumstances, the decision to award no contact may be subject to appeal and the decision may be overturned if...**

- a. The court failed to consider alternative options to the cessation of contact or limiting contact to indirect contact only.
- b. Contact was not detrimental to the child's welfare.
- c. The judge afforded excessive weight to short-term or transient problems.
- d. The judge failed to take the necessary steps which could reasonable be expected to promote contact.
- e. Any of the failings listed above apply to the judgment or to case management.

Answer **(e)** - refer to the guidance of Sir James Munby in *C (A Child) (Suspension of Contact)* [2011] EWCA Civ 521.

3) **Parental alienation, meaning the unreasonable influencing of children's wishes, is not recognised by the court as a potential factor in family law disputes.**

- a. True
- b. False

Answer **(b)** - while parental alienation is not considered to be a psychological syndrome, as seen in the case *H (Children)* [2014] EWCA Civ 733 the court can deem alienation to not only be prevalent (depending on the case circumstances), but exceptionally harmful to the child.



4) One option available to the court, where a child is so alienated they refuse to see a parent, is to place the child in temporary foster care to remove them from the alienating parent's influence. Is this...

- a. True.
- b. False.

Answer (a) - this approach has been taken in several published cases, including W (A Child) [2014] EWCA Civ 772 and K (Children) [2014] EWCA Civ 1195.

5) If an order for contact has been made and broken, the parent wishing to apply for enforcement needs to complete which application form?

- a. The C100 Form
- b. The C1 Form
- c. The C69 Form

Answer (c) - The C69 is the correct form to use for applications for the enforcement of contact and/or child arrangements orders (which replaced contact orders).

6) The court can appoint a Guardian-ad-Litem to represent a child's best interests in proceedings where...

- a. There is an intractable dispute over residence or contact.
- b. The views and wishes of the child cannot be adequately met by a report to the court.
- c. An older child is opposing a proposed course of action.
- d. There are complex medical or mental health issues to be determined or there are other unusually complex issues that necessitate separate representation of the child.
- e. The child has a standpoint or interest which is inconsistent with or incapable of being represented by any of the adult parties.
- f. In any of the above circumstances.

Answer (f) - Section 7 of Practice Direction 16A governing the Representation of Children sets out the circumstances where the court should consider ordering that the child be made a party to proceedings.



7) Where cases involve an intractable element, and/or where alienation is present and deemed unreasonable, the court has the power to direct which of the following?

- a. Warning or Penal Notices to be attached to an order, setting out the penalty which a parent might face if they fail to comply with an order.
- b. That parents undertake a Parenting Information Programmes (courses to focus parents on appropriate parenting).
- c. Orders which punish non-compliance (including community service, fines and imprisonment).
- d. That the parents (and/or child) undergo therapy/counselling.
- e. Suspension of residence (or 'living arrangements' within the confines of a child arrangements order) as a stark warning to the alienating parent.
- f. Reversal of residence (or 'living arrangements' within the confines of a child arrangements order) to remove the child from abuse.
- g. Temporary Care Orders to assist in the transfer of residence where the child has become alienated and an immediate transfer of residence is not possible.
- h. Family Assistance Orders – whereby a welfare officer will assist the family for a period of up to 12 months.
- i. Supervision Orders – if the child is identified as being risk of harm through emotional/psychological abuse.
- j. Specific Issue Orders – in respect of such things as the child attending therapy.
- k. Prohibitive Steps Orders – limiting the alienating parents' role in aspects of the child's life where their involvement may be harmful or perpetuate alienation.
- l. Any of the above, depending on the circumstances.

Answer (l) - These approaches are examples of decisions made by the court in cases involving alienation or intractable contact disputes. See our case law libraries on our Family Law App.

8) In cases involving an alienated child, it is essential that the court has the benefit of professional evidence from an expert who has personal experience of working with alienated children. Is this...

- a. True
- b. False

Answer (a) - This principle is made clear in judgments including S (A Child - Transfer of Residence) and T (Children) [2014] EWHC 2164 (Fam)



9) Section 1(3) of the Children Act 1989 (the Welfare Checklist) includes the requirement that the court must consider a child's...

- a. Expressed wishes and feelings.
- b. Ascertainable wishes and feelings.

Answer **(b)** – *The court must consider whether the child's wishes and feelings are rational, have been unreasonably influenced, or are genuinely and reasonably held. Such matters are explored in TE v SH and S [2010] EWHC 192 and H (Children) [2014] EWCA Civ 733. In essence, wishes and feelings must not simply be taken at face value.*

10) How quickly should enforcement hearings be listed, following an application for enforcement having been made?

- a. Within 7 days.
- b. Within 20 days.
- c. Within 2 months.

Answer **(b)** – *Enforcement hearings should be listed within 20 working days of your application, and ideally before the judge who made the order being enforced. These guidelines were set out in the Child Arrangements Programme Practice Directions (PD12b at paragraph 21.2).*

Further Reading

Topics covered in this quiz are covered by the following guides and libraries on [The Custody Minefield](#) FREE app:

- Child Arrangements and Contact Enforcement (see our Crisis Menu on the App)
- Parental Alienation (see our Crisis Menu on the App)
- Parental Alienation Case Law (see our Case Law Menu)
- Indirect and Suspension of Residence Case Law (see our Case Law Menu)
- Reversal of Residence Case Law (see our Case Law Menu)