



## **Intractable Contact Disputes: Proposals for the President**

### **1) Practice Direction – Alienation:**

The following proposals have been made to Sir James Munby, President of the Family Division by our charity in partnership with our sister charity FNF and with the initial guidance of Michael Robinson of the Custody Minefield.

We are awaiting a response to these proposals.

A new practice direction (PD) specific to cases where children's expressed wishes and feeling suggest their opposition to contact. The PD to set out a strategy for case management which draws together best practice handed down by the upper courts. This to include:

- a) existing case guidance regarding case allocation, judicial continuity and timetabling;
- b) the various powers available to the court under s.1(3)(g) drawn from both statute and common law;
- c) the role and relevance of the guardian-ad-litem in intractable cases;
- d) the need for early welfare investigation;
- e) the role and applicability of expert evidence;
- f) guidance that the court should consider the child's ascertainable wishes and feelings rather than taking expressed wishes at face value.