

Parental alienation and intractable contact disputes: an update

Update for Family Law Week

1st June 2012

Barristers

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Henry Clayton of 4 Paper Buildings summarizes the recent authorities in parental alienation and intractable contact cases, in light of the recent decision of Hedley J in *Re E*

Intractable, difficult, complex - "whatever term is used for the sort of case when a child is resisting contact without objective justification" - these are the hardest private law children cases to resolve. They often take a long time. They almost always result in considerable distress, whether that is for the child forced to do something they do not want to do, or the parent who regretfully abandons their quest for contact.

Of all the areas of family law, this is one of those where decisions made at a preliminary and interim stage of the litigation are the most crucial. When should assessments be sought? When should an application for interim contact be made? When is it appropriate to consider enforcement measures, including more draconian steps such as committal and transfer of residence? There is no correct formula which will solve every such case; however, guidelines can be given, such as those recently handed down by Mr Justice Hedley in *Re E (A Child)* [2011] EWHC 3521 (Fam).

This article sets out to discuss the considerations practitioners are likely to face when encountering cases of this kind.

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Family Law Week