

Re C (Child Arrangements Orders; Domestic Abuse; Child Focused Court)

[2026] EWCA Civ 1216

**Before:
SIR STEPHEN COBB
PRESIDENT OF THE FAMILY DIVISION
LORD JUSTICE MOYLAN
and
LORD JUSTICE ZACAROLI**

Judgment handed down: 29 September 2026

PRESS SUMMARY

NOTE: This summary is provided to assist in understanding the court's decision. It does not form part of the reasons for the decision. The full judgment of the court is the only authoritative document. Judgments are public documents and are available at: <https://www.judiciary.uk/judgments/>.

References in square brackets are to numbered paragraphs of the judgment

1. The judgment of the Court of Appeal in *Re C (Child Arrangements Orders; Domestic Abuse; Child Focused Court)* [2026] EWCA Civ 1216 (Sir Stephen Cobb P, Moylan and Zacaroli LJJ), handed down on 29 September 2026, concerns child arrangements for four children whose parents separated following a relationship marked by domestic abuse.
2. The appeal raised important issues about the operation of the Family Court's new Child Focused Court ("CFC") model for determining private law children cases, particularly where domestic abuse issues are raised ([2]).
3. The appeal arose from orders made by the Family Court in April 2026 (the summary of the orders is at [4]). The trial judge ordered that the children should live with their mother and have limited supervised direct contact with their father. The judge also refused applications seeking to prevent any direct contact between the father and the children, to restrict the father's parental responsibility, and to make a non-molestation order. In addition, the judge made an order under section 91(14) of the Children Act 1989 restricting both parents from making further applications without the court's permission for a period of one year.
4. The mother appealed.

5. The Court of Appeal dismissed the mother's appeal against the contact arrangements and the other welfare decisions made by the Family Court. In his judgment (with whom both other members of the court agreed), Sir Stephen Cobb, President of the Family Division, emphasised the profound impact which domestic abuse can have on children and family life; the judgment opens by observing that Family Court judges are regularly required to make decisions about children whose lives and relationships have been “shaped, and sometimes deeply scarred, by domestic abuse” ([1]).
6. The Court of Appeal concluded that the trial judge had been fully aware of the father's admitted history of serious domestic abuse (see, for example, [53] / [81] / [87] / [95] / [104]) and had carefully considered the requirements of Practice Direction 12J FPR 2010, which governs cases involving domestic abuse (see, for example, [16] / [18] / [32] / [38] / [45] / [91]); it held that the judge was entitled to conclude that limited supervised contact remained in the children's best interests ([93]).
7. In doing so, the Court stressed a number of broader principles relevant to cases being determined under the Child Focused Court model:
 - The introduction of the Child Focused Court model has changed procedure and culture, but has not changed the substantive law. The welfare of the child remains paramount and Practice Direction 12J continues to apply in full ([15] / [20] / [21] / [44] / [45]). The CFC model is intentionally less adversarial, more investigative and more closely focused on the lived experience of children and victim-survivors of domestic abuse ([44]).
 - Not every allegation of domestic abuse requires a fact-finding hearing. The key question remains whether findings are necessary to provide a proper basis for assessing risk and determining the child's welfare ([26] / [45] / [46]).
 - The Family Court must continue to recognise and properly analyse domestic abuse, including coercive and controlling behaviour ([48] / [91]), while also exercising robust case management and ensuring that proceedings remain fair and proportionate ([27] / [29] / [47] / [110]).
 - The more investigative nature of the Child Focused Court model does not diminish the requirement for procedural fairness ([47]).
8. The Court of Appeal allowed the appeal in one limited respect. It concluded that the judge had been wrong to make a section 91(14) order against the mother. While a period of respite from litigation was desirable, the Court held that the judge had not identified a sufficient basis for restricting the mother's future access to the court ([129]-[134]). The order will therefore continue to apply only to the father.
9. The judgment is the first Court of Appeal decision to consider the Child Focused Court model and provides guidance on the continuing application of domestic abuse principles, including Practice Direction 12J, within that framework.
10. The appeal was therefore allowed only in relation to the section 91(14) order made against the mother ([135]) and was otherwise dismissed.