

CSA v TA and others

[2026] EWHC 756 (Fam)

Court: Family Court

Judgment Date: 08/02/2026

Catchwords & Digest

FAMILY PROCEEDINGS ~ ORDERS IN FAMILY PROCEEDINGS ~ APPLICATION FOR RELOCATION OF CHILDREN.

Key Legal Findings

The Family Court refused the father's application to relocate three children to the Kingdom of Saudi Arabia and granted the mother's application for a section 91(14) order. The court held that the children should remain living with their mother in the United Kingdom, with the existing contact arrangements with their father continuing, save for an increase in summer holiday contact from 21 to 28 days. The court found that both parents had contributed to ongoing parental conflict which was causing significant emotional harm to all three children, particularly the eldest child who had experienced suicidal ideation and required CAMHS intervention. The court rejected the father's contention that there was no parental conflict, finding instead that both parents were unable to communicate effectively and consistently involved the children in their disputes. The court held that the proposed relocation would constitute an enormous change involving a move from the children's primary attachment figure, a different educational system, and loss of local authority support under the current Child in Need plan. The court assessed the risk of abduction to Saudi Arabia as low but noted the significant consequences if breach occurred, given Saudi Arabia is not a Hague Convention signatory. The court permitted travel to Saudi Arabia subject to a £10,000 bond. A section 91(14) order was made preventing further applications without leave until each child reaches age 16, to protect them from further litigation and conflict.

Material Facts

- The parents married in 2009 and had three children. The family initially lived in Country X before the mother moved to the United Kingdom in 2015 with the two eldest children. The youngest child was born in the UK.
- The parents separated in 2019 and the father issued proceedings seeking contact and relocation to Country X. A fact-finding hearing in 2021 found the father had initiated sexual intercourse when the mother was asleep and had not consented, but also found some controlling behaviour by the mother.
- In January 2022, Recorder Sharpe KC ordered the children to live with their mother with staying contact to the father in the UK and Country X. The father's relocation application to Country X was refused.
- In 2022-2023, the father made a second application for change of residence and relocation to Country X. Recorder Sharpe KC refused this application in March 2023, finding both parents were more concerned with their own agendas than the children's emotional needs. A section 91(14) order for two years was made.
- The father subsequently moved to Saudi Arabia for work. In November 2024, the eldest child presented at hospital with suicidal ideation linked to parental separation and fears of relocating to Saudi Arabia.

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- In June 2025, following allegations of sexual assault at school, the father retained the eldest child. The mother obtained an ex parte order for the child's return and suspension of contact.
- The matter came before the court with the father seeking relocation to Saudi Arabia and the mother seeking a section 91(14) order. A social worker's section 7 report recommended the children remain with their mother with increased holiday contact with their father. All three children were subject to a Child in Need plan due to the impact of parental conflict.

The Law

- Section 1 Children Act 1989: the child's welfare is the paramount consideration with reference to the welfare checklist at section 1(3)
- Section 1(2A) Children Act 1989: heightened scrutiny of proposals interfering with parent-child relationships
- Section 91(14) Children Act 1989: preventing applications without leave of the court
- Re F (A Child) (International Relocation Case) [2015] EWCA Civ 882: framework for relocation applications requiring holistic comparative evaluation
- Re C (A Child) [2019] EWHC 131 (Fam): summary of approach to international relocation
- Re A (Prohibited Steps Order) [2014] 1 FLR 643: assessment of risk and safeguards for travel to non-Hague Convention countries
- Practice Direction 12Q Family Procedure Rules: use of section 91(14) as filter determined by children's interests

Submissions Of The Parties

- The father applied to remove all three children to the Kingdom of Saudi Arabia to reside with him there. He contended there was no parental conflict but rather a reasonable parent reporting concerns and an unreasonable parent refusing to act on them. He submitted the children's most recent wishes were to live with him and this should carry significant weight given the eldest child's age.
- The mother opposed the relocation application. She applied for a section 91(14) order to prevent further applications. The mother's position was that the father had tried to control the family through allegations and complaints in pursuit of his desire to move the children to Saudi Arabia. She initially sought orders preventing all contact and revoking the father's parental responsibility but withdrew these applications following reflection on the social worker's report.
- The guardian opposed the relocation application and supported the social worker's recommendations that the children remain living with their mother with structured, consistent and meaningful contact with their father.

Court Rationale

- The court applied the welfare checklist under section 1(3) Children Act 1989 and the framework from Re F for international relocation cases, conducting a holistic comparative evaluation of each parent's proposals.
- Regarding the children's wishes and feelings, the court accepted the social worker's analysis that the children felt deeply conflicted and wanted relationships with both parents unfettered by conflict. The court found the children's fluctuating views between September and November 2025 reflected loyalty conflicts rather than settled wishes, and they lacked full understanding of what life with their father in Saudi Arabia would entail.
- The court found both parents had significant strengths but both had acted poorly and contributed to ongoing conflict. The father continued to pursue a 'litany of complaints' against the mother in

disproportionate ways. The mother had overreacted by seeking to stop contact and remove parental responsibility. The court rejected the father's contention that there was no parental conflict, finding clear evidence in communications that both parents could not communicate without descending into argument.

- On the likely effect of change, the court found the proposed relocation would constitute an enormous change involving a move from the children's primary attachment figure. The court noted the Independent Social Worker's 2023 assessment that such a move would be a 'deeply damaging event' particularly in the context of parental conflict, and found this remained applicable.
- The court found the children needed their parents to undertake co-parenting work and required access to local authority support under the Child in Need plan, which would fall away if they moved to Saudi Arabia. This would be deeply detrimental to their welfare given the local authority had stated it would consider issuing proceedings if there was no significant change within six months.
- Regarding travel to Saudi Arabia, the court applied Re A (Prohibited Steps Order) and assessed the risk of abduction as low, noting the father had always accepted and respected the jurisdiction of the court. However, the court noted the significant consequences if breach occurred given the expert evidence that enforcement in Saudi Arabia would require fresh proceedings under Saudi law with no guarantee of success.
- The court found a section 91(14) order was necessary and proportionate to protect the children from further litigation until each reached age 16, when their views would be determinative.

The Decision

The court refused the father's application to relocate the children to the Kingdom of Saudi Arabia. The children were to remain living with their mother in the United Kingdom. The existing contact arrangements were to continue save that summer holiday contact was increased from half the summer holidays or 21 days (whichever is longest) to half the summer holidays or 28 days (whichever is longest). The father was permitted to take the children to Saudi Arabia subject to depositing £10,000 with his solicitors. The court made a section 91(14) order preventing either parent from making further applications without leave until each child reaches age 16. The court directed that communications revert to Our Family Wizard and recorded both parents' agreement to work with the local authority on co-parenting under the Child in Need plan.

Cases considered by this case

Re C (a child)

29/01/2019
FamD

[2019] EWHC 131 (Fam), [2019] 2 FLR 137, [2019] All ER (D) 154 (Jan)

Considered

F (A child) (International relocation: welfare analysis), Re

06/08/2015
CACivD

[2015] EWCA Civ 882, [2017] 1 FLR 979, [2016] 2 FCR 368, [2015] All ER (D) 90 (Aug)

Considered

Y (Children) (Removal from jurisdiction: failure to

28/08/2014
CACivD

consider family segmentation), Re

[2014] EWCA Civ 1287, [2015] 1 FLR 1350, [2014] 3 FCR 483, [2014] All ER (D) 163
(Oct)

Considered

R (a child) (prohibited steps order), Re

06/09/2013
CACivD

[2013] EWCA Civ 1115, [2014] 1 FLR 643, [2014] 1 FCR 113, [2013] All ER (D) 64 (Sep)

Considered
