

Re A (Suspended Residence Order)

Citation:

[2009] EWHC 1576 (Fam); [2010] 1 FLR 1679

Date:

02.07.2009

Court:

High Court of Justice Family Division

Comment:

Order transferring residence of two boys from mother to paternal grandparents but suspended on terms that the mother complied with order for staying contact.

The father and mother had two children together; the mother had a daughter by a previous relationship. After a lengthy hearing, a judge concluded that the father had seriously sexually abused the mother's daughter, but that he had not abused either of his own children. However, thereafter the father continued to deny the abuse of the mother's daughter, while the mother refused to accept that the father's own children had not been abused. After careful investigation, the court ordered direct contact between the father and the two children, now 8 and 11, but the mother repeatedly and deliberately breached the various contact orders made. Eventually, after more than 2 years of no contact to the father, and only very limited contact to the paternal grandparents, the father and the grandparents sought an order for an immediate transfer of residence to the grandparents, and by that route a gradual reintroduction to the father. It was accepted that in most respects the children were being brought up well by the mother, but the two experts involved had concluded that the children were suffering significant emotional harm as a result of the mother's efforts to demonise the father and paternal family, and were recommending an immediate transfer of residence to the grandparents. The guardian supported a transfer of residence in principle. On the third day of the hearing, after hearing the evidence of the experts, the mother appeared to change her mind and some contact took place. However, within a month the mother decided that there would be no further contact. The mother was now resolutely refusing to abide by the existing court orders and had put forward no counter or constructive proposal. The children's expressed views were that they wished to have nothing to do with their father or the grandparents. A third expert had more recently become involved; at first his view was that a therapeutic approach would be better than a transfer of residence, but by the time he gave evidence he was acknowledging that therapy might not be a realistic option in this case, and that a transfer of residence to the grandparents should be considered.

Barrister:

David Boyd