

Re C (Children: Disclosure)

Citation:

[2010] EWCA Civ 239

Date:

04.02.2010

Court:

Court of Appeal

Comment:

Family proceedings where the parent involved an MP in interviewing the children in order to ascertain their wishes and feelings about which parent they would like to reside with. An order was sought requiring the parent to disclose to the guardian letters and emails to MP.

In the course of private family law proceedings in which the three children had been joined as parties, separately represented, the father, by prior arrangement, took the three children, aged 13, 9 and 4, to see the local MP at the constituency surgery without the knowledge of either the guardian or the children's solicitor. The MP asked each of the children which parent they would ultimately like to live with; each replied that she would like to stay with the father. The court subsequently made a prohibited steps order forbidding either parent from taking any of the children to see any representative, professional or any other person to ascertain the wishes or feelings of the children without the knowledge and consent of the guardian or solicitor, until further notice. At the disposal hearing the judge made an order for the two older children to remain with the father, but ordered that the youngest child should return to the mother; the prohibited steps order was continued. At a subsequent hearing, the guardian sought disclosure to herself of material sent by the father to the MP, although not of anything sent by the MP to the father; the MP had already, helpfully, sent two letters to the guardian's solicitor explaining his position. The father, stressing the confidential nature of the relationship between a citizen and his elected representative, resisted the application. The judge, emphasising that the guardian's concerns about the extent to which the father was involving outside parties in issues concerning the children were reasonable, made an order requiring the father to disclose to the guardian's solicitor all letters and emails that the father had sent to the MP and to a local councillor. The father appealed, on the basis that this represented an invasion of his privacy.

Barrister:

Susan Stamford