

Re G (A Child) (2006)

[2006] EWCA Civ 348

31/01/2006

Barristers

Stephen Lyon
Joy Brereton KC

Court

Civil Division

Facts

Where a father had been refused direct contact with his daughter, the court was wrong to refuse to direct that CAFCASS meet with the child to discuss contact issues, as there was an obligation on the courts to pursue all possible avenues towards the resumption of direct contact.

The appellant father (F) appealed against the court's refusal, in contact proceedings, to direct that CAFCASS have full opportunity to see his daughter. Following various family proceedings between F and the respondent mother in relation to their daughter, born in February 2000, F was refused direct contact. He asked that CAFCASS have full opportunity to see his daughter in order to discuss matters of contact. The judge refused on the ground that, if CAFCASS recommended direct contact and the mother refused, it would lead to a collision course between the parties that might result in the mother being sent to prison for refusing contact. F contended that the judge was wrong to refuse to direct that CAFCASS should meet his daughter.

Held

HELD: The judge's refusal to direct that CAFCASS should hold a meeting with the child, and the reasons he gave for his refusal, reflected an old-fashioned approach to the difficulties that cases of the instant kind presented and was wrong. There was an obligation on the court to pursue all possible avenues that might lead to the resumption of direct contact, *S (A Child) (Contact: Promoting Relationship with Absent Parent)*, *Re (2004) EWCA Civ 18*, (2004) 1 FLR 1279 applied.

Appeal allowed.

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