

## Re P (Minors) (1996)

**[1996] 2 FLR 314**

09/05/1996

### Court

Court of Appeal

### Facts

Father's appeal against indirect contact order allowed and a supervised contact order made in substitution.

Father's appeal against an order directing that he should have no direct contact with his children by an unmarried woman. The order permitted him to have indirect contact by means of cards and presents on birthdays and identified festivals. To facilitate the implementation of the order the mother was asked to give and gave undertakings: (1) to ensure that all such cards and presents were received by the children and (2) to use her best endeavours to ensure that the children acknowledged receipt.

### Held

HELD: Following His Lordship's analysis of the judgment in *G v G* (1985) 1 WLR 647 [FN 1] there was an error by the Recorder in the required balancing exercise sufficient to vitiate the exercise of his discretion and to render his decision not to order direct contact with the appellant plainly wrong. In the circumstances the court might remit the matter for further consideration by the Recorder or a judge of the High Court or make the order which on His Lordship's analysis should have made, namely for supervised contact on two or three occasions a year. Appeal allowed and ordered accordingly.

### Permission

Reproduced with kind permission from Lawtel 