

R v P (2008)

[2008] EWHC 737 (Fam); (2008) 2 FLR 936

14/04/2008

Barristers

Teertha Gupta QC

Court

Family Division

Summary

A father was granted unsupervised contact with his son, despite having previously abducted him, in circumstances where the father had since shown restraint in his actions and considerable commitment to visiting his son from abroad; and where it was not in the son's best interests to revert to only seeing his father in a contact centre.

Facts

The applicant (F) applied for unsupervised contact with his son (B). The mother (M) opposed the application. M had always lived in the UK and F had always lived in France. F had made a previous application for unsupervised contact with B which he agreed not to pursue so that the parties could work towards unsupervised contact whilst undertaking therapy. It was agreed that the parties could go back to the court for a decision on unsupervised contact if necessary. The dispute centred on F's abduction of B to F's parents house in Tunisia. M had gone to Tunisia and had only managed to bring B home after 9 days. The incident had traumatised M. A year-and-a-half after the incident F began to fly from France to visit B each month in a supervised contact centre. An independent social worker was later instructed to accompany F and B on visits outside the centre during which F left his passport with his solicitor. F agreed not to press for unsupervised contact provided that someone from the contact centre could attend when he went out with B but in the event that that was not possible the court went on to consider the issue of whether it was in B's best interests to have unsupervised contact with F in the UK.

Held

HELD: F had shown restraint in not seeking an application for unsupervised contact. It was not in B's best interests to revert to a contact centre provided that progress was steady and aimed both at B's best interests and at progressing M's trust in F. It was too early to contemplate visits outside of the UK on his own, but that should be a long-term aim at a time when B could either look after himself or, if it was possible for M, when B was accompanied by her. Unsupervised contact would proceed at a pace which would prevent B leaving the UK should he not be brought back by F on time. A scheme whereby F could deposit and reclaim his passport would assist.

Permission

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