

LAB v KB (Abduction: Brussels II Revised) [2009]

[2009] EWHC 2243 ; [2010] 2 FLR 1664

21/08/2009

Barristers

Private: David Williams QC

Court

Family Division

Practice Areas

International Children Law

Summary

The English father and Estonian mother moved with their two children to Spain. The father wrongfully removed the children to England and the mother issued proceedings in Spain. The Spanish court eventually made a residence order in favour of the mother. The father's Spanish appeal took a long time to come and in the meantime the mother's Hague proceedings for summary return in England were dismissed. Almost two years after the Spanish order was made, and over three years after the abduction, the mother obtained a Spanish residence order. The father sought stay and appealed the registration/recognition. The welfare of the children was treated by the Spanish courts in very much the same way as by the English courts with the Spanish court obtaining the children's views and appointing a psychologist.

Held

Held that the Spanish order to be recognised, notwithstanding the passage of time. The children had been given the opportunity to be heard in the Spanish proceedings. The order was to be enforced without further Cafcass enquiry and the court would not ask for case to be transferred to England. The father had throughout embraced the Spanish jurisdiction.

Permission

Family Law Week 