

CS & Another v PD (2017)

[2017] EWHC 1514 (Fam)

07/04/2017

Barristers

Mark Jarman
Jacqueline Renton

Court

Family Division

Practice Areas

International Children Law

Judgment of Mr Justice Holman in an “unusual” case under the Hague Convention on the Civil Aspects of International Child Abduction.

The case involved two children, two fathers and one mother, who had been living in the United States of America. The mother unilaterally brought the two children to England. This was found to be a wrongful removal and an order for the summary return of the children to the USA was made. The court rejected the mother’s argument that due to her own mental health and profound anxiety at the thought of returning to America, this constituted a grave risk of psychological harm under Article 13.

However, following this decision of the court, the mother suffered a severe deterioration in her psychiatric well-being. She applied to set aside the court’s order to return the children on the grounds of a significant change in circumstances. The fathers opposed this application. A psychiatrist was instructed to assess the mother.

The psychiatrist concluded that the mother had suffered and continued to suffer severe psychiatric ill-health which would only deteriorate further if her children returned to the USA. In light of this assessment, the fathers both withdrew their applications for return.

Permission

 Family Law Week