

JK (A Child), Re (Domestic Abuse: Finding of Fact Hearing)

[2021] EWHC 1367 (Fam) (21 May 2021)

21/05/2021

Barristers

Alistair G Perkins
Miriam Best

Court

High Court

Practice Areas

Public Children Law

Miriam Best represented the applicant and Alistair Perkins the first respondent, in a fact finding hearing, in a case that concerns an application for the child to be made a ward of court and for her return from England to a country referred to as “Z”.

The mother had removed the child from Z in October 2019, leaving the father behind. Following disclosure and location orders, the mother and child were located, passports were seized, and the mother engaged with proceedings. The child was made a ward of court, joined as a party, and an officer of the Cafcass High Court Team was appointed as Guardian. On 26 November 2020 case management directions were given by Ms Justice Russell for the parties to file and serve numbered lists of “all the complaints and allegations being made” – commonly known as Scott Schedules. The case was listed for a pre-hearing review on 30 March 2021 and the final hearing beginning of 13 April 2021. Shortly before the hearing on 30 March 2021, the father conceded that the child should remain in the care of the mother in England but maintained that she should spend time with him both in England and in Z in the future. The mother does not agree to that level of contact. The Cafcass report indicated that determination of the factual disputes was necessary to allow her to make a recommendation for anything other than supervised contact in England. Hence, the parties agreed that the hearing beginning on 13 April 2021 should be utilised as a finding of fact hearing with the Guardian to report further in the light of the findings made.

To read the judgment in full, [click here](#).