

IN THE WEST LONDON FAMILY COURT
BETWEEN:

Applicant

A
- and -

R

Respondent

**JUDGMENT dated 20 JULY 2020: HHJ CORBETT sitting as a
section 9(1) Deputy Judge of the High Court
FINAL HEARING 24 JUNE 2020**

Introduction

1. D's father (F) issued an application under the Children Act 1989 in order to seek court orders regulating how and when he might see the parties' son D. This is my Judgment following the listed final hearing on 24 June 2020. I apologise for the delay in sending this judgment to the parties, I can only attribute this to the volume of work during the current CV19 pandemic. In this Judgment I will concentrate on those parts of the evidence and submissions which have assisted me to make decisions about D, it is by no means a full account of all that I have read in the bundle nor heard in submissions. I can assure the parties that I have taken account of all of the written and oral material made available to me. I will indicate where matters are in dispute.

2. D is a boy aged 7, born in 2013, has dual Dutch and French nationality and (which is not in dispute) is habitually resident in England and Wales with his mother. The applicant, D's father (F), is a French national living in a non-Hague Convention country, referred to herein as "Z". The respondent, D's mother (M) is a Dutch national. M was herself born in Z to a Z mother and having held Z nationality herself at the time of her birth. She still has some family there, and moved back to Z in 2008 where she had been living and working in Z independently for two years by the time the parties met in 2010. They met and began to live together in Z, leaving together in 2013 when the M was pregnant with D, and they moved to London. They married in June 2013. They separated in March 2015, but continued to live together until March 2016 when the F returned to Z. It was agreed that D remain living with the M in London.
3. F's application issued on 17.10.19 sought a Child Arrangements Order [CAO] regulating the time he spent with D and a Specific Issue Order [SIO] giving him permission to remove D to Z and to France for the purpose of holidays with the F. The F now seeks a detailed order regulating his time with D, and giving him permission to take D out of England and Wales on trips including to Z. This draft was sent to the M on 15.6.20.
4. Both parents are intelligent, talented and highly qualified. As set out in the Judgment of DDJ Butler in the financial remedy case they each earn and have the potential to earn good salaries.

Contact prior to this application

5. Prior to the F's application being made, contact had been taking place for approximately three years (from D being aged 4y to 6y) in Z, France and the

UK without any difficulty and with the M's agreement. Z is where F's home and work are based. The dates of the F's agreed holidays with D to Z (which took place in addition to holiday contact in other jurisdictions) are 21-28 October 2017 and 10-20 August 2018. M and D travelled to Z together, F collected and returned them to the airport on both occasions, the M stayed with her sister. No difficulties ever arose in respect of such trips, and there was never any issue (perceived or alleged) of the F failing to return D at the end of an agreed holiday.

6. The M first withdrew her consent to D travelling to Z with F for the purpose of agreed holidays one week before the final hearing of the financial remedy proceedings on 8th and 9th August 2019. Since the F was in the UK for the purpose of that court hearing, it had been agreed (in writing) that he would collect D and travel back with him for a 2 week holiday commencing on 10 August. The M's agreement to the dates and location of D holiday with F in Z was confirmed in an email from the M dated 4 July 2019, she even sent him a weblink to resorts in a region of Z, "Y". On the strength of that agreement he had paid for D's return flights, as well as flights for himself and the paternal grandparents (from France). In an email dated 5 July he offered to pay for M's own flights there, when she didn't reply to his offer he sent another email on 8 July telling her he wanted to book the flights. Without any warning, the M sent an email on 1 August saying that that F could only have contact with D if he cancelled his travel plans and agreed to see him in the European Union. She said that D did not want to go to Z if she did not 'come along', and that she has received advice. F had made no arrangements for accommodation in this country or Europe, or for the paternal grandparents to join him here. He had made all the arrangements (at the cost of £3,500) for a holiday in Z. There is no reference on her email of 1.8.19 to any risk of abduction, M's withdrawal of consent on a basis of an

alleged risk of ‘abduction’ came out in her oral evidence before DDJ Butler on 9th August who says in his judgment that he was left unsure of M’s reasons, having heard her oral evidence. In the financial remedy case M was represented by direct access Counsel, she filed evidence and gave oral evidence.

7. F returned to Z (without D) on 12 August. F’s first statement sets out that then the M offered to agree to D spending time with F in Z but only on the condition that F agreed to pay the cost of her own flights to Africa (as she had a business trip in W she wished to attend) as well as new flights for D. She made clear that if F paid for her flights (and D’s replacement flights) she would agree to his spending time with F in Z. Since this was agreed, M brought D to Z on 16 August, departed for W straightaway and returned to Z on 21 August, staying with her family while F and D and the paternal grandparents were at a resort in Y. M asked to borrow F’s credit card while she was away as she had forgotten hers, and she incurred £1,000 of expenses in W without asking him. When she returned to see him to collect D, she asked F to change the flights again (at a further expense, having already spent more than \$2,000 in replacement flights in addition to the £3,500 lost on the booked flights for the holiday due to start on 10 August) and when F refused, M accused him of holding D ‘hostage’. On 25th August he was releasing D to her care in order to take flights back to the UK back to her country of residence, on 28th August which was a flight date she had chosen and on flights he had paid for. I cannot accept that he was, at all, holding her or D ‘hostage’.

The father’s application

8. The F's applications came before the court at a FHDRA on 20 January 2020, at which the M was present. It is recorded on the order of 20 January 2020 that the parties agreed:
 - a. D to spend February and October half terms with F
 - b. D to spend a minimum of 2 weeks in summer holidays with F (M proposing 2 weeks only; F seeking equal division)
 - c. D to spend every Christmas and New Year with M.

9. DJ Rollason made case management directions on the disputed issues of (i) child arrangements, and (ii) travel to Z, and made interim orders for child arrangements, including D to spend 9 days with F in February 2020 in Switzerland and 9 days with F over the Easter holidays in France with the paternal grandparents. The case was re-allocated to a Deputy Judge of the High Court due to the issue of temporary travel to a non-Hague country.

10. To give both parties a full opportunity to set out their case in evidence, DJ Rollason directed the parties to file and serve witness statements:
 - a. F was directed to file his first statement setting out the orders he was seeking and enclosing the results of immigration advice regarding mirror orders and any other relevant protections by 10 February 2020 – complied with
 - b. M was directed to file a statement in response setting out her alleged concerns about F travelling to Z and addressing whether there are any protective measures that could be sought by 24 February 2020 – not complied with
 - c. Both parties were directed to file second statements (in the case of F, his statement to address M's allegations) by 2 March 2020 – complied with

Efforts to engage the M with the proceedings

11. The F issued this application following the events of August 2019. It is entirely understandable that he did not want a repetition of the uncertainty as to when and how and where he spends time with D.
12. The M has not filed any evidence as directed or at all in response to the F's application. DJ Rollason's order sets out that the F should have an opportunity to respond to the M's statement, but he has been denied that opportunity due to her failure to file any evidence.
13. Both prior to and since issuing the application, F's solicitor has made strenuous efforts to set out for the M what child arrangements and orders for foreign travel F sought (in letters dated 16 September, 19 November, 7 February, 16 April, and with his draft order sent on 15 June 2020). Further letters were sent in an effort to obtain M's compliance with the court's directions (letters of 24 February, 27 February, 9 March, 17 March, 3 April, 16 April, 6 May, 11 May and 13 May). F has set out his proposals and reasons he sought orders from the court in his statements dated 10.2.20 and 9.6.20.
14. Every possible effort was taken by the F to secure the M's compliance with the directions and to respond to the F's application. The F applied for a penal notice on 9 March 2020, which came before the court on 12 May 2020. On that day, my clerk tried to connect the M to the call three times but there was no response. The court gave the M an extension to 27 May 2020 to file her first statement (with a penal notice attached) and extended time for the second statement to be filed to 9 June 2020. The court further directed that the Children Act application should proceed on 24 June on the basis of oral

submissions only, unless otherwise decided by the trial judge before the hearing. The order I made on 12 May 2020 records that F's solicitors contacted M on nine separate occasions between 24 February 2020 and 11 May 2020 without receiving any response. His solicitors wrote again on 13 May (which was sent by personal service).

15. Following the court hearing on 20 January, the next that either the court or F's solicitor heard from the M, was the F's solicitor on Friday 19 June 2020, when M told her that she intended to file a statement but did not say when. She said that she had not done it previously because she had been unwell. She had never once made contact with F or his solicitor previously by email or telephone (despite having her contact details) to say so or to seek an extension. In circumstances where the M had not engaged with the proceedings (since the FHDRA) or complied with any of the court's directions, F's solicitors sent her on 15 June a copy of the draft order F was inviting the court to make as a final order at this hearing.

16. M sent the email below to my clerk Ms Blake at 16.17h the afternoon prior to the final hearing attaching the GP letter below.

From: M's email address

Sent: 23 June 2020 16:17

To: Blake, Margaret <margaret.blake@Justice.gov.uk>;
westlondonfamilyenquiries <westlondonfamilyenquiries@Justice.gov.uk>

Subject: Re: ZW19P01451 A V R- 1 DAY FINAL HEARING

Dear Margeth,

Good afternoon. I am emailing as I have been unable to reach family court West London per telephone as no one is picking up the number I am dialing on the landline. Additionally, my mobile number has broken down in the last couple of months. My Case is No. ZW19P01451

I have been ill for the past months. I informed the respondent back in Feb 2019 and am still recovering, but court proceedings have continued nonetheless. . I have been unable to respond to my correspondence due to being quite ill and attach a letter from my GP for the Judge's attention.

I have been trying to contact the court/Judge/yourself to inform you of my situation per telephone but to no avail. My child returned to school now (I am his sole caretaker) and I have been trying to put my statement together but I need more time (as I am still in recovery and have to take care of my child).

I am trying my best to send my statement to the court asap but honestly I am struggling. I am still in recovery and have to take care of my child who is still not attending school full time.

I will try and send my statement by today, but would appreciate if you could consult the Judge and let me know if we can push back our hearing.

Please let me know if this is at all possible.

Kind regards,

Ms R

(REDACTED LETTER FROM M'S GP)

Hearing 24 June

17. The hearing before me began at 10.15h on 24.6.20, the F and his solicitor and counsel attending by Skype for Business. By then the mother had not joined the hearing. A SFB invitation had been sent to her along with the other participants. It is to the F's credit that he was not simply saying, the M had failed to comply with any orders to file evidence, is not here now, so his orders should be granted. His Counsel began to outline his case and take me through the written documents (which had been sent to the M). At 11.40h, I could see that M was in the 'virtual waiting room' and I admitted her to the hearing. The M told me that she had been ill, that both her mobile phones were broken, and when I asked about her landline she said that she did not know the number. Clearly though she has email and internet access as she was accessing the hearing from her home. Also her landline rang during the hearing, so it is clearly working.

18. I rose to enable M and F's counsel to discuss matters. After an hour they were ready to proceed; some points were agreed, others remained in issue.

19. F's counsel continued her submissions (referring to the written documents which had been provided on previous days to the M) and I then heard from the mother at length. The hearing was conducted on submissions as I had directed.

20. Until she began to address the court neither F's legal team nor I knew what her position was on the draft order, since she had not filed any evidence as directed, despite the penal notice, nor had she responded to the draft order emailed to her.

21. The M said about the proceedings that she thought the case would not go ahead due to CV19. She was stressed due to lockdown and home schooling. She and D had been ill with CV 19 like symptoms. She had a lot of time in court last year which was stressful. She relied on her GP's letter. She asked for more time to respond to the application, but then addressed me in detail and at length on all of the arguments for about an hour without stopping. 'I have not had an opportunity to look at the legal advice dated February 2020. I want more time to get back to the court and the safeguards point'. The M said that F's solicitor was harassing her with correspondence and bombarding her with letters. 'I am looking to reduce the communication with F. I have communication fatigue. I have a stressful job'.

F has made significant efforts to come regularly to see D and D likes that. D is really missing F.

'I am fully for the fact that they should spend as much time together as possible. F is a holiday parent and I applaud him for wanting to change that. It's extremely important that they see each other'.

'This year I am more than happy for F to have whole of July with D in London first. I want later part of August from 20th and early September. I have not booked my annual leave. At Easter – I want 4 days in a row at either end of hols'.

In term time D should be at home and go to F at weekends. D doesn't do homework with F.

In August 19 – 'I wanted to change my flights so I could go back to work. I felt held hostage there'

The F registered me and D attached to his residence permit. French consulate told me, and my name is not in his file as a carer. So I think something is not right. I do have a fear of abduction. Courts will side with the man. [F's position – this is a genuine error, in 2016 on application to move to Z they were still married and M and D were automatically included. D's passport was renewed

by F a French national at the French embassy in London. D's address was in London. Due to the Z residence status the French embassy had a record that D was resident in Z. F corrected this in December 2019].

D has never been on long haul flight with F. Even some HC countries can be a long flight and that worries me.

I am worried about the health provision in Z

22. My observations on what the M told the court:

She knew from attending the 20.1.20 hearing about the orders for her to file evidence. She knew from before that hearing that F had solicitors who were trying to engage her in the proceedings. The M has a demanding professional career and is highly intelligent. It is inconceivable that she had no mobile telephone for a 'couple of months' as she asserts in her email on the day before the hearing. Her email sent to my clerk at 16.17h on the day before the hearing indicates she had tried to contact the Judge, the court and Ms Blake my clerk. No emails had been received by my clerk or myself, and M had Ms Blake's email address in the order and used it on the day before the hearing. The M had email access, yet did not reply to the F's solicitors countless [justified] communications. She chose to ignore the letters sent by the solicitors for F as she regarded them as harassing which they were not at all.

23. I am satisfied that the true reason for non response is as she said – she thought that the case would be adjourned due to CV19. The M has ignored these court proceedings hoping that they would go away. She has chosen not to communicate to the court until over 5 months later, the day before the hearing listed on 24.6.20. She has not made any attempts to email the F or

his solicitor or the court – a simple email could have been sent setting out that she was ill and sought more time. The GP letter contains information that she had had symptoms of a viral illness. The assertion that she could not respond to court proceedings as a result is likely to have come from the mother. The letter does not say when the mother saw the GP for this illness, when the symptoms arose nor when it was diagnosed, the letter is merely dated 2 days prior to the court hearing. The mother was able to talk animatedly almost without stopping for an hour before me, she appeared very able to set out her case and arguments. It is not necessary to adjourn the final hearing. The M has had ample opportunity to read the papers, and put her case prior to the listed final hearing and has chosen not to. In any event I heard from her in detail and at length when she eventually arrived in the hearing on 24 June.

The Law

24. The guiding principle governing both the child arrangements and temporary removal limbs of the applications is what is in the best interests of D's welfare, with full regard being had to the s.1(3) CA 1989 checklist.
25. The authorities relating to permanent removal are not directly applicable to applications for temporary removal. There is a distinction to be made between removal for a short holiday (as here) and removal for a limited period of perhaps one to two years. It has been held that the 'more temporary' the removal, the less regard should be had to the guidance from permanent leave to remove cases (*Re A (Temporary Removal from Jurisdiction)* [2004] EWCA Civ 1587, [2005] 1 FLR 639).

In *Re A (Prohibited Steps Order)* [2013] EWCA Civ 115 [2014] 1 FLR 643, the Court of Appeal gave guidance in relation to applications for permission to take a child for a temporary stay in a non-HC country:

‘The overriding consideration for the Court in deciding whether to allow a parent to take a child to a non-Hague Convention country is whether the making of that order would be in the best interests of the child. Where (as in most cases) there is some risk of abduction and an obvious detriment to the child if that risk were to materialise, the Court has to be positively satisfied that the advantages to the child of her visiting that country outweigh the risks to her welfare which the visit will entail. This will therefore routinely involve the Court in investigating what safeguards can be put in place to minimise the risk of retention and to secure the child’s return if that transpires. Those safeguards should be capable of having a real and tangible effect in the jurisdiction in which they are to operate and be capable of being easily accessed by the UK-based parent. Although, in common with Black LJ in *Re M*, we do not say that no application of this category can proceed in the absence of expert evidence, we consider that there is a need in most cases for the effectiveness of any suggested safeguard to be established by competent and complete expert evidence which deals specifically and in detail with that issue. If in doubt the Court should err on the side of caution and refuse to make the order. If the judge decides to proceed in the absence of expert evidence, then very clear reasons are required to justify such a course.’

I have taken these authorities into account when making decisions in this case. D’s welfare is my paramount consideration and I have borne in mind s1(3) Children Act 1989. Further I am satisfied that each parents has had a fair trial in accordance with Article 6, and that the orders I make are necessary and proportionate interferences with the parent’s Article 8 rights.

26.Orders sought

a. **A child arrangements order for D to spend time with his F:**

In 2020/2021:

- i. 3 weeks in Summer holidays (8 August to 30 August 2020)

This is not agreed, M says that there should be a maximum of 10 days away from London at any time, and that D gets restless if not. She also says that the dates don't suit her this year. The F agrees with her that D should be at home with her 7 days prior to the new school year generally.

DECISION: it is now 20.7.20 as at the date of this judgment. I have not been told when D's term begins but I am assuming around 3 September. This year given the number of weeks left in the holidays, plus the fact that F has not had D to stay with him for many months now, I consider that 2 weeks with F is appropriate. This will be 8.8.20 for 2 weeks.

- ii. 9 days at October half term (24 October to 1 November 2020) is agreed
- iii. 10 days at February half term (12 February to 21 February 2021) is agreed
- iv. 10 days in the Easter holidays (2 April to 11 April 2021)

The F wants the actual Easter weekend as he does not have Christmas, the M wants 4 days at the beginning and end of the holiday with her.

DECISION: the parties need clarity. Given that the F does not have the Christmas holiday time he should see D on the 7 days ending with Easter Monday at 6pm.

- v. 10 days in June for D's birthday (12 to 20 June 2021) is agreed
- vi. Plus 6 weeks (on dates to be agreed 4 weeks in advance).

The M says this should be one week only in addition to the June 2021 dates. She says that both should be day time only during the school week.

DECISION: additional weeks with the F until 2021 should be 2 (in addition to the June 2021 dates above. A week is 7 nights. One of these weeks will start of the first Saturday in December for 7 nights. Given his father lives in another country, it will assist D to see him more often and also to stay with him overnight. These will all be overnight stays with the father. There is no justification for day time only. Staying with F during term time will give F an opportunity to play a 'non holiday' parental role.

For indirect contact on Skype/ FaceTime each Sunday and Wednesday, as agreed.

From June 2021:

- vii. From January 2021 and all future years, dates to be agreed for the following 12 months by no later than 31st January each year, (save for the term time weeks at xiv below) along the principle:
- viii. Christmas holidays: with M – as agreed
- ix. February half term from Friday after school until the Sunday before school – as agreed
- x. Easter holidays: 1 week (until Easter Monday) with F.

DECISION: the parties need clarity. Given that the F does not have the Christmas holiday time he should see D on the 7 days ending with Easter Monday at 6pm.

- xi. May half term: with M agreed
- xii. Summer holidays: divided equally. The M agrees but says that there should be a maximum of 10 days out of London at any time.

DECISION: – D is just 7 years old. On the F's case he has spent a maximum of 12 days with him on holiday in Z. I consider that D should spend half of the school holidays with his father, in 2 blocks of (a)14 days and (b) however many days make up the remaining half of the holidays. My suggestion is that the F has the 2 weeks which begins on the Sunday after he breaks up in July, then the second period of days ending on the Sunday prior to D returning to school in September. This framework can be used and does not need negotiation.

xiii. October half term: with F as agreed.

xiv. Plus 6 weeks on dates to be agreed 4 weeks in advance: with F.

Decision: D should spend 3 additional weeks with the father during term time. Dates to be agreed at least 10 weeks in advance. Given his father lives in another country, it will assist D to see him more often and also to stay with him overnight. These will all be overnight stays with the father. There is no justification for day time only. Staying with F during term time will give F an opportunity to play a 'non holiday' parental role.

xv. For indirect contact on Skype/ FaceTime each Sunday and Wednesday as agreed.

b. **Two specific issue orders permitting F to travel abroad with D for the purposes of a temporary holiday of up to a total maximum period of 28 days, unless a longer period is expressly agreed:**

i. To Z, which is not agreed or

ii. To a signatory state of the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction ("the 1980 Hague Convention"). The mother agrees EU only.

DECISION: Z is not a signatory to the Hague Convention. The F has obtained at his expense a legal advice from A lawyer based in Z which the M has had since February of this year. He says he will abide by any safeguards the court considers necessary. By way of additional safeguards F's draft order includes a recital that D is living with M and is habitually resident in England and Wales and F will give an

undertaking to return D to the jurisdiction of England and Wales at the end of every period of holiday contact.

An order from this court will not have automatic effect or enforceability in Z but is likely to be highly persuasive if adjudicated upon in tan and has the potential to be recognised to that extent by a court in Z.

Z is a country with which the parents and D have a close connection. It is not simply a holiday destination chosen by the father. It is also where the father lives and works. Visiting and staying with his F there is clearly in D's best interests, important for D to know what it is like staying in F's home and to have a concept of him there.

The M has in the past consented to D spending time without her in Z, in 2017, 2018, 2019. In 2019 she in fact left Z and went to Egypt while D was with his father.

The M has not prior to 1.8.19 ever objected to D going to Z. Even then in her email she does not suggest the F would fail to return D to her, the reason given is that D did not want to be there without her.

Prior to her oral evidence in the financial case, the M had not asserted any issues about D being with F in Z for holidays in 2017 2018 and 2019.

When she gave oral evidence about this change of position in the financial hearing, the DDJ was left unsure of her reasons. Before me she sought to say that she was worried about his non return from Z

and any non HC country. Further that she worried about medical provision there. This had never been mentioned before.

D has a Z heritage through his maternal line. It is important for him, as a mixed heritage child, to visit the country of that heritage.

The M is free to go to Z when D is staying with his father. She is familiar with that country given her own connection there. If the Mother preferred to travel to and from Z with D then the father has no objection to that. The order needs to make provision for her to indicate by a certain date if she prefers this, and if not it is assumed that D will travel with his father. F says D can facetime his mother daily. He will provide her with return flight details before they leave.

Given her familiarity with Z, the M would be able to access resources to assist her in the event that she needed to.

In my judgment there is no risk of abduction by F. The F is a professional man working in Z. If he were to fail to return D to his mother this would be a criminal offence there. He is an ex patriate in Z and will wish to return to Europe at some point in the future. I accept from him that it would not be in his interests to breach court orders made in this country, nor to commit a criminal offence in Z. He would not risk this. M had expressed no concerns about a risk of abduction until her oral evidence on 8.8.19 when the DDJ was left unclear as to her reasons. I do not accept that the mother has any genuine belief that the

F will abduct D. In her submissions to me the mother said that the F held her and D hostage in Z in August 2019. This is simply not made

out. The F had booked and paid for return flights on dates M wanted, she left to go to Egypt for a few days, he gave D back to her on 24 August and would not agree to her request to pay yet more money to change their flights.

F's statement sets out how he knows that D lives in London with his mother and would not seek to change that.

F through Counsel gave a plausible explanation for the new matter raised by the mother namely the confusion regarding residence status and how this was corrected with the French embassy.

It is important to note that in any event all the matters raised by the mother in court pre-dates D's last visit in 2019 to Z with F.

The F has offered a generally sensible order which makes it clear that D lives with his M and is Habitually Resident in this Country. He has offered to abide by any safeguards I consider necessary. He could not have suggested more.

In contrast the M has ignored these court proceedings hoping it seems to me that they would go away, as set out above.

The M has never in fact alleged that F has threatened not to return D to her. I find that the M does not hold any genuinely perceived risk of abduction, she allowed 3 holidays with F in Z, choosing during the last one to go to Egypt on business, leaving D with his F and making no complaint on her return or since about anything the F said or alleged or did when in Z.

I do not consider that there is any risk of the F abducting D. However, if I am wrong about that, the mother would have to make applications to try to achieve his return. In those circumstances I will accept one of the F's suggestions and I will direct that the F lodges a bond with his London based solicitors ahead of any travel by D to a non HC country in the sum of (redacted) and in the event of D's non return, the solicitors will pay that sum to the mother in order to fund her legal costs of securing his return.

Copies of the court order made by me should also be lodged at the French and UK Embassies in the destination country if non HC.

I accept the F's undertaking to return D to his mother's care, following all trips outside England and Wales. Further I accept his undertaking not to apply for any visa, but this should be wider than drafted, namely not to apply for any visa for D in any country without the consent of the mother or permission of the court.

I am further satisfied that I should grant the F's application to take D to a country which is a signatory to the HC. The M's only objection to this was the length of flights to some countries. This is a father and child well used to international travel. I have no reason to doubt that the F will not take the greatest of care for their son.

- c. **A specific issue order (arising from M's refusal to respond to F's recent requests as to D's whereabouts) requiring M to respond to F's requests in respect of information about D within 48 hours of receiving the same – not agreed.**

d. **A prohibited steps order prohibiting M from removing D from the jurisdiction of England and Wales without prior written agreement or leave of the court - not agreed**

I have seen many letters and requests for information from F and his solicitors to the mother. They go unanswered or there is a long delay in answering them. They are not harassing communications. The mother chose to ignore court orders for her to file evidence even when a penal notice was attached. It is vital that both parents of D know where in the world he is at any time. It is vital that the mother respond to the father's reasonable requests for information about D. I note in his statement that when the F wanted to engage with her about D's settled status post Brexit, he and his solicitor had to send many emails on the topic to her. The F set out in his detailed statement a number of other examples of communication issues with the mother. She did not appear in her submissions to deny her non/late responses but seemed to regard his enquiries and those of his solicitor as harassing.

Given the correspondence I have seen, and the fact that she regards entirely conciliatory letters as harassing, I am satisfied that unless I make this order, the mother will continue to ignore or delay replying to the F's reasonable requests about their son. I will make this order as sought save that the requests are to be 'reasonable requests'. 48 hours to reply is not unreasonable given telecommunications in the modern age.

The F does not seek to prevent the M travelling with D, but it is reasonable for him to want to know where in the world D is. F has never objected to her taking D overseas including to a non HC country eg Thailand. I am satisfied

that it is in D's interests that the M must give F 14 days' notice of any wish to take D outside the UK, and shall inform the F where she is taking him.

In essence, both parents must inform the other in advance of travel plans involving D. Given they live in different countries, that they share Parental Responsibility for him this is only fair and reasonable.

27. In conclusion it was clear to me that D is important to both parents. They share parental responsibility. It was very good to hear from the mother how important the F was to D and how much D wants to spend time with his F. I hope that the orders outlined above, all made with his welfare at the forefront of my mind, provide a framework for the parents to work with in the future.

28. I invite the parties to agree the terms of an order in line with this judgment.