

1 **IN THE FAMILY COURT SITTING AT OXFORD**

2

3 **BEFORE HER HONOUR JUDGE OWENS**

4

5 **16<sup>th</sup> to 18<sup>th</sup> January 2017**

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8

**Case No: OX16P00224**

**SNM**

**- and -**

**TNM**

**Ms Campbell, Counsel for the Applicant SNM**

**Ms Renton, Counsel for the Respondent TNM**

9 **Introduction**

10

11 I am dealing with proceedings under the Children Act 1989 concerning two children,  
12 S aged 7 years old and N aged 10 years old. The applicant is their mother, SNM, and  
13 the respondent is their father TNM. The applicant seeks permission to permanently  
14 remove the children from this jurisdiction to Canada. The respondent opposes the  
15 application and wants the children to remain in Oxford.

16

17 I have read the Bundle prepared for this hearing, as well as hearing from the parties and the  
18 Family Court Adviser and author of the section 7 reports in this matter, Charley  
19 Hampshire. Both parties have filed detailed statements contained in section C of the  
20 bundle. I also have a considerable quantity of documentary exhibits from each, contained  
21 in a supplemental bundle which actually exceeds the number of pages in the main bundle.  
22 In passing I would note that nowhere can I see that either party sought leave to exceed the  
23 normal maximum number of pages in accordance with Practice Direction 27A or the  
24 number of pages in the supplemental bundle itself exceeds this maximum of 350 pages. I

25 have pointed this out to both advocates who believed that the fact that there was  
26 supplemental bundle avoided the need for there to be such a direction. To my mind this is  
27 not what PD 27A envisages which talks about a bundle as a single entity. Whether it is in a  
28 supplemental bundle or not I have still had to read a considerable quantity of documents in  
29 preparation for this case. The better practice would be for advocates to address their minds  
30 to the overall quantity of documentation in any given case and consider whether they need  
31 to apply to the Court for permission to have a bundle in excess of the norm in advance.  
32 That in turn would enable adequate reading time to be allowed in preparation for the  
33 hearing. Suffice it to say, I have carefully read all of the documentation despite these  
34 issues.

35

### 36 **Background**

37

38 The parents and their children are not UK citizens. TNM is 42 and was born in Germany.  
39 He is an academic and works at Oxford University. SNM is 41 and was born in Canada.  
40 She works as a consultant for chemical industries. The parents met in France in 1995  
41 whilst travelling and they married in 1999 in Canada. After their marriage the parties lived  
42 in Germany, then USA and Switzerland. Both children were born in the USA and have  
43 American, German and Canadian citizenship. They moved to Oxford in 2013 when TNM  
44 was appointed to a job at Oxford University. This job is permanent but has a five year  
45 probationary period from September 2013. Around December 2013 and January 2014 the  
46 parties separated with TNM leaving the family home in May 2014. TNM moved to a 1  
47 bedroom flat but is due to move to a 2 bedroom flat this month.

48

49 SNM made this application on 10<sup>th</sup> May 2016 and this has been the final hearing. Ms  
50 Hampshire attended the first day of the final hearing and gave evidence which confirmed  
51 her recommendations in her reports, namely that the application should be granted.

52

53 **Relevant legal considerations**

54

55 In addition to section 1 of the Children Act and the welfare checklist contained  
56 therein, I have also had regard to the case law regarding these sorts of applications.  
57 Counsel for both parties very helpfully provided case summaries in their position  
58 statements in addition. Both parties accept the law as it currently generally stands in  
59 relation to these sorts of cases, albeit neither had referred to the most recent case of Re  
60 C which I detail below. I have also considered the provisions of Practice Direction  
61 16A in terms of the duties of a Cafcass Children and Family Report and specifically  
62 paragraph 9.2. The case of Re S (A Child) 2016 EWCA Civ 495 is also one that I  
63 have taken into account in relation to this aspect of Ms Renton's submissions about  
64 the Cafcass report in this case.

65

66 The line of authorities in fact started with Poel v. Poel [1970] 1 WLR 1469 and  
67 moved on to Payne v. Payne [2001] 1 FLR 1052, establishing a test to be applied in  
68 relocation cases. This test has been clarified and refined in subsequent cases,  
69 including K v K [2011] EWCA Civ 793 and Re F (International Relocation Cases)  
70 [2015] EWCA Civ 882. The most recent authority is Re C (Internal Relocation)  
71 [2015] EWCA Civ 1305 which sets out the principles to be applied to all relocation  
72 cases, whether internal or external.

73

74 The governing principles to be applied to these sorts of applications are:

75

76 i) The only authentic principle to be applied when determining an application to  
77 relocate a child permanently overseas is that the welfare of the child is paramount  
78 and overbears all other considerations, however powerful and reasonable they  
79 might be.

80

81 ii) A Judge is likely to find helpful some or all of the considerations referred to in  
82 *Payne v Payne*; but not as a prescriptive blueprint; rather and merely as a checklist  
83 of the sort of factors which will or may be need to be weighed in the balance when  
84 determining which decision would better serve the welfare of the child.

85

86 iii) As a result, there are some considerations which may be helpful when considering  
87 relocation cases as follows:

88

89 • Motivation of the applicant, in particular whether it is to disrupt the child's  
90 relationship with the respondent;

91 • Motivation of the respondent, in particular whether it is to exert control over  
92 the applicant than have a focus on the child's welfare;

93 • Level of planning which the applicant has put into the proposal for  
94 relocation, more being required for a leap into the unknown than a return to  
95 a place known well;

96 • Respondent's alternative plan if one is put forward;

97 • Proposals by each parent for promoting the continued involvement of the  
98 other parent in the child's life if their plan is accepted by the Court, bearing  
99 in mind the cost and time for travel;

100                   • The child’s own wishes and feelings, but bearing in mind that many children  
101                   will not want the responsibility of choosing between their parents.

102

103   **Findings**

104

105   I have been provided with a detailed chronology of the various family moves from which it  
106   is apparent that this family have moved frequently and over considerable distances around  
107   the world. N has lived in three countries and seven different houses. S has lived in two  
108   countries and four different houses. It is also apparent from the evidence before me that the  
109   children have extended family in Europe and Canada and have travelled internationally on  
110   a regular basis, both to visit family and also for family holidays. It is equally apparent that  
111   both parents in this case love the children deeply and that the children love their parents.

112   I have approached my findings by considering them in relation to the welfare  
113   checklist as follows:

114       (a) the ascertainable wishes and feelings of the child concerned (considered in the  
115           light of their age and understanding); N and S conveyed their wishes and  
116           feelings primarily through the section 7 reports written by Ms Hampshire. I  
117           have also had some limited evidence from each of the parents about what the  
118           children have said to them but I am mindful of the fact that there are a variety  
119           of factors which may lead to these comments being less reliable than those  
120           made to a Cafcass officer, including a desire not to upset a parent or get drawn  
121           into any dispute.

122       N and S met Ms Hampshire officer at the Cafcass offices in Oxford in July last  
123       year. In passing, I have noted that Ms Hampshire told me that both parents

124 brought the children to these appointments, something which is very positive  
125 in terms of the parents' ability to work together in the best interests of the  
126 children.

127 S's views are captured on pages D15-16 of the first Cafcass report. Ms  
128 Hampshire noted that S did not appear to be especially troubled by anything.  
129 She encouraged S to complete a "3 Islands" Cafcass wishes and feelings  
130 exercise. This elicited the information from S that she enjoys spending time  
131 with both parents, she liked spending time with her father each week and that  
132 she knew that her mother wanted to go home. S told Ms Hampshire that she  
133 did not want to leave Oxford "because she would miss all her friends and  
134 would need to have to fly on a plane to see Dad. She said if she did have to go  
135 and live in Canada she would be 'so angry and really sad'". Ms Hampshire  
136 also noted that she "seemed somewhat suspicious of SD, but did not express  
137 any further opinion".

138 N's views are on pages D17-18. What is noteworthy about this is that N is  
139 recorded by Ms Hampshire to be "notably quieter and more reserved than his  
140 sister". Ms Hampshire states that she "was given the impression that N was  
141 significantly more aware of the conflict between his parents than his sister and  
142 appeared to be internalising his worries about this". Ms Hampshire's opinion  
143 was that N was very loyal to both of his parents and is afraid that he will have  
144 to choose between them. In light of this, I find that N's avoidance of  
145 discussing his home life, Canada or SD is entirely understandable and does not  
146 necessarily mean that he has concerns about the possible move. It is in  
147 keeping with a child who does not want to be placed in a position of seeming

148 to indicate a view one way or the other. S, being slightly younger and  
149 apparently less affected by the issues between her parents, was therefore less  
150 guarded in expressing her views.

151 Ms Hampshire noted that both children are doing very well at school. In her  
152 opinion the absence of any identified problems at school is a strong positive  
153 indicator that S in particular has not been significantly detrimentally affected  
154 by the conflict between her parents. I would agree with this assessment. In my  
155 experience, this absence does indicate that the impact upon the children has  
156 not been as great as I have seen in other cases and their wishes and feelings are  
157 in this context.

158 SNM gave me evidence to the effect that the children had met SD several  
159 times over the past year and got on well with him and his children. Apart from  
160 what TNM has alleged about SD's conduct in relation to N, and for which  
161 there is no other evidence of concerns expressed by N including during the  
162 course of the MASH assessment, there is nothing credible before me to  
163 support TNM's concerns. Probably for these reasons, DJ Vincent (as she then  
164 was), refused to allow for there to be any element of fact-finding in relation to  
165 this. I agree with this approach as the allegation was vague and entirely  
166 unsubstantiated. The evidence from SNM about the children getting on well  
167 with SD is credible. I was also struck by TNM's own evidence about SD  
168 calling out to N about what topping he would like on his pizza during a phone  
169 call between N and his father. This small snapshot suggests a relaxed  
170 relationship between SD and the children which also fits with what SNM  
171 described as a good relationship. It is credible that as SNM told me the

172 relationship is a positive one which has developed in the course of several  
173 meetings and holidays over the past twelve months. S's suspicion about SD  
174 which the Cafcass officer noted (albeit did not think that it was a significant  
175 concern) is therefore very likely to have been whilst her knowledge of SD was  
176 developing.

177 Overall, I find that I must give less weight to the limited negativity expressed  
178 by S. This is in view of her age and more limited understanding of the wider  
179 issues involved. In terms of N, his wishes and feelings are less clearly  
180 recorded because of his marked and understandable reluctance to be drawn  
181 into seeming to choose one parent over another.

182 (b) their physical, emotional and educational needs; there is no credible  
183 suggestion from either party that they cannot meet the children's physical  
184 needs. SNM did say that she was worried about TNM's ability to organise  
185 their bathing, food and clothes for school and, as she had put in her statement,  
186 said that she used to leave notes up everywhere to remind him as a result.  
187 However, there does not appear to have been an issue since TNM has had the  
188 care of the children for periods of contact under the terms of the order made on  
189 30<sup>th</sup> September 2016. TNM accepted that SNM did used to leave notes for  
190 him to assist with basic tasks. It seems to me to have been rather more a case  
191 of SNM reassuring herself that TNM was reminded rather than this being a  
192 necessity to ensure that the children's basic physical needs were met. SNM  
193 herself is proposing that the children can have lengthy periods of staying  
194 contact with their father if her application is granted. It is therefore apparent



195 to me that SNM doesn't really believe that TNM would be incapable of  
196 providing for their basic physical needs.

197 In terms of educational needs the two options before me are either that they  
198 continue schooling in Oxford or are schooled in Canada. If they remain in  
199 Oxford neither party takes issue with the quality of the schooling that they are  
200 receiving and would receive. In relation to schooling in Canada, TNM also  
201 does not take issue with the quality of the schooling that is proposed. He takes  
202 issue with the schooling proposals in one particular area, however, which is  
203 the bilingual nature of Canadian education. Both parties accept that Canada is  
204 a bilingual country where the two languages in question are English and  
205 French. The school which is proposed by SNM for both children is one  
206 which is described by the school itself as an English school. SNM gave details  
207 about the particular school and the school board that it is part of in her  
208 statement at C15-16. At C187 I have a print-out of the school board website  
209 details. This confirms that the school is an English school. I also have details  
210 about the primary school she proposes at pages C150-185. At C149 SNM has  
211 produced a letter from the primary school confirming that the children have  
212 been registered. SNM produced the required certificates of eligibility to attend  
213 English school in Quebec at court.

214 There are also French schools in the area, SNM told me, but she has selected  
215 an English school as this means that the majority of lessons will be in English  
216 with only some lessons in French. TNM's case is that the children do not  
217 currently speak or understand enough French to be comfortable being taught in  
218 French and that this in turn risks them falling behind with their schooling. He

219 does agree that it will benefit the children to learn another language. He also  
220 accepts that the International Baccalaureate programme which the children  
221 would potentially follow if permitted to go to Canada “is not so dissimilar to  
222 the English system as at present the children are predominantly continuously  
223 assessed” (C312).

224 I am satisfied from SNM’s evidence that the majority of any schooling that the  
225 children would receive at their proposed school in Canada would be in  
226 English. She was clear that only some lessons would be in French, mentioning  
227 PE as an example, and this would be on an occasional basis so that one week  
228 they may have a PE lesson in English and the next week it may be in French. I  
229 asked her about what discussions she had had with the school about the  
230 support that may be available for N and S to help them with lessons in French  
231 and generally learning French. She told me that there would be individual  
232 support available for them in the lesson, they would have extra classes and she  
233 would arrange a French tutor for them. She also speaks French and would  
234 benefit from an opportunity to sit with the tutor, she told me, but once she is  
235 back in Canada she said that it all comes back. In addition, SD and his  
236 children and her wider family and friends speak French as well as English.

237 Whilst it seems to me that there will be an adjustment period for these children  
238 in relation to being taught occasionally in French, they are very bright children  
239 who already speak English and German. They have already started French  
240 lessons at school here in Oxford. They will, I find, have ample support to  
241 enable them to rapidly understand enough to follow their lessons in French.  
242 Canada is a bilingual country where English will be spoken as well as French

243 so this is not a case where the children would be moving to a country where  
244 only French will be spoken. I do not find that there is a risk that they will fall  
245 behind with their schooling as a result of making this adjustment given all of  
246 the factors listed above including the support that will very clearly be in place.

247 The children's emotional needs is a very significant part of this case in respect  
248 of both parties' cases. In a nutshell, SNM argues that she is isolated, anxious  
249 and stressed living in Oxford without her friends and family to support her.  
250 She says that this will worsen if her application to go to Canada is refused and  
251 this carries a very real risk of her being unable to meet the needs of the  
252 children as a result. TNM says that he has a very close and loving bond with  
253 the children (and they with him) and they would suffer emotionally if they  
254 were not able to see him every week as they do now. He also said in evidence  
255 to me that the impact upon him of his not being able to see them as frequently  
256 as he does now also needed to be considered.

257 In relation to SNM, it is not disputed that she has suffered from mental health  
258 issues in the past and does so up to date. She produced evidence from her GP  
259 to confirm that she has sought help for anxiety and depression in November  
260 last year and is currently prescribed an anti-depressant which she is taking.  
261 She has also sought counselling and has had two sessions of that counselling  
262 so far. From what she told me and the documentation she has produced in  
263 relation to this private counselling, it also seems to contain an element of  
264 cognitive behavioural therapy. TNM does not deny any of this. His case is  
265 that this is normal for SNM and not particularly related to where she lives and

266 her living circumstances, and is also probably due to the stress of lack of  
267 finality in the proceedings.

268 SNM's statement and evidence to me presents a picture of someone who was  
269 not happy in her marriage for some considerable time. At the very least her  
270 perception seems to have been that her partner worked a lot and that left a lot  
271 of the routine day to day caring tasks for the children to her. She was also  
272 working at least part-time at various points in their marriage. And, of course,  
273 the couple moved country four times and house six times during their  
274 marriage. All of this no doubt imposed strain on both parties. After  
275 separation it seems clear to me that SNM's anxieties and depression did not  
276 dramatically improve. On TNM's own evidence, she had at least one very  
277 distressing episode when it appears that SNM felt low enough to talk about  
278 suicide and he has acknowledged that he has been concerned about her mental  
279 health at other times. SNM described herself as regularly becoming emotional  
280 about the situation that she found herself in at C8 in her statement, and at this  
281 point she also says that she sought help from her GP and was prescribed  
282 medication. It seems that she continued to take the medication until March  
283 2016 when she stopped. She says that she is no longer depressed but I did find  
284 it significant that the GP's letter confirming her seeking advice in November  
285 2016 referred to her presenting with symptoms of depression as well as  
286 anxiety. That same letter also confirmed what SNM told me about having to  
287 take medication again since November and which she is still taking. SNM  
288 came across to me as a person who has thought very hard about her issues with  
289 stress and anxiety and is genuinely trying to get help in resolving them. As

290 she said to me, she does not want to be the sort of mother who is low and quiet  
291 around her children and who has to try to cry in secret.

292 I was also struck by what Ms Hampshire said about her view of SNM in  
293 relation to mental health. Ms Hampshire (who is an experienced Cafcass  
294 officer and Guardian) was sufficiently concerned about this aspect to use the  
295 Cafcass Adult wellbeing toolkit in her interview with SNM. As Ms  
296 Hampshire told me and is in her report at D13, she is not medically qualified  
297 and this is not in any way a means to a diagnosis. However, as Ms Hampshire  
298 said it is a recognised tool for medical and non-medical professionals  
299 (including NHS staff) to use to quickly assess whether or not there may be an  
300 issue in relation to an adult's mental health. The conclusion which Ms  
301 Hampshire reached in July last year was that SNM's scores indicated that "she  
302 may still be experiencing problematic difficulties with anxiety and depression,  
303 which would suggest that her mental health remains very fragile" (D13). The  
304 letter from the GP and the evidence from SNM of her needing ongoing  
305 counselling and medication support this conclusion, I find.

306 TNM was also very vocal in his evidence about his concern that he did not  
307 think that Ms Hampshire had conducted a fair assessment in this case because  
308 she did not take the impact upon him if the children were to relocate into  
309 account. Nowhere in his statement or in his evidence has he raised the same  
310 sort of ongoing mental health issues that SNM has raised. I have absolutely no  
311 doubt that he would be devastated emotionally if he were no longer to be able  
312 to see N and S as frequently. The question is whether that is something which  
313 would in turn potentially have a lasting and damaging impact upon the

314 children as a result of his emotional devastation. I have no such evidence  
315 before me in this case.

316 SNM, in contrast, has a very real fragility around her mental health. I am  
317 satisfied on the evidence before me that it is not simply the case that SNM has  
318 had historic mental health difficulties unrelated to the issue of whether or not  
319 she lives in Canada. In terms of the chronology of when she has experienced  
320 difficulties in the past before moving to Oxford, it does seem to coincide with  
321 difficulties in their relationship or with her having moved to a new area such  
322 as the move to Princeton and then the move to Zurich.

323 The fact that TNM seems to have had less understanding than her of how  
324 unhappy she was at these times is not necessarily a criticism of him and may  
325 be more to do with the gradual disintegration of their relationship, I suspect.  
326 That being said, I was surprised by his vehemence in evidence to me that,  
327 although accepting SNM would be “crushed” by a refusal of her application,  
328 she would “get over it” and that it was not fair because the impact upon him  
329 should be taken into account. I came to the conclusion that he simply cannot  
330 understand how isolated and unhappy SNM feels herself to be in Oxford. He  
331 genuinely seemed perplexed at the suggestion that SNM lacked adequate  
332 support in Oxford, saying that she had friends through parents of children at  
333 school, access to professional support and support from him. I think it is a  
334 stark illustration of the difference between their individual perceptions. His  
335 perception of her reality is, of course, not necessarily the same as hers and  
336 both may be very genuine in what they say to me about their perceptions as a  
337 result. However, looking at the actual evidence before me it does seem clear

338 to me that SNM does not have a large support network here in Oxford and  
339 probably would not count TNM as a support for her, even though he may be  
340 able to help with the children. Similarly, her support from friends does appear  
341 to be limited to help with the children rather than people in whom she can  
342 confide about her personal difficulties.

343 In contrast, in Canada she has her cousin M and five other cousins and family  
344 friends, as well as her fiancé SD. M lives in the same neighbourhood as SD  
345 and therefore in the vicinity of where SNM proposes living. M also has young  
346 children whom N and S have met and with whom they get on well. SNM has  
347 other cousins who live in Montreal and so in the wider area in which she  
348 proposes living. TNM made much of the fact that SNM had provided no  
349 names for these other cousins but doesn't dispute that she does have such  
350 cousins. It therefore matters little whether or not I have their names, I find.  
351 TNM also sought to rely on the fact that SNM said that she lost touch with her  
352 Canadian family after the unexpected death of her father in 2009. I am not  
353 sure that this makes much difference to the case as things stand currently since  
354 SNM has given credible evidence to the effect that she reconnected with her  
355 family after TNM moved out in May 2014 (C3). She is now in regular  
356 communication with them and this is not in dispute (C4). SNM has also  
357 provided evidence about various family friends and friends of hers from her  
358 childhood who live in Canada and with whom she is still in touch (C15). I  
359 find that she would have a good support network for her and the children in  
360 Canada and lacks this in Oxford.

361 It is also argued by TNM that SNM's desire to relocate to Canada is  
362 something that has arisen quickly and is primarily driven by her relationship  
363 with SD. I can see how he may think this if she has not discussed it fully with  
364 him before, but looking at the evidence before me it does seem to me that her  
365 desire to relocate to Canada is one that pre-dates her relationship with SD.  
366 She said in her statement at C6 para 28 and C10 para 46 that she began to  
367 think about this after their separation in 2014 and more seriously in September  
368 2015. She does not appear to have discussed this with TNM in any detail on  
369 her own evidence. I find this may explain his apparent shock at her plans and  
370 his belief that this proposal is not as a result of a long-standing desire. In any  
371 event, TNM does seem to have been aware at the end of 2014 that SNM was  
372 deeply unhappy in Oxford and that she wished to relocate because he accepts  
373 that there were discussions about her possibly moving to Switzerland (a  
374 country where the family lived between December 2009 and August 2013).

375 SNM also said in her statement and in evidence to me that her plans to relocate  
376 to Canada are not driven primarily by her relationship with SD. It is not  
377 disputed that SD is someone with whom she had a relationship for some years  
378 starting when she was 14 years old. It is also not disputed that SNM and SD  
379 remained in contact as friends for two years after the end of their relationship.  
380 It is also not disputed that TNM has met SD and on occasion been out with  
381 him in Montreal when TNM visited Canada in the 1990s. TNM does dispute  
382 the precise number of years of the teenage relationship and the extent to which  
383 SNM and SD have been in contact with each other since they reconnected in  
384 January 2016. I am not sure how he would know one way or the other,  
385 frankly. He does accept that there have been visits between SD and SNM and



386 the children, both in Oxford and in Canada. SNM accepted that she had had a  
387 short relationship with a man from South Africa at the end of 2015/beginning  
388 of 2016 as SNM told me. That does not, of course, preclude the possibility of  
389 SNM reconnecting with SD as she says she did in January 2016. On balance, I  
390 am persuaded that SNM does indeed view the relationship with SD as a  
391 permanent one (they are engaged to be married) and that this was something  
392 which post-dates her desire to move to Canada. As she herself told me, the  
393 relationship with SD is “the cherry on the cake”. I also find that SNM’s desire  
394 to relocate to Canada is not driven in any sense by an intention to frustrate  
395 contact between the children and their father.

396 Ms Hampshire noted some concerns in her report about the long-term stability  
397 of the re-kindled relationship between SNM and SD. Of course, as Ms  
398 Hampshire herself told me in evidence, her reports were written in July and  
399 September and we are now in January. Ms Hampshire noted in her first report  
400 that despite these concerns SNM “would have the benefit of a readily-  
401 established network of friends and family in Quebec who would be able to  
402 provide support to her and the children, even if the relationship with SD does  
403 not work out as she would hope” (D20). I agree with this assessment and,  
404 whilst accepting that there is a risk that her relationship with SD may not work  
405 out, note that this is not a wholly new relationship as SNM has (in her words)  
406 “reconnected” with someone she knew for several years. The couple have also  
407 had around 12 months to consider their plans at this point. It is also difficult  
408 to see how much testing there could be of the relationship whilst they live in  
409 two countries separated by a considerable distance. As Ms Hampshire told me,  
410 there is always an element of risk in bringing together any blended family.

411 She also pointed out that nothing in life was without risk and, whilst it may  
412 well be that SNM has a rose-tinted perspective of her future life with SD, she  
413 does also have a sound contingency plan if things do not work out. Ms  
414 Hampshire was therefore not worried about this so as to lead to her changing  
415 her recommendation.

416 I find that SNM has carefully thought through her contingency plans should  
417 the relationship with SD not work out. SNM will have her own savings in the  
418 region of £70,000 as she told me that her legal costs for these proceedings will  
419 be met by her share of the monies held in a joint account. This was not  
420 challenged. From those savings she will clearly be able to fund her own  
421 accommodation if she is no longer able to live with SD as she plans and while  
422 she seeks employment.

423 I have unchallenged evidence in the supplemental bundle and in her statement  
424 about the costs of living being lower in Canada and likely housing costs if she  
425 were to have to fund her own accommodation (C18-19). Whilst she does not  
426 plan to work immediately on her arrival in Canada as she wants to ensure that  
427 the children are properly settled first, she does have sufficient savings to afford  
428 this plan. She then plans to get work fairly quickly. TNM accepted in  
429 evidence to me that she has never had a problem finding employment given  
430 her qualifications and is unlikely to have a problem in Canada. I find that she  
431 has provided detailed evidence about her plans to support herself and the  
432 children both practically and financially both in the short and long term if her  
433 application were to be granted. TNM did point out that she does not have a  
434 job currently lined up. SNM herself told me that she was unable to do this

435 without a clear timetable for her move. I accept this aspect of her evidence  
436 and, given that it is undisputed that she will find employment readily, I find  
437 that it would not be reasonable or necessary for her to have a job lined up at  
438 this point to support her application. In any event, she has also given evidence  
439 that she has made preliminary enquiries of prospective employers and  
440 agencies and has the potential to work for friends as well.

441 In light of my findings above I therefore find that SNM actually has a greater  
442 likelihood of being able to meet the needs of the children if this application  
443 were to be granted than if it were to be refused.

444 (c) the likely effect on them of any change in their circumstances; In relation to  
445 this heading, there are several potential and some inevitable changes that these  
446 children will experience. Inevitably their parents separating has led to a  
447 change in the way they spend time with their parents. Whatever order I make  
448 in this case, their parents no longer live together as a couple and hence it is not  
449 going to be practicable for the children to see each parent every day.

450 SNM has given me evidence to the effect that the house she is currently  
451 renting is to be sold and therefore she cannot live in it beyond the end of this  
452 month. She said that she can move in with a friend after that but otherwise  
453 would have to find other accommodation if she were to stay in Oxford.  
454 Therefore whether she remains in Oxford or moves to Canada the children will  
455 be moving to a new home. TNM did say that there was no proof that the  
456 house was sold but this point was not actually put to SNM in cross-  
457 examination and in any event the general fact that she will have to move at  
458 some point doesn't seem to be in dispute. SNM has produced an email from

459 her landlord dated 6<sup>th</sup> June 2016 indicating their intent to give her notice and  
460 sell the property and also saying that they require the property for their own  
461 use as soon as possible (C46). TNM is also due to move soon, telling me that  
462 he will be moving to a two bedroom flat in the city centre. N has lived in 7  
463 previous homes and both of his parents moving therefore means that he will  
464 have at least 9 changes of residence in his comparatively short life.

465 Potentially, if I allow the application, the children will also move to Canada,  
466 live in a new home with SNM's fiancé (and sometimes his children who have  
467 a shared care arrangement with SD's ex-partner), start school in Canada and  
468 begin to learn French as bilingual Canadian citizens. They will also  
469 potentially see their father face to face much, much less than they do now.

470 The key issue here is the likely impact of these changes upon the children.  
471 Moving house as they must regardless of the outcome of this application is not  
472 something that a Court order could address.

473 N's evidence to Cafcass is very telling that his perception is that he now sees  
474 more of his father, I find. This does support a conclusion that their perception  
475 was one of not seeing their father as the person who dealt with the majority of  
476 day to day tasks and that these were mainly covered by SNM. However, the  
477 actual amount of time that each parent spends or spent with the children is not  
478 terribly significant, I find. I do agree with TNM that the notion of a primary  
479 carer is perhaps simplistic and not a reflection of the way in which modern  
480 couples parent their children. The only significant issue for me in a case such  
481 as this is what the children experience and need by way of time with their  
482 parents.

483 For these particular children, the evidence from Ms Hampshire and from the  
484 parties leads me to conclude that the children have a view of their mother as  
485 the one who has dealt with their day to day basic care tasks. Their father has  
486 been there for adventure and fun activities. Despite this or perhaps because of  
487 it, they value their relationships with both parents and clearly want to spend  
488 time with both of them. They clearly experience quality time with each parent  
489 regardless of the actual amount of time that is involved.

490 Ms Hampshire does not recommend a shared care arrangement if the  
491 application to relocate is refused. She told me that she did not recommend  
492 shared care in the majority of cases as children normally require stability and  
493 certainty. Ms Renton submitted that there is no evidence to support this  
494 stance. However, Ms Hampshire did tell me that research supports the  
495 conclusion that shared care arrangements are often not in the best interests of  
496 children. I have taken her evidence in the context of the fact that, as a Cafcass  
497 officer, she will only have become involved in the relatively small proportion  
498 of children whose separated parents have to come to court and where there is a  
499 welfare issue requiring Cafcass input. In addition, I am mindful of my own  
500 experience that shared care arrangements do require parents and the children  
501 concerned to be able to work together and communicate effectively. Viewed  
502 from this perspective it is perhaps less surprising that she rarely recommends  
503 shared care arrangements. What is no longer in dispute in any case in the  
504 Family Court is that children need stability since lack of stability can create  
505 profound uncertainty for them. In any event, I have looked at the needs of  
506 these particular children in light of the evidence of this case. Sadly, it is clear  
507 to me that their parents cannot effectively communicate with each other. There

508 are numerous examples in the evidence from both of them to support this  
509 conclusion. In addition, the children's own perception is that of living with  
510 their mother and spending time with their father. If the application to re-locate  
511 is refused, I find that it would not be in the children's best interests for there to  
512 be a change to either an equal split of time spent with each parent or some  
513 other form of shared care arrangement. Consequently I find that they need an  
514 arrangement whereby they live with their mother but spend time with their  
515 father regardless of where they are living.

516 The key question for me under this welfare checklist heading is whether their  
517 close and loving bond with their father would be adversely affected by their  
518 relocation to Canada. I find that it would not be. They are children who  
519 already have an established and close bond with him. They are also well-used  
520 to seeing him for less time overall than they spend with their mother and this  
521 has not caused that bond to weaken. They are extremely adept at using  
522 alternative methods of indirect contact such as skype and WhatsApp, I find.  
523 This was noted by Ms Hampshire both in her report at D19 and also in her oral  
524 evidence to me. One other aspect of this is that TNM must therefore also be  
525 similarly adept at using such methods of communication in order for this to  
526 work so well for N and S. Many parents that I deal with struggle to master  
527 such things so it is greatly to his credit that he is able to communicate with  
528 them in a way that many of N and S's generation take entirely for granted. I  
529 have looked in more detail at what is proposed by way of contact should the  
530 application be granted under the welfare checklist heading risk of harm below.

531 (d) age, sex, background and any characteristics of the children which the court  
532 considers relevant; N and S are aged 10 and 7 years old respectively. They  
533 have German, Canadian and American citizenship. They speak English and  
534 German. Their paternal and maternal heritage includes Greek and Norwegian  
535 ancestry. By all accounts they are extremely bright and delightful children.

536 TNM has raised a concern about their emotional or psychological  
537 vulnerability. It is not disputed that N was referred to PCAMHS and S  
538 presented with soiling and wetting at the time of the parties' separation. This  
539 was noted by Ms Hampshire who commented in her first report "From the  
540 parents' accounts, signs of N becoming upset and unsettled and S presenting  
541 with wetting and soiling would appear to have been directly linked to the  
542 children's experience of their parents' separation, which would indicate that  
543 however much their father worked away, the children's sense of their world at  
544 the time involved viewing their parents together as a unit, which is why they  
545 would have been likely to have found the separation destabilising"(D12).

546 Ms Hampshire did not identify any ongoing concern about the children's  
547 emotional welfare and there is very positive evidence from the school that  
548 neither child is showing any concerning presentation there. She did note that  
549 she had "no doubt that the children will be upset and disappointed if they were  
550 to leave their current school and friends behind, but they are young, sociable  
551 and resilient enough to quickly settle in a new area, even where there may be  
552 differences in culture and language...just as they did when they relocated from  
553 Zurich three years previously." (D19). In light of her assessment and the  
554 absence of ongoing issues, I find that there is no continuing emotional

555 vulnerability which would suggest that allowing the move would adversely  
556 affect their wellbeing to such an extent as to cause them long-term harm.

557 (e) any harm which they have suffered or are at risk of suffering; In light of my  
558 findings above, the issue of the impact upon SNM of refusal and the  
559 consequent risks that this may pose to the children is one that I find I do have  
560 to give careful consideration. I am satisfied on SNM's evidence, that of  
561 Cafcass, and from TNM in particular about SNM's suicidal outburst and  
562 previous emotional outburst about moving to live in Canada, that SNM has  
563 long-standing mental health issues which are significantly exacerbated by her  
564 being isolated and lonely in Oxford. The evidence which SNM has produced  
565 about the reasons for losing her employment in May 2016 is also something  
566 which adds weight to her case. At C43 she has provided the letter she  
567 received from her former employer which sets out that she was dismissed due  
568 to concerns about the quality of her work. She said in her statement at C17  
569 that the quality of her work suffered due to feeling very isolated since coming  
570 to Oxford and the strain of communicating and working with TNM since their  
571 separation. TNM does not accept that this was the case in his statement at  
572 C315. Given that there is a letter from her former employer setting out that  
573 she was dismissed due to poor performance and his own acceptance that she is  
574 normally someone who has no problem finding work and maintaining it to an  
575 acceptable standard, I find this stance somewhat surprising.

576 I find that to refuse her application risks SNM's mental health deteriorating to  
577 a point where the children are adversely affected by it. Put bluntly, if she  
578 continues to experience the stress and anxiety which I find that living in



579 Oxford without an adequate support network is causing, I find there is a real  
580 risk that she will be emotionally unavailable for her children and potentially  
581 physically also unavailable for them if she is trying to keep her distress from  
582 them. This is not something that she would simply “get over” I find.

583 The impact on TNM is something that is relevant to my considerations if I find  
584 that it is likely to have a consequential impact upon the children, and even then  
585 only if that in turn would be an adverse impact for the children. I have no  
586 doubt that if the children were to move to Canada this does mean that TNM  
587 will have less face to face contact with the children than now. That is an  
588 accepted fact in this case. I equally have no doubt that this will be incredibly  
589 upsetting for TNM. In terms of whether seeing their father less frequently  
590 face to face will adversely affect the children, I am sure that this will be less  
591 than ideal for them and that they will initially be upset as Ms Hampshire noted  
592 in her report at D19. However, these are incredibly bright, sociable and very  
593 resilient children as Ms Hampshire’s evidence shows. Her evidence was that  
594 the very good quality indirect contact that they will have with their father via  
595 skype etc will ameliorate the loss of direct contact with him for them. I agree  
596 with this conclusion in light of the extremely good quality indirect contact that  
597 the children already enjoy with their father.

598 SNM has suggested that they can have unlimited indirect contact with their  
599 father and has also said that he can have direct contact with them if he is able  
600 to travel to Canada outside of the suggested periods in her proposals. SNM’s  
601 proposals altered slightly in the course of the hearing but in summary she was  
602 suggesting that the children spend the majority of the summer holidays with

603 their father (either in Canada or Europe) and that this would amount to 6-7  
604 weeks. She was also suggesting direct contact between the children and their  
605 father at either Easter or Christmas with an alternating pattern each year so  
606 that one year the children spent Christmas with one parent followed by Easter  
607 with the other and then the other way round for the following Christmas and  
608 Easter. Canadian school children also apparently receive week's holiday in  
609 March and she suggested that this could also be when the children spent time  
610 with their father, provided she herself had no plans for that break. She said  
611 that any of these periods of contact could be either in Canada or Europe and  
612 also suggested that the children could go skiing with their father in Canada.

613 In terms of the affordability and practicality of SNM's proposals with regard  
614 to direct contact, I have considerable and very detailed evidence from both  
615 parties about this. SNM suggested that the money which is currently paid to  
616 her by way of a form of maintenance (in reality the difference in housing costs  
617 at present) could be paid into an account specifically for TNM's and the  
618 children's travelling expenses. She has agreed to fund her own flights to  
619 accompany the children to and from Europe. She has produced details of  
620 likely flight costings to and from Canada.

621 TNM's evidence was that he is only entitled to five weeks leave per year and  
622 that he is expected to take this during university vacations. He said that this,  
623 coupled with the financial constraints of funding contact if his children reside  
624 in Canada, would in practice mean that he could only see the children once at  
625 least and twice at most per year. In terms of his leave, five weeks is a fairly  
626 generous entitlement compared to many parents who come before these courts.

627 It is also paid leave so he would not lose income. In addition, on his own  
628 evidence he is entitled to apply for additional time by way of an 8 week  
629 sabbatical to pursue research every two years. Whilst it is not guaranteed that  
630 this will be granted, it does seem likely that he may be able to use some of this  
631 time to plan a period of time either in Europe or Canada or the US where he  
632 could combine a research project with spending time with the children. His  
633 evidence to me was that there was some degree of flexibility around how he  
634 organises his work time both here and when abroad on work related trips. In  
635 addition, he has produced a letter from Columbia University in the USA  
636 (C379) which confirms that he holds an adjunct research scientist post at that  
637 university. The letter confirms that this post is unpaid but that he has visited  
638 there about one per year for the past three or so years. As SNM suggested in  
639 her evidence about contact proposals, this may also enable him to arrange to  
640 travel to see the children in Canada with days tagged onto such a trip. He  
641 accepted when I asked him that this might be the case, albeit it would probably  
642 only be a day or so achieved by combining the work trip with a weekend.

643 TNM produced a five page document overnight on 17<sup>th</sup> January 2017 setting  
644 out his alternative costings. Ms Campbell for SNM put it to him that she  
645 found the document very confusing and I have to say that it is not the easiest  
646 document to follow. He has included in his costings figures in relation to a  
647 skiing trip to Calgary with the children in March 2017. His argument is that it  
648 is too cold and the skiing too inadequate to enable him and the children to ski  
649 on the East coast of Canada. SNM was very clear that there is locally  
650 available skiing near St Bruno and resorts such as Vermont and Lake Placid  
651 are also nearby and I found this more credible than TNM's assertion that there

652 was nothing suitable there. On the basis of the children and their mother  
653 utilising overnight flights to Europe and therefore sleeping on the plane (as  
654 SNM told me she intended and they had already done), it also seems possible  
655 that the children could continue to ski in Europe with their father during their  
656 March break as well. I find that there is no necessity for TNM to have to  
657 travel to Calgary or similar to enjoy a skiing trip with N and S. He may have  
658 to compromise somewhat as to the quality of the skiing in St Bruno but the  
659 benefit of that compromise is shorter travel times and lower cost therefore  
660 increasing the quality time with his children.

661 TNM also accepted, when cross-examined by Ms Campbell, that he had also  
662 included within his costings sums for items which would be expenses whether  
663 or not the children lived in Oxford. These were sums for food and  
664 entertainment and childcare costs if the children were with him when he was  
665 working. In addition, he had included the air fares for an adult travelling with  
666 the children. This cost would in fact be borne by SNM who has accepted that  
667 she will accompany the children on trips to and from Europe and bear her own  
668 flights costs for this. The likely additional costs for TNM in having contact  
669 with the children if they move to Canada are not therefore anywhere near as  
670 great as he tried to argue.

671 The main issue for me is whether the likely additional costs associated with  
672 contact taking place as a result of the children living in Canada would be  
673 unaffordable by either or both parties. As Ms Hampshire pointed out, both  
674 parties are well-educated and are usually in well-paid professional jobs. In  
675 addition, I find that it is reasonable to expect that both parties will try to make

676 their arrangements for contact sufficiently far in advance so as to enable  
677 reduced fares etc to be taken advantage of. TNM did say to me that his  
678 teaching schedule was not normally finalised until quite late. However, I  
679 consider that this aspect will not be an issue in relation to the summer and  
680 Christmas or Easter holiday contact which will fall during the university  
681 vacations. This really only leaves the March break which it is not disputed  
682 actually takes place in late February/early March (C16 and SNM in evidence  
683 to me). Since TNM has clearly on his own evidence been able to arrange a  
684 skiing trip with the children in February most years and whilst working at the  
685 university, it also seems reasonable that he will be able to continue to do the  
686 same in late February or early March.

687 TNM also said that he was concerned about the children not being able to see  
688 their paternal grandparents as frequently. He told me that his parents were  
689 unable to travel across the Atlantic on long-haul flights due to their age and  
690 health issues. They are, however, able to travel to the UK so the children  
691 could see them whilst staying with their father in the UK. The children could  
692 also travel to Germany to see their grandparents there, as SNM proposes.  
693 Again, whilst granting the application may mean that N and S do see their  
694 grandparents slightly less frequently, it does seem to me that they will still see  
695 them and that quality contact with them can still be maintained on the  
696 proposals put forward by SNM.

697 It is also argued by TNM that SNM will not actively promote the children's  
698 relationship with him if the children live with her in Canada and that, whilst  
699 she is offering fairly generous direct and indirect contact, she will not in fact

700 facilitate such contact taking place. He seemed to be basing his argument on  
701 what has or hasn't been said at court about contact around previous hearings,  
702 as well as some frankly rather strange allegations he makes about SD  
703 monitoring communications between TNM and the children. Dealing with  
704 that last point first, TNM alleged that SD had interrupted a telephone call he  
705 was having with N, that SD had been recording him on an iPhone and iPad left  
706 in the kitchen and that SD had hacked into his phone calls with the children.  
707 The first allegation is something I have referred to above as it is when SD  
708 apparently asked N what topping he would like on his pizza. The call appears  
709 to have been spontaneous from N to TNM and it is therefore quite likely that it  
710 could have clashed with dinner preparations. It is hardly something of any  
711 great significance and says rather more about TNM and his determination to  
712 think the worst of SD, I find. This conclusion is supported by the second  
713 allegation about the iPad. TNM told me that he was concerned at the way in  
714 which one phone and two iPad were lined up on the kitchen worktop when he  
715 picked up the children. He himself said he had no evidence apart from this  
716 about this concern. The allegation that SD hacked into the children's phone  
717 calls with him seems to be related to the fact that SD is an IT security  
718 consultant and TNM thinks he has used these skills or would use these skills to  
719 monitor phone calls. Again, he has no actual evidence of this taking place and  
720 I find that it says volumes about his apparent willingness to believe the worst  
721 of SD rather than anything else.

722 (f) how capable each of their parents is of meeting their needs; both parents  
723 accept that the other is capable of meeting the children's needs and Cafcass are  
724 also of this opinion. There is nothing else that I need to add to this.

725 **Conclusions**

726 A point has been taken by Ms Renton on behalf of TNM as to whether or not Ms  
727 Hampshire's assessment is sufficiently detailed and holistic. Part of this relates to the  
728 fact that Ms Hampshire has not interviewed SD or seen the children with either SD or  
729 his children. Ms Renton referred me to PD 16A and the duties of a Cafcass officer in  
730 compiling a report. Those duties are set out in para 9.2 as follows: *The officer must*  
731 *make such investigations as may be necessary to perform the officer's powers and*  
732 *duties and must, in particular –*

733 *(a) contact or seek to interview such persons as appear appropriate or as the court*  
734 *directs; and*

735 *(b) obtain such professional assistance as is available which the children and family*  
736 *reporter thinks appropriate or which the court directs be obtained.* The Court has not  
737 been asked at any previous hearing to direct that there should be any contact or  
738 interview with SD by Ms Hampshire. On the last case management order dated 30<sup>th</sup>  
739 September 2016 (B35 onwards) SNM was given leave to file a statement from SD,  
740 but only if so advised. As I pointed out this meant that it was not evidence that the  
741 Court required in this case as it was entirely a matter for SNM and her legal advisers.  
742 An unsubstantiated allegation against SD was investigated through the MASH and  
743 their report has been considered by Ms Hampshire in preparing her addendum report.  
744 TNM took issue with the thoroughness of the MASH investigation but, having read  
745 the report myself (D28-50), the extremely limited and vague nature of the information  
746 which prompted the investigation itself clearly did not warrant more probing of N as  
747 TNM appeared to be suggesting. The conclusions reached in that investigation are  
748 entirely proper conclusions in the circumstances, I find. In light of this, it would be a

749 matter for the individual Cafcass officer concerned as to what she felt was necessary  
750 in accordance with PD 16A. Ms Hampshire was very clear in her evidence to me that  
751 she did not feel it necessary for her to have spoken to SD given the absence of any  
752 safeguarding concerns even after international police checks had been conducted. I  
753 accept this and therefore conclude that it was not appropriate or necessary for her to  
754 need to contact or interview SD in order to conduct a proper assessment of what was  
755 in the welfare interests of N and S.

756 In terms of whether her assessment overall was fair and balanced, which was another  
757 point raised by Ms Renton, I find that it was. It is true that her report does not set out  
758 each of the section 1 Children Act 1989 welfare checklist headings and then consider  
759 each in detail. That is quite simply not the way in which Cafcass reports are currently  
760 written. As Ms Hampshire pointed out, she has addressed the welfare checklist  
761 overall and I cannot see any deficiencies in her considerations of the various relevant  
762 headings in this case. Ms Renton also submitted that Ms Hampshire had placed  
763 undue reliance upon the case of Payne v Payne in formulating her recommendation.  
764 Ms Hampshire told me that she had used the up to date Cafcass legal guidance about  
765 relocation cases. Of course, she is not a lawyer, so to criticise her in respect of an  
766 interpretation of the law would not be fair or appropriate. It is true that the current  
767 case law does not exclude consideration of some of the suggested checklist from  
768 Payne v Payne. The key question is whether she has conducted the sort of global,  
769 holistic analysis which the current case-law requires. I find that she has and that  
770 TNM's objections are more to do with his being unduly focussed upon matters that  
771 related to him and which are not relevant to the overall question of the children's  
772 welfare. I was very struck by his insistence that Ms Hampshire should have taken



773 into account the impact on him – as Ms Campbell submitted on behalf of SNM this  
774 made it sound as if it was about him and not the children.

775 Having considered all relevant aspects of the welfare checklist, I am satisfied that it is  
776 in the best interests of these children for SNM’s application to take them to Canada to  
777 be granted. These are, as Ms Hampshire noted, truly international children for whom  
778 the world is a markedly smaller place than for others their age. SNM has put forward  
779 carefully considered and detailed information to support her application and I do note  
780 that this is a plan for her to return to her country of origin rather than a plan to move  
781 to the wholly unknown. I am also satisfied that she will actively promote the  
782 children’s relationship with their father and will allow the contact that I will order.

783 TNM has, as he accepts at C330, already had direct contact in addition to the contact  
784 outlined in the previous court order pending this final hearing and indirect contact  
785 with the children as the children want. It is a factor, but not a very significant one to  
786 my mind, that TNM is also still subject to a period of probation in his appointment.  
787 That probationary period does not end until September 2018 and, as Ms Hampshire  
788 noted and TNM accepted, there is also the fact that with Britain leaving the EU  
789 nothing is certain about what will then happen to EU nationals working in the UK. I  
790 have noted that TNM told me that there are no concerns about his performance so far  
791 in his probationary period, although he has not produced any documentary evidence to  
792 confirm this but I accept his evidence about this as it would no doubt affect his  
793 finances were his job to be actively at risk. He also told me that reassuring noises  
794 were being made generally about the post-Brexit position for EU nationals working at  
795 the university. I think all I can conclude is that things are marginally less certain in  
796 this regard than they were when he accepted the job. What is far more significant to  
797 my decision is that he is clearly well-used to international travel to achieve his goals.

798 Therefore organising travel so as to spend time with his children, even with the  
799 inevitable constraints of holiday time and finances, will not be difficult for him to  
800 achieve if he is truly committed to seeing them. I do find that it is necessary for the  
801 children to be able to see him during the March break every year as this will provide  
802 for them to see their father at least three times every year and thus further ameliorate  
803 the effects of the move upon them. I do appreciate that this will limit the “fun time”  
804 that the children will get to spend with SNM as she told me, but she also said to me  
805 and it is in her statement at C16 that there will be long weekends during the school  
806 year which the children can spend with her. There will also be the balance of the  
807 summer school holidays not spent with their father and either Easter or Christmas.  
808 The order that I will make in addition to granting the application to take the children  
809 out of the jurisdiction to live in Canada is therefore that SNM shall make the children  
810 available to spend time with TNM for the whole of the March break each year, 6-7  
811 weeks of the summer break each year, and either Christmas or Easter each year.  
812 There may be unlimited indirect contact between the children and TNM. There may  
813 also be such additional contact between the children and TNM as the parties agree.  
814 Direct contact between the children and TNM may either be in Europe or Canada as  
815 the parties agree. SNM shall pay for her flights to accompany the children to and  
816 from Europe in the event that contact is taking place in Europe.

817 The timing of the move is the next issue that remains to be determined. TNM has  
818 asked that the move be delayed until the start of the new school year in September  
819 2017. SNM and the children would have to live in temporary accommodation for this  
820 period as her evidence clearly shows me given that she has to vacate her current  
821 property. However, the main issue that I can see with delaying the move until then is  
822 that as the children would be with their father for the majority of the school summer

823 holidays, there is limited opportunity for them to use this period to acclimatise to their  
824 new home and country. It therefore seems to me that the interests of the children are  
825 better served by allowing the move to take place in time for the new Canadian school  
826 term on 6<sup>th</sup> February 2017.

827 SNM is committed to obtaining mirror orders in Canada as soon as practicable and I  
828 will direct that she do so. My experience of similar cases leads me to conclude that  
829 she would encounter no significant obstacle or delay in doing so but that mirror orders  
830 are not necessary prior to the move.