

Re G (Domestic Violence: Direct Contact)

**[2000] 2 FLR 865 : [2001] 2 FCR 134 : [2000] Fam Law 789 :
(2001) 165 JPN 526**

18/07/2000

Barristers

Dermot Main Thompson
Justin Ageros

Court

Family Division

Facts

The child was born to a Polish Romany mother and a Polish father. When the child was 3 years old, the mother died after being beaten by the father; the father was later convicted of manslaughter and imprisoned. The couple had a history of excessive drinking, arguments and violence by the father to the mother, although the father denied this. The child was placed with Polish foster-parents who had known her previously. She was very disturbed when she was first placed with the foster-parents but her disturbed behaviour subsided after a time and only resurfaced when she was told that she was to visit her father. The local authority applied for a full care order, the care plan being that the foster-parents would continue to care for the child long term with a view to adoption, and for leave to terminate direct contact between the child and her father. The father who denied responsibility for the mother's death, serious drinking, and serious violence, sought direct regular contact while in prison, and parental responsibility. The threshold criteria under s 31 were conceded, but as an alternative to the local authority's care plan the father proposed that the child live with his sister in Poland until he was released from prison, after which he would take over the child's care.

Held

(1) Granting a full care order – the threshold criteria were met and in the best interests of the child there was no alternative to a full care order. The local authority's care plan should be approved and the father's proposals rejected. The latter were inadequate not only because of the aunt's inadequacies, but also because the long-term plan was for the child to leave the aunt and live with her father in Poland. The father was unsuitable to have care of the child in the foreseeable future, if ever, because of his excess drinking, his violence, his refusal to acknowledge his violence or the adverse effect which that violence had had on the child, his refusal to accept that the child had been suffering from nightmares and behaving in a disturbed way, and his refusal to accept that the child was reluctant to see him.

(2) Giving leave under s 34(4) to terminate direct contact – the reasons which made the father an unsuitable carer were also relevant to direct contact, in particular the father's failure to accept his violence and its effect on the child. The reluctance of a young child to see a parent in cases involving

serious domestic violence required careful consideration. There was very strong evidence that direct contact would be seriously disadvantageous to the child. However, indirect contact at Christmas and on birthdays should be provided.

Re L (Contact: Domestic Violence); Re V (Contact: Domestic Violence); Re M (Contact: Domestic Violence); Re H (Contact: Domestic Violence) ; Re M (Contact: Violent Parent) applied.

(3) Making no order on the father's application for parental responsibility - weighing up all relevant factors, including the father's commitment to the child, the degree of attachment between them, his reasons for the application, his violence and failure to accept it and its effect on the child, no order was appropriate for the time being. However, an application in the future might have a greater chance of success to safeguard his position if the foster-parents were to apply for adoption.

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