

IN THE BRISTOL FAMILY COURT

Bristol Magistrates Court

Date: 08/06/2015

Before:

HIS HONOUR JUDGE WILDBLOOD QC sitting as a Judge of High Court.

Between:

	Roger Williams	<u>Applicant</u>
	- and -	
	Rebecca Minnock	<u>First Respondent</u>
	-and-	
	Ethan Freeman Williams (by his guardian)	<u>Second Respondent</u>

Mr Chapman for the father.

Mr Hutchence for the child.

There being no appearance by the mother

Hearing dates: 8th June 2015

JUDGMENT

HHJ Wildblood QC :

1. These are private law proceedings concerning the future welfare of a three year old child called Ethan Williams, to whom I shall refer in this judgment as 'Ethan' The mother is Rebecca Minnock. The father is Roger Williams. The case is before me today, 8th June 2015, as a result of the arrest of three members of the mother's family pursuant to a collection order that I made on Wednesday 3rd June 2015. The people who have been arrested are Ethan's grandmother, uncle and aunt. The grandmother is Louise Minnock. The uncle is Marvin Shaw. The aunt is Limmie Shaw.
2. The procedure that has been followed is that laid down in the 'Practice Direction – Committal for Contempt of Court – Open court', issued by the Lord Chief Justice on 26th March 2015. The lists have been amended in accordance with paragraph six of that Practice Direction and copies of the list have been distributed to the press by the Press Office, as required by paragraph 6(3). I am releasing this judgment in accordance with paragraph 14 of that Practice Direction. I have liaised with Mr Russell Hayes of the Judicial Communications Office and also with the Tipstaff to ensure that they are kept informed of events as they unfold. I am grateful for the help that they have both provided. There were reporting restrictions in place but these have been varied pursuant to an order of a District Judge as explained below; the Tipstaff takes the view that there is positive benefit to the child for the assistance of the press to be sought in finding the child.
3. I have also ensured that I have read the following important case law: Re B (a child) (removal from jurisdiction: removal of family's passports as coercive measure) [2014] EWCA Civ 843, Re B (Minors) (Wardship: Power to Detain) [1994] 2 FCR 481 and Wilkinson v Lord Chancellor's Department and Official Solicitor [2003] EWCA Civ 95. Those three cases have also lead me to read other case law over the weekend, but the essential points that I need to consider are contained in those three cases and in the Practice Direction.
4. The collection order was served on Louise Minnock, the grandmother at 9.30 on Sunday 7th June 2015 at her home address. She stated that she did not know the whereabouts of Ethan. The order was served on the uncle and aunt on Sunday 7th June 2015 and they were arrested on that day also. They have also stated that they do not know the whereabouts of Ethan. The

grandmother arrived at court in custody promptly; it was not until 12.30 p.m. that the other two family members came to court. Given the delay that had occurred, the amount of time that they had already spent in custody and their emphatic denials of any knowledge of the whereabouts of the mother or child, I released them from custody on the understanding that they had to return to attend the remainder of the hearing. They complied with that understanding.

5. The relationship between the parents of Ethan ended when they separated in February 2013. Ethan has always lived with his mother since then but private law proceedings commenced between the parents in March 2013 when the father applied for contact. Since then there has been heavily contested litigation which has been heard before a District Judge. On 27th May 2015 she made orders that Ethan should live with his father. The mother did not attend that hearing, although she was represented by counsel. The District Judge found that the mother had made false allegations against the father and had obstructed his contact with Ethan. Sometime at the start of last week the mother left her accommodation with Ethan and is believed to be in hiding with him.
6. There have been concerted campaigns in the area where Ethan was living; firstly by the father in an attempt to retrieve Ethan. Secondly, by the mother's family to spread their opinion that the mother has been treated unjustly, that she should retain the primary care of Ethan and that the allegations against the father are sound.
7. The mother's brother, that is Marvin Shaw, has started a campaign on Facebook in which he publishes his opinion that the mother has been treated unjustly and says that he knows where the mother and child both are. He says, amongst other things, in a message plainly intended for the father to see: *'She's not missing. I know where they both are. And there [sic] both very safe now and just to let you know because I know you are reading this. You will 'NEVER EVER' get you [sic] dirty disgusting hands on that boy again. 'OVER MY DEAD BODY'.* He contends that the message that he wrote on Facebook was not a true representation of his state knowledge of the whereabouts of the mother and child; he wrote in those terms to express his anger at the father, he says. He denies any knowledge of the whereabouts of the mother and child.

8. The mother's sister has started an online petition and a Facebook group in an attempt to gain support for their cause. The grandmother lives with the uncle. They each deny any knowledge of the child's whereabouts.
9. The father's first contact application was made in March 2013, a month after the parents separated. In August 2013 the magistrates ordered that the father should have some contact with Ethan in the presence of the mother and a report was ordered from an organisation called Contact Matters; the mother was then alleging that the father took drugs, which he denies. In October 2013 that contact broke down. In November 2013 an assessment of the father was ordered to be carried out by an organisation called Core Assets.
10. In January 2014 the mother made further serious allegations against the father. She alleged that the father was controlling in his behaviour and also behaved in ways that were sexually inappropriate. In a fully contested hearing in April 2014 the District Judge rejected all of the allegations. Orders were then made for contact with the father to develop; however matters did not progress according to the intentions of the court and a further hearing took place in February 2015. At that hearing there were further issues of fact as a result of allegations made by the mother against the father, all of which the District Judge rejected and, in relation to which the District Judge found that the allegations had been fabricated by the mother to frustrate contact.
11. As a result of the hearing in February 2015, Ethan began to spend four nights a week with his father and three nights a week with his mother. Reports were ordered from the Local Authority under section 37 of The Children Act 1989; orders under that section are made where a court is so concerned about a child that it requires a Local Authority to report as to whether a care or supervision order might be appropriate in relation to the child. Further the very eminent child and adolescent psychiatrist, Dr Berelowitz was instructed to report. By that stage Ethan himself had been joined as a party to the proceedings on the basis that his interests within the proceedings would be promoted by a guardian; this is a step that is taken in particularly complex private law cases to ensure that the court has sufficient information about the welfare of the child. Thus the court had the benefit of a wide spectrum of professional opinion – the Local Authority Children's services ('social services'), the guardian and Dr Berelowitz.

12. The author of the report that the Local Authority filed under section 37 of The Children Act 1989, a social worker, did not recommend the commencement of care or supervision proceedings. However she did take the view that Ethan is not emotionally safe with the mother and that he should live with his father on the basis that the mother would have only supervised contact.
13. Dr Berelowitz observed a warm relationship between Ethan and both of his parents. He reported that the mother did not accept that the father was innocent of the allegations that had been made against him; he considered that the mother had questioned Ethan extensively. He recommended that Ethan should live with his father and that the mother's contact would have to be supervised.
14. The guardian, Tara Bolton, also gave evidence before the District Judge and her recommendations mirrored those of Dr Berelowitz.
15. A hearing was listed before the District Judge on 27th May 2015. On 25th May 2015 the mother took Ethan to a hospital, making further allegations against the father of abusive behaviour towards Ethan; medical staff did not find anything that substantiated the allegations, although that *of itself* could not be conclusive about the allegations that the mother made. However, the mother then took the stance that the father should only have supervised contact with Ethan.
16. The final hearing on Wednesday 27th May was listed for two days. It was the third hearing which considered allegations that had been made by the mother against the father. At that hearing the District Judge intended to deal with the allegations that the mother had raised against the father of sexual misconduct arising from the 25th May. The mother did not attend although she was represented by counsel. The judge rejected the allegations (the mother was not of course present to give evidence in relation to them in any event). The Judge made a positive finding that Ethan had been exposed to emotional harm by the mother and also found, inevitably, that the mother had acted in breach of two court orders; one for her to attend the hearing and the second being the child arrangements order by which Ethan was to live with the father for four days of the week.

17. On the basis of the evidence that she heard the District Judge ordered that Ethan should live with the father and that the mother should only have supervised contact. The Judge also varied the reporting restrictions in order to assist in the recovery of Ethan.
18. The case was transferred to a Circuit Judge with High Court authorisation for the making of orders under the inherent jurisdiction of the High Court. He made orders which I was then asked to consider when I returned to work on Monday of last week, 1st June. On Tuesday, 2nd June, I ordered that the case should be listed before me on the next day, Wednesday 3rd June 2015. I then made the collection orders.
19. Ethan has now been missing for 11 days. The solution to any grievance that the mother and her family might feel does not lie in the mother going into hiding. The court made orders following full investigations and the orders that the Judge made were supported by three strong professional bodies – the Local Authority children’s services, the child’s guardian and the eminent psychiatrist, Dr Berelowitz. If the mother wished to oppose the father’s application on 27th May or to substantiate her allegations she should have attended court; there is no doubt that she knew of the court hearing. Further, if the mother had any valid basis for challenging the orders of the District Judge, she could have sought permission to appeal. She did not do so.
20. On the 27th May 2015 the District Judge made an order varying an earlier order that she had made restricting the publication of details about the case. The order of 27th May provided as follows: *‘the reporting restriction order dated 6th February 2015 is hereby varied to permit the publication of information identifying the child Ethan Freeman Williams (date of birth 25th January 2012) and the parties to these proceedings, including by way of photographs to the extent necessary to assist in the investigation as to the child’s whereabouts and his recovery’.*
21. Lest there be any doubt about what the press can and cannot publish, the press may publish any details provided by this judgment (which is in the public domain anyway) and also may publish photographs of the child, the mother or the father with a view to aiding in the discovery of the child’s whereabouts.

22. I will adjourn this case overnight. I have released the three family members from detention on the clear understanding that they must attend tomorrow before me at the Bristol Crown Court when there will be a further hearing in open court at 10.00 a.m.

HHJ Stephen Wildblood QC

8th June 2015.