

IN THE BRISTOL FAMILY COURT

Bristol Magistrates Court

Date: 24th June 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>

Rupert Chapman for Mr Williams
Ms Minnock in person

Hearing dates: 24th June 2015

JUDGMENT

HHJ Wildblood QC:

1. Following the last hearing in this case Mr Williams issued a notice to commit Ms Minnock for breaches of previous orders. He now applies to withdraw that application.
2. By his committal application, in particular, Mr Williams applied to commit Ms Minnock for failing to hand Ethan over to him on 27th May 2015 in accordance with the order made by the District Judge on 25th February 2015. The order of 25th February 2015 bore a warning notice stating that any breach of the child arrangements order within it might result in a finding of contempt. The 27th May 2015 is the day that Ms Minnock went missing with Ethan. Ms Minnock knew of that order and I cannot envisage that there is any answer to the contention that she deliberately disobeyed it. Thus, if this hearing had proceeded, I cannot foresee how she could have avoided a finding of contempt on that allegation. There were points to be taken about service and the absence of penal notices in relation to other allegations within the committal application which may have negated their relevance to the issue of committal.
3. The continuation of this committal application raised very sensitive issues indeed. There has been a considerable public examination of this case which has been necessary and, I think, educative for many. Strong feelings have been expressed about it. Mr Williams has behaved with extreme sensitivity and has kept the pain, frustration and distress that he must have been feeling to himself. I commend him for the way that he has acted.
4. However, the public knowledge of this case has come at a price. Mr Williams now wishes to end the public displays of the difficulties that affect Ethan's upbringing and wishes the remaining disputes to be heard away from the glare of publicity. If the committal application is continued, he feels that there will be a dramatic increase in the emotional focus that has been directed to him, Ethan and the family as a whole. He wishes that to stop and that is why he does not wish to pursue this application. Once again I commend him for his decision. His decision is, in my opinion, a strong and commendable display of parental responsibility and is plainly based on the best interests of Ethan. He does not wish Ethan to be exposed to the continuing publicity that Ms Minnock has caused. The guardian and the child's solicitor have indicated that they would not wish to initiate any contempt proceedings on behalf of Ethan.
5. I allow him to withdraw the committal application but, in doing so I wish to say a few words of my own.
6. I have previously described Ms Minnock's actions in making off with Ethan as 'utterly irresponsible'. I adhere to those words. It would be patently wrong to suggest that Ms Minnock was so overpowered by protective maternal instinct that she was driven to behave in the way that she did. Her behaviour was manipulative, attention seeking and truculent. It caused immense distress to many. It caused a very large amount of public money to be wasted.
7. Any suggestion that Ms Minnock was driven into a corner and had no alternative but to act in this way is also without any foundation. She had these clear alternatives:
 - i) Turn up at court on 27th May. A court hearing had been arranged before an experienced judge for 27th and 28th May. A very skilled consultant psychiatrist had been instructed to

report to the court at that hearing and did so. There was a guardian available and also a social worker. A barrister had been instructed to represent her at that hearing (and attended on her behalf). If there was any merit in what she had to say then she could and should have attended. The solution was not to remove Ethan into hiding.

- ii) If she did not like the results of any of the court hearings she could have sought permission to appeal. She did not do so in relation to any of the hearings. Strong findings were made by an experienced and careful judge on two occasions that this mother not only made false allegations against the father but positively invented those allegations against him. If the mother did not like those findings she could and should have challenged them on appeal.
 - iii) If she had evidence that invalidated past findings of a family court she could have applied for those findings to be considered afresh. Findings of a family court may, if solid reasons exist, be reconsidered since a family court operates in the welfare of children (and thus may review its own factual decisions if good cause be shown). The mother never made any such application;
 - iv) If she wanted to challenge things that were decided in hearings that took place in her absence she could have done so by making an application under Rule 27.5 of The Family Procedure Rules 2010. Thus, where a decision is made in the absence of a party, that party may apply for any resultant order to be set aside.
8. The one thing that this mother should not have done is to remove Ethan from his home environment and family life and take him into hiding. Her actions were manifestly contrary to the welfare of her child and were a product of her own self focus. They had nothing to do with what was best for this child.
9. Any idea that this sort of action will go unnoticed by the court is wrong. Parents who flout court orders are the scourge of the system. It is only the mercy of the father that spares this mother. Had the contempt proceedings continued before me and led to a finding of contempt I make no concealment of the fact that I would have sentenced her to immediate imprisonment which I anticipate would have involved a sentence of at least 28 days in prison. As it is, I think that the father's wishes should be respected. He and Ethan are the victims of this mother's actions and I consider that the father's voice should prevail. She owes her liberty to him. She must never fail to comply with court orders again; they will be my orders in the future, as I will now be the judge of these proceedings subject to the direction of any higher court.

HHJ Stephen Wildblood QC
24th June 2015