

BETWEEN

JOHN CARTER

Applicant

and

TRACEY MILLER

Respondent

and

NATASHA CARR (now known as MILLER)
(A child born on 8th December 2011)
who proceeds by her Guardian Rachel Galvin
(appointed pursuant to Rule 16.4 Family Proceedings Rules 2010)

CASE SUMMARY FOR SETTLEMENT CONFERENCE

30TH MARCH 2017

1. The Child

1.1 The child is Natasha Car (now knows as Miller) (born on 8th December 2011) who is now 5 and is represented by her Rule 16.4 Guardian, Rachel Galvin. She is represented by Jo Fazackerley, Solicitor.

2. The Parties

2.1 The Applicant is the father, John Carter, who is 27 years old and represented by Mr Loveridge (of Counsel).

2.2 The Respondent is the mother, Tracey Miller age 26 who is represented by Mr Jonathan Taylor (of Counsel).

3. Application

3.1 The application before the court is the father's application for a Child Arrangements Order (limited to contact) and dated 5th September 2015.

4. Previous or Concurrent Proceedings

4.1 There are no previous or concurrent proceedings.

5. Chronology of Proceedings

5.1 Allocation: The proceedings have been allocated to District Judge White. He has listed the same for a final hearing on 12th and 13th April 2017 if the matter does not settle at settlement conference.

5.2 The matter has been before the court on eight occasions since 5th September 2015 and on the last occasion, 14th March 2017, all parties agreed to a settlement conference before Her Honour Judge de Haas Q.C.

6. Compliance with Directions

6.1 All directions have been complied with in full.

7. Summary Leading to Proceedings

7.1 Mother and father met in July 2010. By September 2010 they were cohabiting. As a result of a planned pregnancy, the child Natasha was born on 8th December 2011. By June 2011, mother and father were engaged to be married in the summer of 2012. Mother gave up her job during pregnancy in anticipation of being a full time mother and wife. She had been a legal secretary. The father was employed as a factory worker. Mother and father moved to a new and bigger flat in anticipation of the birth, with increased outgoings. When mother was 8 months' pregnant she discovered text messages on father's phone indicating that he had renewed a relationship with a previous girlfriend. The text messages left her in no doubt that the father was seeing his previous girlfriend on a daily basis (save for weekends) and was having a sexual relationship. She had been worried already as to the amount of overtime which he alleged he had been required to take at work without remuneration.

7.2 She challenged him with the texts, and father initially denied any relationship with his previous girlfriend. Eventually, he had no choice but to admit the full extent of that relationship as

discovered by mother. Enraged, mother demanded that he immediately leave the home and said that she never wanted to see him again. She said he would never see the baby.

- 7.3 Father proceeded to say some very hurtful things to the mother such as, that he had never loved her, that she was very demanding and unpredictable and emotionally insecure and far too controlling. He left the flat immediately with his few belongings. Thereafter, despite requests from the mother, he did not contribute to the outgoings. Mother went into debt but eventually her parents assisted her in resolving this. The mother and father never spoke directly again, but only communicated intermittently by texts which were mutually abusive and demanding.
- 7.4 On 8th December 2011 Natasha was born and mother did not tell father when she went into hospital. He heard about this from a friend and immediately went to the hospital with a present for the baby but mother refused to see him and would not accept the present. He left extremely upset. Subsequently mother agreed that his name would go on the birth certificate as the father.
- 7.5 However, when he texted her to see the child, she said in response that he would never see the child as she had already indicated and she would fight him “to her grave” so that he could never have a relationship with the baby. Father felt that there was no point in fighting her and that the bitter and acrimonious relationship would only impact adversely on the child. He felt that the child was better “left alone”.
- 7.6 Mother never asked for maintenance for the child. Father never offered to pay maintenance.
- 7.7 By February 2012 the father had started to co-habit with his girlfriend, Rose, and in March 2012 he married her. When mother heard this she was extremely upset and that distress was only increased by the fact that he had never paid maintenance for the child. She felt that he lacked commitment or sensitivity and was totally without responsibility. He had been unfaithful to her and had deceived her. However, together with her parents she cared for the child and by December 2012 she had met David Miller and they married in June 2013. Mother and David Miller had a child Joseph, born on 3rd December 2014 (now 2) who of course is a half sibling to Natasha.
- 7.8 Natasha essentially, had grown up to regard David Miller as her father and she called him “dad”. She regarded Joseph as a full sibling and was very bonded to him. She was doing well at school and the school report confirmed that she is bright and settled. Both mother and David Miller were committed “parents”

to her and showed great interest in her progress and development.

- 7.9 The school were not aware that David Miller was not her father. Natasha had been registered as “Natasha Miller”. Her birth name is Natasha Carr.

8. Issues in the Proceedings

- 8.1 When father made his application on 5th September 2015 he filed a statement admitting the following:-
- a) He had behaved badly towards the mother and had been insensitive.
 - b) He had not paid maintenance because he believed the mother would not accept this (in that she did not accept a gift for the child initially).
 - c) He had never pursued the issue of contact for the child in that he believed the mother would be hostile to him and this would impact adversely on the child. She would never let him see the child and he was fearful of her reaction.
- 8.2 Father now stated that he was concerned that this was a child who was growing up without real knowledge as to her father and that he had never stopped thinking about her. He said he was committed to seeing her and was in a stable relationship and his current wife supported him in his application. He wanted to make amends to the child and to the mother and felt it was in the child’s best interests to know him and to build a good relationship with him.
- 8.3 The mother in her statement in response stated:-
- a) She was in a new relationship with David Miller. Effectively David Miller was the only “father” the child had ever known.
 - b) The mother had suffered a great deal at the hands of the father and had been extremely depressed when he left such as to require antidepressants. She had had a very difficult birth with this child because of his behaviour towards her and she could not sustain any thought of his seeing the child and herself after all the hurtful things he had said.
 - c) She did not believe he would ever be committed in that he had never asked to see the child until now and she

believed he was trying to undermine her care of the child and cause her upset.

- d) She believed that he would start contact and then stop it because he was insensitive and this would only cause the child harm.
 - e) Her husband, David Miller, was a reliable and sensitive person who was a good “father” to the child and she did not want to damage that relationship by now introducing a new “father” to the child.
 - f) She felt she could never trust the father.
 - g) The child now had a sibling and she did not want there to be any perceived differences between the siblings by the introduction of another father whom this child would be seeing separately from Joseph. She felt that would be very damaging to family life.
- 8.4 Both parties had refused mediation and the father sought visiting and overnight contact whilst the mother wished to refuse all contact, including indirect contact.
- 8.5 At the last hearing, however, the mother agreed that there should be life story work (based upon the Guardian’s recommendation) which would give the child a true picture as to who her real father was and how it had come about that he did not see her. This life story work had now been carried out. The child had been handed a card and a photograph from the father. The child was curious and a bit confused but accepted the information and it had not caused any disturbance or distress to the child or any undermining of her relationship with her stepfather or Joseph. The stepfather, in particular, was very supportive and sensible.
- 8.6 Both parties had agreed a settlement conference, the procedure having been explained to them and they having agreed to this in writing.

9. Position of Guardian

- 9.1 The Guardian had concluded that Natasha was a very robust and clever child who presented as stable and secure. The stepfather had been very supportive to her and she was now curious as to her real father.
- 9.2 She concluded that the father lacked insight as to the impact of his behaviour on the mother and the child but that he was

genuine in his commitment for a relationship and did regret his previous conduct, notwithstanding the lack of insight.

- 9.3 As to the mother, she was highly sensitised as to the father's previous conduct and this had left her lacking in trust and being highly suspicious as to his motives. She did not have a full appreciation as to the need for the child to have a relationship with her real father and distrusted both the father and his wife (whom she blamed for the breakdown of their relationship).
- 9.4 The Guardian concluded that the child needed to have a relationship with her natural father and that the natural father should be introduced to the child directly and soon. Indirect contact was not appropriate in that this would only prolong the distress for the child and the mother. Contact needed to be introduced so that the mother could understand that the child would not be adversely affected and the stepfather could be relied upon to promote this. He was both sensible and balanced as to the needs of this child. He seemed to have a good understanding of welfare issues.
- 9.5 Accordingly, the Guardian concluded that there should be two periods of supervised contact over the next month at a contact centre for one hour on each occasion. Such contact should only be for the father and not his wife.
- 9.6 All parties need to attend a SPIP.
- 9.7 The arrangements for collection and delivery should be via the mother's husband, who was willing and able to transport the child as required to the contact centre and other contact venues in the future. He could be relied upon to be child-focussed.
- 9.8 After that initial month of supervised contact, if all is going well, contact should thereafter develop for the following three months to once per fortnight (Saturday afternoons from 2.00pm to 4.00pm) on an unsupervised basis with the father and the mother's husband meeting at a specified place. The father's wife should not be involved.
- 9.9 After three months contact should be every week from 2.00pm to 5.00pm with the father's wife still not involved. The contact should be at an agreed venue (not at the father's home).
- 9.10 After a further three months the contact should increase to each Saturday from 10.00am to 5.00pm and the father's wife should now be introduced for that period. The contact could take place at the father's home. The child should not be left alone with father's wife as contact was for father.

9.11 After six months of weekly contact for one day, contact could extend to overnight from Saturday 5.00pm to Sunday 5.00pm each week (the parties having agreed that that would be a good day if such contact were to be extended). Any further increases including holiday contact would thereafter be agreed between the parties with the mother's husband being involved in such discussions. He and the father appear to have an amicable relationship.

10. Settlement Conference

10.1 The issues for settlement conference are:-

- a) Can contact be agreed in principle.
- b) If yes, how should contact be started and developed.