

Neutral Citation Number: [2026] EWHC 1359 (Fam)

Case No: FD26P00134

IN THE HIGH COURT OF JUSTICE
FAMILY DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 5 June 2026

AND IN THE MATTER OF AA, and BB

BETWEEN:

DD

Applicant father

-AND-

EE

Respondent mother

**Mr Harry Langford appeared for the Applicant father instructed by Ms Mohajane of
Philcox Gray solicitors**

The Respondent mother had not been served at the date of the decisions

Hearing dates: 13, 16 & 29 April 2026

Approved Judgment

This judgment was handed down remotely at 10.30am on 5 June 2026 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

Before H Markham KC sitting as a Deputy High Court Judge

JUDGMENT

1. On 15 April 2026 sitting as a Deputy High Court Judge of the Family Division I was asked to hear evidence from the father of a young man (whom I shall refer to as Mr D junior) believed to be in a relationship with the mother of the subject children who were missing and could not be located. This led to several hearings over the next 14 days all focused on locating the children and ensuring their safety and the mother's engagement in the court process.
2. I have chosen to publish this judgment at this interim stage as it is a positive reminder of the working co-operation between the Press and the court and the possibility of using all possible avenues, including publishing details in the press to locate children believed to be at risk and to take steps to protect them.
3. The case is ongoing, and it may be in due course that further judgments are given and published.
4. Throughout my involvement I have found the members of the press who attended court, to have been helpful, careful and collaborative with the difficult decisions being made and the steps taken to safeguard the children.

Background & litigation history:

5. The children are aged 8 and 4 and are the children of the parties. They are part of a sibling group of 4 as the mother has 2 other children aged 10 and 11 from a previous relationship. The application is primarily that of the father and is for the summary return of the two children to the United States of America pursuant to the Hague Convention 1980.
6. The parties and the children are all US Citizens. The children were born in the USA. The parties were married in December 2018 and separated on 29 March 2024.
7. There is a history of domestic abuse and the father has a conviction (classed a misdemeanour) on domestic violence charges. He asserts that he has engaged in courses to address his past behaviours.

8. The family home is in Orange County, California. Following the party's separation the mother left the family home and moved to New York with the children.
9. Proceedings followed in the Superior Court of California in Orange County. The court proceeded on the basis that the children are habitually resident in the US, where California is their home State with jurisdiction.
10. An order was made on 8 April 2025 providing for the children to live with the mother in New York (for her to have sole legal and physical custody of the children), with the father initially having video contact with the girls, to move to monthly supervised contact (in June 2025). I am told that the mother did not comply with the order for monthly supervised contact.
11. In September 2025, the mother moved the children to Puerto Rico without the knowledge or consent either of the father or indeed of the court. The father applied for orders in California. On 2 October 2025 the court there recorded that the mother had removed the children to Puerto Rico without the prior authorisation of the court. She was ordered to disclose her address to the children's attorney, recommence contact with their father and attend in person at the next court hearing.
12. I am told that the mother, again, did not comply with this order. She stopped all contact between the girls and their father in October 2025. She did not attend in person at the court hearing on 13 October 2025. On 7 November 2025, the children's attorney sought emergency orders to ascertain the children's whereabouts. At the hearing on that date, the Californian court ordered the mother forthwith to return the children to the State of California and into the father's care and custody. On 21 November 2025, the court awarded the father sole legal and physical custody of the children.
13. The Orange County District Attorney's Office Child Abduction Unit has been involved in the case since 10 November 2025. On 5 December 2025, a Homeland Security agent informed the allocated investigator that the mother and children had flown from Puerto Rico to Paris on 5 November 2025, stating that she was intending to travel on to Manchester, England. It was recorded that the mother was in the company of a British

male, whose passport details and address were recorded. This man is now known to be Mr D Junior a 24 year old from Lancashire who met the mother (I am told) on line.

14. The court in this jurisdiction made a number of what one might call ‘usual’ orders to assist in the location of the children, not least Tipstaff orders. On those orders the address of the father of Mr D junior was attended by Tipstaff on 13 March of this year and information was shared that the mother and Mr D Junior had spent time at that location (with all 4 children) together from a date in November 2025 until 17 January when it is alleged that there was a family argument and the mother left with Mr D Junior and all 4 children to an unknown location.
15. By the time the case came before me on 15 April 2026 there had been 4 previous hearings, Tipstaff orders were made, along with disclosure orders for information from the department of Education, DWP, EE (mobile phone provider) and of the bank of Mr D junior. On 2 April Mr Stonor KC, sitting as a Deputy High Court Judge directed the attendance of the father of Mr D junior (namely Mr D senior) at court to, “...to answer questions on oath concerning what he knows about the whereabouts of the children and the mother and how they might be found”. That was the hearing which was then listed before me. I note that Mr Callum Parke of the Press Association attended the hearing before Mr Stonor KC and Mr Danny Halpin attended on 15th April 2026 (as he did also a later hearing).. Mr Parke has attended all hearings since then.
16. I was informed before commencing the hearing that a member of the accredited Press was present and wished to attend the hearing. This was permitted.
17. On 16th April several orders were made, linked to information discovered not only through the evidence of Mr D senior, but also and significantly from disclosure of mobile phone records from both him and his wife and from the sister of Mr D junior. Further the court was told that the mother was pregnant and expecting Mr D Junior’s child in August. This information increased the risks and the need for urgent safeguards to be in place to locate mother and children. Mr Parke of the Press association attended this and all further hearings. He engaged at that hearing as he has from that time with the formulation of the transparency order.

18. A further hearing was listed for later that week, on 24th April.
19. The matter was then further adjourned until 29th April by which time further attempts had been made to execute the location order without success. The mother was finally served with the location order on 22 April 2026 and served with the proceedings via email on 28 April.
20. At the hearings both on 15th April and on 16th April serious consideration was given to my permitting the press to publish details about the missing adults, with their photographs and name being provided to the press. Orders which had been made since 27 February 2026 had not led to the location of the children. It was plain from reading the messages between Mr D junior and his mother (in particular) and with his sister that he and the mother were doing what they could to evade being located and that they regarded the court processes in both the USA and here in England to be unfavourable to them and to the children.
21. This court was not only being frustrated in proper attempts to locate the family, but also was not able to ensure that the children were safe, attending education and accessing medical care.
22. Missing children in cases such as these become a very real concern for the court. Parents who have taken such steps to hide and avoid engagement with professionals have been known to the courts and in some cases with catastrophic outcomes. The balance in working with the press and permitting publication of details about missing adults and the need to ensure confidentiality of proceedings not only for the parties, but for the children, becomes a more acute exercise to undertake when usual steps provide no positive outcomes and the children remain 'hidden'.
23. Having heard submissions from the father and from Mr Parke I made a transparency order permitting disclosure of the names and photographs of both the mother and Mr D junior but stayed this 24th April and on each hearing since then.

Transparency in the Family court:

24. Following a judiciary-led pilot, Parliament agreed that the family justice system should be more open. This means that certain journalists and lawyers are allowed to come to hearings and report on them. This has opened up the working relationship between the court and the press in a much more dynamic way.
25. Transparency orders are made so that anything that is reported must be anonymised so that the family cannot be identified. The aim of these orders and the changes in the way in which press and court work is to help the public understand how the courts work, while still protecting the family's privacy.
26. In 2021, the President of the family division led a review into transparency in the family court. The review decided that the family court should be more open, and recommended how that could happen. Between 2023 and 2025, the president of the family division led the Transparency Implementation Group (TIG), which ran a pilot in about half the family courts in England and Wales to see how this worked. There was also an independent evaluation by the National Centre for Social Research.
27. This led to the full implementation of the Transparency process across all family courts in August of last year.
28. A transparency order only allows journalists (& legal bloggers) and lawyers to report on the case – it does not allow anyone else to publish anything about the case. The Journalists who attend court will be allowed to see certain basic documents, such as the documents the lawyers produce to help them understand the case. For example, case outlines or position statements. If a journalist wants to see what is in any other document, they must ask the judge for permission. Lots of sensitive information will still be and remain private. The transparency order will say that the journalist (or legal blogger) can report details of the case and report what happened at the hearing. The article 8 rights of the children and the parties will continue to be balanced alongside the article 10 rights of the press.
29. It is of note that the transparency order will also give more detail about which people, places, and organisations can be named, and which ones must not be named. Transparency orders can be amended and changed to meet the proper balance of

information sharing in each individual case and to ensure that the rights of the parties and the children are considered with care.

30. Ordinarily Journalists cannot include:

- names of any children or family members involved
- places that the children live or go to
- dates of birth of any children
- photographs of the adults or the children

31. In this case the balance of harm in details being published against harm to the children through remaining hidden required careful consideration. The members of the Press who attended court engaged in the hearings, advocated for permission to publish names and photographs of the adults and prepared press releases ready to go (with permission of the court) were this to be needed. Significantly they engaged in regular communication both with the representative of the father and with the court about whether publicity was necessary and stood down when asked not to publish details (it being clear that one further possible avenue was open to the court to locate the children without publishing the names and photos of the adults).

32. Ultimately the mother's address was provided by NHS England and the local social services were able to undertake an immediate welfare check.

33. The pressing risk and concerns abated and balance of harm changed.

34. This judgment is published for 3 core reasons

- It illustrates the importance of open hearings and of the attendance of the press at court hearings.
- It demonstrates how important collaboration can be between the press and the court

- It demonstrates the agility of the press and the court in moving between the need for a particular order and the change of circumstance.

35. Parents who try to disappear with children should know that they cannot assume that they can hide behind an old-fashioned belief that the courts will not permit publicity about them, the children or their details. Whilst cases in which orders would permit the inclusion of the details of parties, the children and photographs are likely to remain rare, they can and may be used when the risks to the children and locating them outweighs the harm from the limited and focused publicity.

36. The courts in England and Wales work in an open and collaborative way with the press. This may to many appear to be a 'new' situation, but the basis for this relationship has existed for some time. The press provides a forum to ensure that the public are aware of decisions being taken and also can, in the right situations provide an avenue to assist in locating missing children.

37. In this case the level of collaboration and sensitivity was of a high level. I was indebted to the manner in which the press worked with the court and held at the heart of their decision making the children. I have named with their consent both Mr Halpin and Mr Parke of the Press association in this order as it is right and in my judgment helpful to do so. It is also right to note the assistance given to both the court and the Press by Counsel and solicitor for the father (who also had prepared many orders to assist in locating the children in a short time frame).

38. The substantive decisions are yet to be made, and it may be in due course that more of this case will be reported. That is a decision for another time.