

Judges get tough on fathers' rights to contact with children

- Rulings move girl and boy from mothers' homes
- Warning to separated parents who deny access

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Senior judges have issued a strong warning to divorced and separated mothers that they risk losing the right to have their children live with them if they defy court orders and stop the children's fathers seeing them. In two recent cases the court of appeal has upheld judgments moving children from their mother's to their father's home after the mothers flouted orders allowing the fathers to have regular contact with their children.

In the latest judgment, delivered last week, three appeal court judges stressed the importance of courts acting "robustly" in cases where contact orders were disregarded. The cases signal a tougher approach by the judges, who in the past have rarely used the last-ditch option of moving a child.

The law requires judges to take decisions in the best interests of the child, and they operate on the principle that it will usually be in a child's interests to have a continuing relationship with both parents. When a mother adamantly refuses to let the child have anything to do with the father, while the father would be happy to continue the contact between mother and child, a judge may feel the only solution is to let the child live with the father.

The latest case involves a five-year-old girl who had lived with her mother since birth. Her mother had refused to let her father see her for nearly four years, making him "a virtual stranger" to her, the court said. The judge who originally heard the case ordered that the girl should live with her father, but the mother appealed.

The three appeal court judges, who heard the case within six days of the original judgment, dismissed her appeal and sent the case back to the original court for orders dealing with therapy for the girl and contact with her mother.

The case comes three weeks after a similar appeal court ruling rejecting a mother's appeal against a decision that her eight-year-old son should in future live with his father. The couple had never married.

The judges said the mother was "very hostile" towards the father's contact with her son, and had "interfered with and frustrated" contact sessions over a long period. The boy wanted to go on living with his mother and the judge who made the original ruling found her to be a good mother, but said her conduct was "appalling" in dealing with her former partner's contact with his son. A psychological assessment suggested she was suffering from a personality disorder, and that the parents' dispute would eventually lead to psychological problems for the boy. It found that she had no insight into her behaviour and was incapable of reforming.

The independent social worker appointed to make recommendations concluded that the boy should live with his father. Although the mother had an "excellent" relationship with her son, her interference with his contact with his father meant she was incapable of parenting the boy well enough.

