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Neutral Citation Number: [2026] CIGC (Fam) 2

**IN THE GRAND COURT OF THE CAYMAN ISLANDS
FAMILY DIVISION**

CAUSE NO. FAM 8 OF 2025

BETWEEN: NP PETITIONER

AND: AP RESPONDENT

Appearances: Ms. Sheridan Brooks-Hurst KC for the Petitioner
Mr. Clayton Phuran for the Respondent

Before: Hon. Justice Richard Williams

Heard: 10-11 February 2026

Ruling circulated: 12 February 2026

Ruling delivered: 17 February 2026

*Children Act (2012 Revision) - Specific Issue application for leave to temporarily remove children from jurisdiction
– Application opposed by a parent who has an interim residence order in their favour.*

RULING

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The application, the parties, the positions of the parties the hearing

1. Due to the need for an urgent decision, this is a Ruling which has had to be prepared overnight after a two-day hearing concluding at 4:00PM. Therefore, it may read more like an ex-tempore ruling, and is not intended have the finesse, structure and lack of repetition that one might expect or hope to encounter in a written reserved judgment prepared over a reasonable period of time.
2. This case concerns two children, C aged just under 3 years and 4 months and N aged 4½ years (“the children”). The application that has been before the Court for the past two days is the Respondent mother’s oral application raised at the mention hearing held on 30 January 2026 for a specific issue order granting her leave to remove the children to Port Lucie in Florida, USA to attend her stepbrother’s wedding for the period from 14 February 2026 up to and including 19 February 2026. The mother provided the stepbrother’s address where she initially said the children would be staying, and which she says is in a quiet residential neighbourhood. However, during the hearing, she indicated that they may instead be staying in an Airbnb property being rented by her stepfather in which she would share a room with the children and her partner would have his own room. She also indicated that another likely option was a hotel which her partner would pay for. Details of those accommodations have not been provided to date. The Petitioner father opposes the application. I will refer to the parties herein as the mother and father.
3. The application has had to be made because a Prohibited Steps Order (“PSO”) made in the Summary Court by Magistrate Gunn on 5 July 2024 remains in place. T1
4. he PSO prohibits the removal of the children from the jurisdiction without the consent of both parents or an order of the Court. It appears that the mother has been aware of this possible trip from 31 December 2025 when she received an invitation to attend the wedding. The mother said that she did not confirm that she was going to the wedding until around 10 January 2026 because she had a lot of matters to arrange and look into before she could do that. These included having to balance a new position at work and whether the trip coincided with her contact days. The mother said that she had to do due diligence before confirming. In a message to the father sent on 19 January 2026, almost 3 weeks later, the mother informed him that she would be travelling with the children to Florida between 14 to 19 February 2026 to attend the wedding. In the message, the mother stated that she would share the itinerary once it was finalised and she requested the father to provide her with the children’s passports so that she could apply for the required travel documents. From the

language used in her message, it appears that the mother was ambivalent to the fact of the PSO in place and that she required the consent of the father or order of the Court.

5. The father says that he was “*disgruntled*” by the wife’s apparent non-recognition of the PSO and he characterised her action as being “*unilateral*” and “*selfish behaviour*”. On 21 January 2026, he responded indicating that he was withholding his consent. He said that he pointed out to the mother that C would likely have to miss 3 or possibly 4 days from the pre-school if they took the trip on the dates proposed by the mother. I accept the mother’s evidence that she has contacted C’s pre-school and that they have informed her that they do not have an issue with C being out of school if she provides them with the dates and that no permission from the school is required. The father said in his message to the mother¹ that N’s teacher had previously informed them that he should not miss any school day in Terms 2 and Terms 3 as it was “*Highly detrimental to their academic progression*” even for sick days. However, it is evident from N’s school calendar, which was produced during the hearing, and from paragraph 14 of the father’s Affidavit sworn on 6 February 2026 that there will be no school days missed by N if this trip is taken.

6. The mother replied to the father’s message and rather unattractively said that this was not a discussion, but it was more so about her informing him of her intended travel. She then confirmed that the children would be travelling on her scheduled weekend. At the hearing the mother accepted that the tenor of her messages to the father were not appropriate and she apologised. She highlighted in her message that on 15 January 2026 N’s teacher had handed her the school’s yearly schedule and that the children will be out of school February 16-20, 2026, which includes the Ash Wednesday holiday which would also be her day to have the children. She also highlighted in the message that the children had not met any of her family yet and that attending a family event where the cousins, stepfather, stepbrother, step aunt and stepsister, whom she has known since a young child, would be a great way for the children to form those bonds. I agree with the mother that it is important for the children to be introduced to get to know both sides of their wider family. It is better to do this sooner rather than later so that the bonds and connections can be made. In the mother’s case, I am satisfied that the stepfamily should be regarded as being part of her core family, especially as the stepfather cared for her from the age of two and clearly she has a bond with the stepbrother. I agree with the mother that this wedding would be a good opportunity for that to

¹ Page 2 of Exhibit “ADP-3”.

happen. Having heard the mother's evidence I am satisfied that she will be focusing on the welfare and security of the children even though the environment at a wedding can be more frenetic than one encounters in a normal day-to-day setting and the children will be meeting people they have not met before.

7. The mother has understandably not been able to finalise the bookings because the father has withheld the children's passports and his consent. At the hearing she was able to provide the flight details as she has already purchased the tickets for herself and her partner. The flights would be on Jet Blue from Grand Cayman to Fort Lauderdale. The flights are at a reasonable time in the day. The mother indicated that she will provide the final accommodation details once confirmed as well as her contact numbers. Although she was pressed on this, and although it was a concern expressed by the Welfare Officer, one can understand why she has not actually booked the accommodation before she knew whether the children would be accompanying her and her partner. This is because the type of accommodation would likely be different if the children are also travelling rather than just two adults. However, if leave is granted, she will have to provide such information prior to departure. Those are the normal basic requirements that are expected to be fulfilled in a temporary removal application. Although accepting that she may not have been in a position to complete a booking for the accommodation, it would have been better if she had provided evidence about the identity of the possible accommodation that is available and which she would consider booking if the children were accompanying. The mother also indicated that she was willing to give an undertaking that the children would be returned to the jurisdiction by the due time and that she would return the children's passports within 24 hours of return to the father. The mother said in her message that she understood and appreciated the father's concerns but asked him to be mindful that she did not object when his parents wished to travel with the children and asked him not to deprive the children of an opportunity to celebrate a milestone with her. At the hearing, it became evident that not only did the paternal grandparents take that overseas trip with the family, but that the father joined them also. To illustrate the fact that she had provided the required consent, the mother exhibited a letter she wrote to the Cayman Border Control dated 3 November 2024 in which she gave permission for the children to travel with their paternal grandparents on 23 November 2024 to Florida.
8. In his Affidavit sworn on 6 February 2026 the father says that, apart from C's missed school days, for the below reasons, he could not "*in good conscience*" consent to the children travelling to the

USA especially as *“the travel is not necessary and the risks are far greater than any benefit which they may obtain as a result of the travel with unfamiliar people in unfamiliar surroundings”*:

- (i) The mother has never travelled alone with the children;
- (ii) His view that the mother is unable to properly manage the children as evidenced by her telling the Court Welfare Officer, Ms. Carol Robinson, that *“she is finding it very difficult to get the children to listen to her or show the respect of their mother”*.²
- (iii) The fact that the mother will be travelling with her new partner with whom she has been in a relationship for a relatively short period of time³ and with whom she has only recently started cohabiting⁴ and the Welfare Officer’s observation in her 21 January 2026 Report that she observed *“limited interactions”* between the partner and the children on an assessment visit held on 17 January 2026⁵;
- (iv) His view that there is no evidence that the mother’s partner has any experience travelling with children of this age;
- (v) His view that the mother has demonstrated that she can be negligent with the children when they are in her care, including C going into a swimming pool without her noticing and getting into difficulties;
- (vi) His view that the children have returned from the mother’s care with injuries;
- (vii) Three days of the parenting time allocated to him in the contact schedule would be lost as the children would be due to be back into his care from 8:00PM on 15 February 2026 until 18 February 2026;
- (viii) He says that the children will indicate that they do not want to overnight with the mother and that, if they are overseas and express that, he would not be able to go and collect them;
- (ix) He is not familiar with the mother’s new partner who is an American citizen and he raises a concern that if the mother wanted to remain in the USA, based on her visa and based on her partner, she could remain there for at least 6 months;
- (x) His view that the children are not familiar with any person involved in the travel and the wedding as only N, when a baby, had met the stepbrother;

² Court Welfare Report dated 13 January 2025.

³ The Court was told it has been about 8 months.

⁴ The Court was told it has been just over 1 month.

⁵ The Welfare Officer did note at paragraph 12 in her report dated 21 January 2026 that there were instances in which the children acknowledged the mother’s partner by addressing him by his first name and that they *“appeared happy, excited, and engaged, actively expressing themselves”*.

- (xi) He has concerns about the “*crack-down on immigrants*” by ICE agents and if there are any issues in relation to the mother and her partner it was unclear what would happen to the children; and
- (xii) His view that the mother is only making this application to delay the divorce proceedings and to prove a point as she was happy to leave the children and travel overseas over the Christmas period without the children.
9. I have had the opportunity to read the mother’s Affidavit sworn on 30 January 2025 and the father’s Affidavit sworn on 6 February 2026. I heard from the parties and from the mother’s partner. I have heard from the Welfare Officer who has filed two recent reports. I have reviewed those two Welfare Reports as well as the report that was filed in the Summary Court proceedings in January 2025. Due to the type of issues that need to be considered on a temporary removal application I had not expected the hearing to take much longer than half a day. I indicated to the parties that the hearing should not be used as a dress rehearsal for the substantive outstanding s.10 applications and that they should focus on the issues relevant to temporary removal. I reminded them that, in this case, the application was being made by a parent who was already caring for the children for periods of time, give or take a day, similar to the one that would be involved with the proposed overseas trip. I then highlighted that the only difference was that the children would be under the mother’s care in Florida rather than in Grand Cayman. Despite that the parties in their evidence on occasion strayed into evidence that was not particularly of help to me in the determinations I have to try to make and hence the over-lengthy of the hearing. With the above in mind, as I did in the temporary relocation case of **H v L** Fam 277 of 221 dated 7 April 2022, I remind myself of the approach of *Thorpe LJ in Re F (Shared Residence Order)* [2003] EWCA Civ 592, [2003] 2 FLR 397, namely that one of the functions of the judge is to make findings and that another function is to be selective and to make findings that are relevant and necessary for the disposal of the issue. When considering what orders would be in the best interest of the child at this time, I am not required to make findings on every area or issue that has been presented to me for determination, or which have become apparent during the hearing. I must determine the factual issues that have implications for the decisions that I have to take in relation to the child.

The background – The marriage

10. The parties were married on 17 July 2021. A month after the marriage N was born. C was born in late 2022. The father filed his Petition for Divorce on 7 January 2025. The mother filed her

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Acknowledgement on 13 February 2025 in which she indicated that she did not intend to oppose the Petition. The Petition was proved on 18 February 2025. There are ongoing children and financial proceedings.

The background – The Summary Court proceedings

11. The Court first became involved with this family when the father filed a Form C3 in the Summary Court (SCL 2024-0045) on 27 June 2024. I referred to this Form during the hearing and Counsel for the father raised a concern that she had not seen that pleading. The procedural background contained in the Summary Court file was read by me in my preparation for the hearing because it is potentially relevant to these proceedings. This is because the still persisting Interim Residence Order, the initial Contact Orders and the open-ended PSO which governs the parties' ability to remove the children from the jurisdiction were all made in the Summary Court. One of the main grounds for granting a prohibited steps order is whether there is evidence to establish a real risk of a child not being removed from the jurisdiction. I noted when reviewing the Form C3 that it actually contains factual allegations which are also raised in the affidavits filed specifically for the present application. With that in mind, I could not simply pretend that potentially relevant information therein did not exist. I pointed out that the Form C3 was Ms. Brooks-Hurst KC's client's pleading and there would be an expectation that the Form C3, and in fact the other documentation in the Summary Court proceedings, would be in her client's possession and control and shared with her. I note that Ms. Brooks-Hurst KC actually was the father's attorney at the end of the Summary Court proceedings, shortly before they were discontinued due to the divorce proceedings being filed. As a consequence of Counsel's concerns, I provided her with the Summary Court files to review over the lunch break. There are 3 Summary Court files and prior to this hearing I had only reviewed one of them, the one which contained the applications and orders/minutes of orders made during those proceedings. I had not reviewed, and still have not reviewed, the correspondence file nor the file which contains any affidavits used in the Summary Court proceedings. I indicated that she could ask for photocopies of relevant pleadings. As the father was at the time still under the cross-examination, I indicated that she would be given the opportunity to ask him questions about matters raised due to her review of the Summary Court file when the time came for her re-examination of him.
12. In the C3 Form the father made applications for a residence order in his favour as well as a prohibited steps order preventing removal from the jurisdiction. In the Form he stated that the latter

application was made because the mother had “*previously attempted/or may have applied for passport(s)*” for the children without his knowledge. He said that the mother had also stated to both of his parents that she had intentions to take the children to Jamaica and that she had “*consistently mentioned that to him (and almost convinced him)*” to send the children to either a Jamaican boarding school or to live with her father in Jamaica. In a section in the Form dealing with “*Agreements about residence*” he added “*she is unreasonable, not capable of properly communicating, not willing to put differences aside, not willing to cooperate and not willing to make compromise*”.

13. The matter came before Gunn J on 5 July 2024, a hearing at which both parties appeared in person. As I said shortly after the hearing had commenced, there is a possible concern that, on the facts apparently being presented, the Magistrate proceeded with the hearing (which in effect she was treating like an *ex-parte* on notice hearing) and that she went on to make interim orders in circumstances where the mother had only been served with the application on the morning of the hearing. Understandably the mother states in her Affidavit dated 6 May 2025 that she was “*caught completely off guard, unprepared, and without prior notice of the proceedings*” and she said that she felt “*forced to represent*” herself “*without the opportunity to gather evidence or legal support*”. At the hearing the Learned Magistrate made an Interim Residence Order to the father and contact for the mother every weekend from Saturday 8:00PM to Monday 8:00AM and, on every day when the father is working, from 8:00PM the night before to 8:00AM the day after. It appears that the orders may have taken into account the father’s representations that the mother had substance and alcohol abuse issues as well as child abuse issues, all of which the mother denies. It also appears that the father submitted that the mother was homeless, but the mother indicated in her May 2025 Affidavit that the father had surrendered their lease and barred her from entering the home. The disputed evidence surrounding the breakdown in the matrimonial housing arrangements was raised during the proceedings, but I indicated to the parties that they may not wish to explore them in depth as they were not helpful to the deliberation to make. Despite the above concerns expressed by the mother, the Learned Magistrate went ahead with the hearing.
14. As already mentioned, the interim PSO was also made at the hearing. It is not clear what findings Magistrate Gunn relied upon when making the PSO. However, as it is an order restricting the conduct of both parties, which may not have been opposed by either party, it appears that the order may not be regarded as being an order solely grounded on the father’s concerns about the mother.

The PSO should not be interpreted as being one which provides either party with the control to prevent travel by unreasonably withholding their consent, especially when it appears to be grounded on, at best, rather thin concerns about unlawful removal and very limited evidence. The aged and apparently open-ended interim PSO, apparently made on the concerns raised at that time, is hindering both parents of having the ordinary life experience of travelling with children, which are particularly important when one lives on an island such as Grand Cayman.

15. At the hearing the parties were referred to mediation. A welfare officer report was ordered as each party had expressed concerns about the safety of children in the hands of the other party. The parties attended mediation, but a mediation report dated 25 September 2024 indicated that the Mediator had received an email from the mother informing her that she wished to terminate mediation and return to Court.
16. The matter came back before Magistrate Gunn on 25 October 2024, when the father was unrepresented and the mother was represented by Mr. Brady. It appears that little was achieved at that hearing, as it was set down for a mention on 19 November 2024 with a direction given for the father to apply for legal aid. The note on the Summary Court file dated 19 November 2024 indicates that the father had failed to submit additional information to the Legal Aid Department, and that he indicated that he wished to apply also for legal aid in relation to divorce proceedings. The hearing was adjourned to 6 December 2024. At the 6 December 2024 hearing Magistrate Gunn fixed a maintenance hearing for 17 January 2025 and gave directions about the filing of affidavits.
17. On or around 14 December 2024 Ms. Brooks-Hurst KC formally came on the record for the father. The matter came back before Magistrate Gunn on 16 December 2024. At that hearing the Interim Contact Order was varied so that the children would have contact with the mother every other weekend from Friday 5:00PM to Sunday 8:00PM.
18. On 13 January 2025, a Welfare Report was filed by Ms. Carol Robinson. On 18 February 2025 Magistrate Gunn noted that divorce Petition which the father had filed in the Grand Court had been proved with ancillary matters adjourned into Chambers. With this in mind, the Learned Magistrate opined that the Grand Court was now seized of all matters relating to the parties' finances and child arrangements and she made an Order vacating a hearing set for 28 March 2025 and discontinuing the Summary Court proceedings.

The background – The Grand Court proceedings

19. On 11 March 2025, Mr. Phuran came on the record as the attorney for the mother. On 7 April 2025 a Notice of Hearing was issued for a mention hearing on 8 May 2025. On 7 May 2025 the mother filed an Affidavit sworn on 6 May 2025⁶. In that Affidavit she stated that she sought to vary the Interim Residence Order into a Shared Residence Order, with primary residence being with the father. She stated that the allegations made by the father in the Summary Court proceedings concerning taking the children to Jamaica or sending them to boarding school to her father were “*inaccurate and unfounded*” and “*illogical*” as the children were not of boarding school age. She said that the suggestion for them to temporarily stay in Jamaica was a mutual consideration during the period of financial strain until they can afford daycare in the Cayman Islands. She noted that although they had had those discussions they both decided against the plan and that since then she never proposed or implied the children should relocate to Jamaica. Having heard each party discuss that part of the evidence, it is debatable whether there would have been sufficient grounds for making a parental responsibility order against the mother. What is clear today is that the nature of those exchanges made between the parties made at that time does not provide reliable evidence to support the husband’s current reliance upon them to support his present intention that there is a risk that the mother will fail to return the children if permitted to travel. In the Affidavit the mother stated that she had found suitable housing and employment and so was able to provide the children with consistent daily care. She contended that the father had refused to allow the children to spend additional time with her even when she was available to care for them and he was not due to his working hours and she said that the father often collected the children earlier than the agreed times, thereby limiting her time with them. She said that she had observed the children expressing their desire to visit her on occasions during phone calls, but the father would not respect their wishes. In the Affidavit the mother concluded that the father’s actions “*consistently reflect the behaviour of someone intent on parenting the children unilaterally*” despite the fact that they have “*a mother who is fully committed to being an active and present part of their lives*”. To be fair to the father, he did not explore those issues at the hearing, and I made no findings in relation to them. However, the raising of such concerns is an indication of these parents’ inability at that time to effectively co-parent and although the situation has improved there is still a lot of work to be done.

⁶ See paragraph 12 above.

20. Interestingly, having regard to the present application, in the Affidavit the mother also requested that *“the children’s habitual residence be confirmed as the Cayman Islands, and that neither parent be permitted to remove the children from the jurisdiction without the prior written consent of the other. Such consent should not be unreasonably withheld”*. This is something which the mother again asserts at paragraph 12 in her later Affidavit sworn on 30 January 2026. As I have already said, on the evidence before me, I disagree with the father’s assertion that she *“may not”* travel back to the Cayman Islands which she rightly calls her *“permanent home”*. The mother has recently received a promotion as an Accounts Assistant, she is studying in the Cayman Islands, she is an active member of the Cayman Islands Regiment, the children are enrolled in school here and she clearly has set her roots here. The fact that she is balancing these different interests and responsibilities is an indicator that she would be able to manage international travel with the children. The fact that she cohabits with a partner in his home in Grand Cayman whose family lives in Memphis does not mean and does not constitute proof or evidence of an intention to unlawfully retain the children in the USA if the mother is permitted to travel there with the children. In fact, having heard from the partner, I am satisfied that he sees his future in Cayman, a place in which he has already lived for a number of years at different times. He originally moved to the Cayman Islands in 2011, until he moved to Canada in 2016 with his then family as he was assigned to the Canadian office of the company he worked for. He returned to the Cayman Islands from Canada in October 2024. I am satisfied that he is establishing himself here at this time and that there is no evidence that he intends to move in the foreseeable future. He said that his relationship with the mother is a serious relationship and that they are *“committed and are now living together and planning future events”*.
21. At the mention hearing on 8 May 2025, I noted that there were issues in relation to child maintenance and s.10 orders. In my note, after hearing from the parties, I recorded *“possible shared residence, but real issue appears to be the contact arrangements as both parties are shift workers”*. Having regard to the issues, I gave leave to the parties to return directly to the Mediator on the issues of both child maintenance and the s.10 orders. In an Interim Mediation Report dated 21 May 2025 the Mediator stated that further disclosure was needed, and that the parties were to return as soon as possible. In a Mediation Report dated 17 July 2025 the mediator wrote:
- “It is the ultimate intention of both the parties for the matter to return to court. However, the parties have, in principle, agreed to enter into an agreement regarding contact only that is subject to a certain condition being met. Once met, an interlocutory order will be*

filed with the court failing which the existing Summary Court order will remain in place until the matter can be heard.

Further, the mediator notes that there are sensitive issues which remain undisclosed making ongoing negotiations and likely to result in a resolution and are best put before the court.”

22. When the matter next came before me on 3 October 2025, I drafted a Referral Form for a Welfare Officer’s Report on the issues of shared residence and contact. That report was to be filed by 16 January 2026. I noted in the Referral that the mother was seeking an alternate week contact arrangement with (i) the first week of the cycle being from Friday until Tuesday morning and also on Wednesday until Thursday, and (ii) the second week of the cycle being Monday until Tuesday and Wednesday until Thursday. She sought an additional order that when the father was at work that she should have first priority for caring for the children. The father is a fireman and when he is at work the children are cared for by his parents and, at the time, he and the children are still living in their home. The Referral Form recorded that the father did not agree with the mother’s application for a shared residence order due to the level of animosity (although he did say that could change if the parents attended coparenting, which they both indicated they were willing to do) and he said that the final orders should be as per the Court Order of 18 August 2025. During the hearing, the mother argued that the Court should consider making revised interim orders at that mention hearing. However, she was unsuccessful in persuading the Court to then consider a variation, as the Court was of the view that to do so would require findings of fact and an assessment from a Welfare Officer to enable it to properly address the accusations raised by both parties and make a proper determination about the arrangements that would best fit the welfare of the children. I indicated in the Referral Form that if the assigned Welfare Officer was of the view that the welfare of the children was being impacted by the current arrangements, then consideration could be given to changing those arrangements prior to the completion of the welfare report and prior to the final hearing date. The matter was listed for a mention hearing on 31 October 2025, and the father was directed to file an affidavit by or on 24 October 2025. At the mention hearing I also listed the final hearing for 10 and 11 February 2025.
23. At the 31 October 2025 mention hearing the Court was informed that there was no need to consider a variation of the interim orders at that stage as there had been some improvement in relation to the operation of contact arrangements. At the hearing, I reaffirmed that the two-day contact/shared

residence hearing would still commence on 10 February 2026. I also gave directions about the filing of bundles and affidavits.

24. The Welfare Report was filed on 13 January 2026. On 16 January 2026, the Welfare Officer wrote to the Court indicating that she wished to file a further report containing additional information by or on 24 January 2026. She said that she had already reached out to the parties to arrange observational home visits. Upon receipt of this email the Court wrote to the parties asking them whether they consented to that extension because of the likely knock-on effect on the dates directed for the filing of affidavits, skeleton arguments and bundles. On 19 January 2026 Ms. Brooks-Hurst KC indicated in an email that there would not be sufficient time to file the outstanding pleadings. On the other hand, Mr. Phuran said that there was no issue with the addendum report being filed and that the hearing could proceed as long as the time for filing the affidavits was extended by two days. I then wrote to the parties again on 19 January 2026 to see if there was a way of saving the hearing. On 27 January 2026 Mr. Phuran said that he had received instructions from the mother to object to an adjournment. In the same email he wrote:

“Our client has previously cooperated with the respondent’s travel arrangements involving the children: however, this courtesy has not been reciprocated concerning her intended travel on February 14 2026 for a family event. Accordingly, our client wishes for this matter to be addressed by the Court at the earliest opportunity.”

25. On 21 January 2026 the Welfare Officer filed her Addendum Welfare Report. In that report she reiterated that there were no immediate concerns for the safety of the children in either parent’s care and that she was still recommending a shared residence order. She stated that:

“Both parents appear to have adequately provided for the children, and the children demonstrate the ability to thrive within their respective environments”.

She added that:

“Discussions with significant individuals involved in the children’s lives indicate that these persons play a central role in the children’s care and protection. There is no indication that any of these individuals are not acting in the best interests of the children.”

She recommended that the children should have contact with the mother on alternate weekends and on every Thursday afternoon from 4:00PM to 8:00PM.

26. At paragraph 3 in the Report the Welfare Officer dealt with the issue of the temporary removal. The father informed the Welfare Officer that he had not been given sufficient notice from the mother, and he added that she tends to tell him her plans without trying to engage in conversation about them. He confirmed that he was not prepared to consent to the proposed travel. In the Report the Welfare Officer records that when she asked father to elaborate, she says that the father stated that *“if he gives her an inch, she will take a yard”*. The Welfare Officer reported that she believed that by saying this he was stating a belief that if he permitted travel, it would set a precedent that the mother would continue to pursue. This evidence was contained in both the Welfare Officer’s Report and the mother’s Affidavit sworn on 30 January 2026. The father in his oral evidence stated that he had not made that remark, but in fact it was one made by his mother. For reasons best known to the father, he chose not to comment upon that in his Affidavit sworn on 6 February 2026 nor did he seek to challenge that in the cross-examination of the Welfare Officer. I have to say that a parent asking to take children out of the jurisdiction to a family event for a handful of days should not be characterised in the manner expressed to the Welfare Officer, whether that be by the father or by his mother. Such an expression clearly shows a person who, likely subconsciously, wants to be in charge and in control of the arrangements for the children, with that person regarding themselves as being the empowered ‘giver’ and the ‘mother’ as the requesting taker, and that is not healthy in a co-parenting situation. For the purposes of the present application, I will give the father the benefit of the doubt and not find that he made that statement despite the way he sought to deal with it in these proceedings. Even disregarding that statement, there is other evidence that tends to show that the father puts himself in a position where he is the parent making the final decisions about the children. When I make that comment, I am satisfied that when adopting such an approach, this father acts with what he genuinely believes to be in the best interests of the children. He dearly loves his children and he has a highly elevated general concern about their health and welfare. He himself recognised that he may be so sensitised by what he has encountered in his work. He clearly has a highly tuned mental antenna or radar about potential risk to children. On occasion, this trait does make him overprotective and feel that harm is more likely to happen than not. He is unable to accept that the trip could happen without there being any harm. Although his actions and his stance may not be governed by a desire to control the mother, they seem to arise out of an inherent fear

about what will happen to the children if they are not under his or his parents'⁷ control. In taking this approach, it is to a degree understandable because of the age of the children and because he has been their primary carer. It is important to put on the record that when the children are in his care he has been and remains an exemplary father solely focused on protecting and doing what is best for his children's welfare.

27. I note that the father told the Welfare Officer that he had a fear that the mother may not return to Cayman. He said that she could potentially travel to Jamaica with the children. Having reviewed the evidence and heard from the parties I am satisfied that there is no evidence of substance before the Court to ground such a concern, and I find it to be unfounded. The Welfare Officer stated in her oral evidence that she heard nothing from the mother that would make the Welfare Officer believe that she was likely not going to return if she were able to travel with the children.
28. The Report also highlights that the father informed the Welfare Officer that he does not believe that the mother is capable of managing travel with the children independently. He informed the Welfare Officer that the mother does not adhere to the contact arrangements as the children are not consistently returned at the agreed-upon times. The mother accepts that this happened on two occasions, but she had given him advance notice. The Welfare Officer observed at paragraph 27 in the Report:

“With regard to the issue of travel and in consideration of (the father’s) expressed concerns, it appears that further work may be required to support him in addressing his apprehensions about (the mother) travelling with the children.”

She mentioned that mediation may facilitate discussions about travel arrangements. At the hearing the Welfare Officer explained that she was not saying that the trip could not take place until the father was assisted with addressing his apprehensions. She did highlight her concern about the length of the notice of the trip which the mother had provided to the father as well as the language the mother had used. She was rightly of the view that this heightened the father's concerns and his ability to have constructive discussion on the issue. The Welfare Officer recommended that the mother provide the father with all relevant details of the proposed trip in advance which may offer additional reassurance. At the hearing she made clear that there was more certainty required about

⁷ His mother and his stepfather.

the living arrangements and she was critical about the information which had been provided. As I mentioned earlier, although I agree to a degree with the Welfare Officer, there is always going to be some uncertainty about the finality of arrangements until there is confirmation that children would be travelling. That recommendation gave the Court the impression that, at the time of writing the report, Ms. Robinson did not have an issue with the children travelling with the mother but was focusing more on assisting the father to try to cope if there was a temporary removal and to alleviate his concerns.

29. As a consequence of the parties' conflicting positions, I had no option but to promptly fix a mention hearing to review the situation concerning the upcoming final hearing and to possibly address what had been raised on behalf of the mother about a temporary removal issue. Therefore, on my own motion, I fixed a mention hearing from 30 January 2026. After hearing from the parties, I vacated the substantial final hearing which had been listed for 10 February 2026. Due to the proximity of the mother's proposed travel dates I listed the temporary removal application to be heard on the 10 February 2026 date instead. I dispensed with the need for the mother to file a Summons concerning her removal application. I ordered that the mother's affidavit in support of the application be filed and served by close on 30 January 2026. That direction has been complied with. Leave was given to the father to file his affidavit in reply, if so advised, by or on the 6 February 2006. The Welfare Officer was ordered to attend the hearing. The parties were directed to provide the Welfare Officer with any affidavits and position statements filed in relation to the temporary removal application.
30. On 3 February 2026 the Court wrote to the parties to suggest that they arrive early enough at Court on the 10 February 2026 to have discussions with the Welfare Officer prior to the commencement of the hearing. It appears that email caused some confusion for the Welfare Officer because she thereafter reached out to the parties to arrange meetings with them to discuss the temporary removal application. I had not given that direction because of the shortness of time between the mention hearing and the removal hearing. Counsel wrote to me for clarification as the Welfare Officer had contacted their clients. In my response email dated 4 February 2026 I indicated that I had not directed the Welfare Officer to meet with the parties. However, I added:

"I was suggesting the rarely adhered to good practice for lawyers to attend at Court on the day well before the start time of the hearing to afford them the opportunity to have discussions. In relation to the Welfare Officer, I was suggesting that she should also attend on the day well before the start of the hearing to enable her to assist the lawyers in their

discussions 'at the door of the court', because of her knowledge from the assessment of the family.

However, if the Welfare Officer feels that there is merit in her seeing the parties/child before the hearing to enable her to express a more informed view about temporary removal then that is matter (for) her and she should be able to do that. I would hope the parties would make themselves available for that."

31. On 5 February 2026 the Welfare Officer indicated that she appreciated the clarity emanating from the Court's email. She said that, as the temporary removal application was a new issue, she would prefer it if she could meet with the parties prior to court to enable her to inform the Court appropriately. She then asked the parties to confirm whether they were willing to speak with her.

Consideration of the Father's concerns

32. Below, I will individually concern the separate grounds relied upon by the father which are set out more fully at paragraph 7 above:

- (i) **The mother has never travelled alone with the children** - This is not an ordinary reason for preventing an adult parent from travelling with their children. If it was, then one could argue that a parent would never be able to travel with their child. There will always be a first time and a short flight to Florida and short internal trip to Port Lucie is not an onerous trip. When considering whether this concern should be elevated in this case I have taken on board the fact that the mother does not appear to be a seasoned traveller, although she has taken two trips with her partner to the USA over the past 10 months and one trip on her own to Memphis via Charlotte. I am satisfied that the mother has the physical and mental capacity to undertake the trip and to care for the children whilst on the trip. Even if I was concerned about her ability to do that, I am aware that her partner, who is a more seasoned traveller, will be accompanying her and the children. In her oral evidence the Welfare Officer indicated:

"I have no concern about her care with ability to travel."

The father has placed much emphasis on the fact that neither the mother nor her partner had travelled with children of the age of N and C. I note that the partner has travelled on his own with his daughter when she was aged five. Many parents, often much younger and less experienced than these parents, have to travel with toddlers or with younger babies for

the first time and they must grapple with and learn from experience all that entails. Unless there is evidence to show an inherent inability to cope or that the children have unusual health or dietary needs (which the children in this case do not have) the expectation is that the parents will learn as they go on and that there are no risks.

- (ii) **Inability to manage the children** - I have considered the father's concern, especially in light of the mother's comment to the Welfare Officer which he has drawn to the Court's attention. However, the independent Court Welfare Officer has not highlighted a similar concern and based on her observations both parents can adequately provide, care and protect the children - Therefore, although this is a factor I have considered, especially as children of this age can 'play up', on the evidence before me, I am satisfied that the mother would be able to manage the children on this short trip to the USA.
- (iii) **Travelling with her new partner** - Although the Welfare Officer observed limited interaction between the partner and the children when she carried out an assessment in relation to the mother and the children at home, there is no evidence before the Court that the partner is an inappropriate person to be around the children. In fact, it appears to be the opposite. The mother has been in a relationship with the partner for eight months and they have been cohabiting for just over a month. I accept that that is a relatively short period of time, especially as his interaction with the children would be only when they are visiting the mother on her contact, but it is enough to establish a healthy familiarity and understanding. As the partner gave oral evidence for almost 2 hours, including being subjected to well-crafted cross examination, I have had the advantage to observe and assess him. He was open with the Court and from his answers and from his demeanour he came across as a responsible adult who has parenting experience from his own child. In his evidence he said that when his daughter is in his care:

"I am the sole parent and meet all of her needs. I make all her meals, bathing, help when she needs help and supervision. So there are no safety concerns. Anything that a parent does with their responsibility."

The father informed the Court in his oral evidence that despite having had the opportunity to hear the partner in court his concerns and uncertainty about him still remain. He felt that that was insufficient to enable him to satisfy himself that this was a person who would be able to assist the mother with the care and safety of his children. The Welfare Officer Report seems to show that the children do not exhibit discomfort in the partner's company.

In her oral evidence she stated that she observed the children run up to the partner and they were happy jumping around him. She said it was “*not tense*”. She added the children “*relate well him. I do not have any issues*”. The Welfare Officer said that the partner had told her that he had not supervised the children alone and only did so when the mother was there. In his oral evidence the partner said in relation to the children:

“I seem to have a good relationship, they seem to like me and I like them. We get along with both of them. I am not really left with the sole care of the children. I have looked after N when she had to go somewhere for a short period of time. I do not recall any disturbing behaviour from the children.”

I have no reason to feel that this description is not an accurate one. His presence on the trip, rather than being a negative or a concern, could be regarded as being a positive, as he will be on hand to help with the children and with the other limited burdens that come with travel. Concern was raised by the father that he had not met the partner. However, I note that the father has chosen not to take the initiative, as one might have expected if he has concerns, as he has not taken any steps to meet the partner. If the father had concerns or doubts about the partner being a potentially significant person in the children’s family life, one would have expected him to have made such a request. In fact, the temporary removal application apart, one might have expected him to have made a request to meet with a person who is coming into contact with his children. He has known for some time that the children have been introduced to the partner. The Welfare Officer did say that it “*would have been nice for them to have met*”. I note the mother’s evidence that in the past she had requested to meet the father’s new partner and the father did not respond to that request. It does not appear that the father has taken the initiative to do that, especially if he places emphasis on the fact that he does not know anything about him, despite him being aware that the partner has been introduced into the children’s lives and that he may become a significant figure for them. The father confirmed that if the Court were to provide relief for the temporary removal, he would like to meet with the partner before they depart. The partner indicated that if the father wanted to meet him, he would be happy to meet him.

- (iv) **The mother’s partner has no experience travelling with children of this age** - Even if this is correct, there is no requirement for the partner to have such experience and the fact that he does not, is not sufficient reason in the circumstances of this case for having a concern about the children’s welfare on the trip. However, factually this concern appears

to be an invalid one as the partner has his own child who is now aged six and he has taken her on international travel from the age of five. It appears that the partner was able to come to a sensible agreement with his former wife in relation to their young daughter and to put in place workable arrangements to enable him to play an important role in his daughter's life despite the fact that the child lives in Canada and he in the Cayman Islands. When he was residing in Canada, it appears from his evidence that the partner was having contact with his daughter around 2 to 3 times per week under a joint custody arrangement. I am satisfied that he has the experience and knowledge to assist the mother with the care and safety of the relevant children in this case.

- (v) **The mother has demonstrated that she can be negligent with the children when they are in her care including C going into a swimming pool without her noticing and getting into difficulties** - This is something the Court has carefully considered, and I am conscious that this incident was also shared by the father with the Welfare Officer. The father told her that the mother threw the child into the swimming pool. I do not find that that is what happened. The mother said that she did not throw him in, but she concedes that the child went into the pool without her noticing and that he then got into some difficulty. She said she responded by jumping into the pool to retrieve him. I note that the mother promptly informed the father about what had happened. She did the same in relation to her returning to her mother's property with the children and seeing a naked man in the property who was a friend of a mother. Although the father is right to comment on this incident, having heard from the mother, I am satisfied that such an occurrence would not happen again. I do not find that there is sufficient evidence to indicate that this is a mother who could be categorised as being a negligent parent.
- (vi) **The children have returned from the mother's care over a weekend with injuries** - I note in the Welfare Report that the father told the Welfare Officer that he had a concern about the possibility of physical discipline and about an allegation that the mother had struck their son whilst he was in the shower. I also note in his affidavit sworn in October 2025 that he is concerned that sometimes the children have bruises and cuts when they return from her care for which the mother does not provide explanations unless specifically asked. I have seen photographs produced by the father, dated it seems around 4 August 2025, which show small scarring/post scabbing on the wrist and an elbow. These are not

uncommon areas for a child to receive such markings. In her oral evidence, the Welfare Officer said about the injuries she has been shown:

“They are kids, when I look at their injuries they look like normal injuries children get at that age.”

The father is quite right to flag these, but they do not appear to be something significantly out of the norm.

- (vii) **The change to the parenting schedule and the loss of days for the father** - Under the current contact regime, the children are spending considerably more time with the father than with the mother. The fact that an overseas trip by the mother may impinge on the days on which the children were scheduled to be with the father is not, in those circumstances, a factor that should cause concern to the children’s welfare. This is not a reason for preventing the children from benefiting from the experience of an overseas trip to visit wider maternal family members. In his oral evidence the father seems satisfied that the mother would make up any days that he lost which appeared to be between 2 to 3 days.
- (viii) **The children indicating sometimes that they do not want to overnight with the mother** - The reasons why the children may have said this remains an issue between the parties. Although it is something that may need to be considered if there is to be a change in the substantial s.10 orders, it is not something that should prevent a trip of 4 to 5 days to Florida.
- (ix) **The mother’s new partner is an American citizen and if the mother wanted to remain in the USA she could remain there for at least six months** - There is no evidence to suggest that the mother would not return to her home in the Cayman Islands. The fact that she had a trip in the last 10 months to Miami and then on to New York where she has family is not evidence of a risk of her abducting the children as already mentioned herein, I am satisfied that the mother has firm roots here and has every intention of returning with the children after this short break to a family event in Florida. The fact that her partner is an American with family based in Memphis and the fact that the mother has travelled to Memphis since she obtained her visa does not entitle one to take the quantum leap and conclude that there is a real risk that the mother would remain in America with the children. I note that the partner is on his second stint of employment in the Cayman Islands and there is no reason to believe that he does not see his foreseeable future as being here. I also note that the mother has been living with him in his home for just over a month. On that

evidence he does seem to be a person who has set down roots. Interestingly in the hearing he made the following remark when he was asked in cross examination about him wishing to have his daughter here rather in Canada. When asked that, he remarked:

“I could not unilaterally take my daughter here without my wife without my wife’s consent or participation. I think the reasons for that are self-explanatory”.

When I asked him what he meant by self-explanatory he replied:

“From as far as I am aware, taking children to another country without the consent of the other parent is a criminal offence.”

He then said in relation to the relevant children in these proceedings:

“I have no plans to lawfully retain or abduct the children and have every intention to return to Cayman on 18 February⁸. I intend to return on the date the ticket says.”

From the content of this exchange and in particular his demeanour when saying it, it was clear to the Court that this is a person who fully understands the consequences of an unlawful retention and is someone who has no intention of aiding and abetting someone who may wish to do that.

- (x) **The children’s unfamiliarity with any person involved in the travel and wedding –** This is not a ground for preventing travel. The children will not be travelling with a stranger but with their mother. The fact that they are unfamiliar with family members who they will come into contact with is arguably a good reason why the children should be able to travel and attend this family gathering. The children need to start to build a relationship with the mother’s family as they have been able to do with the father’s family.
- (xi) **Concerns about the “crack-down on immigrants” by ICE agents -** Although the father may feel that he genuinely holds these concerns from what he may have read or seen in the media that he follows, for the Grand Court to make a finding that children accompanying a parent who wishes to visit the USA for a short vacation/visit in compliance with US immigration laws should be prevented from travelling to any place in the USA, and in particular Port Lucie due to events that are reported to be happening in Minnesota or Los Angeles or elsewhere involving ICE agents, would create a troubling precedent. I find no merit in this ground to prevent a specific issue order granting temporary removal being

⁸ The partner accepted that he had the date wrong that in fact it was 19 February, which was the date on the ticket.

made. There is no Government Travel Advisory from the Government of the Cayman Islands or from the United Kingdom Government advising against travel to any part of the mainland USA.

- (xii) **The father's belief that the mother is only making this application to delay the divorce proceedings and to prove a point** - I see no merit in that contention, and it does not provide a reason for refusing leave to travel. In fact, when the parties were recently asked by the Court whether the substantive two-day child hearing could still proceed due to the filing of the Addendum Welfare Report, it was the father's attorney who indicated that they would not be in a position for it to proceed. The mother actually opposed the vacating of the hearing, and she was anxious for that substantial hearing to proceed. As the children proceedings likely will have to be concluded before the divorce ancillary relief proceedings can meaningfully be dealt with, the approach to the vacating of the substantive hearing taken by the mother is inconsistent with a contention that the mother is seeking to delay the divorce proceedings. When the father became aware that the substantive s.10 hearing had not been adjourned because of this temporary removal application but because his Counsel had indicated that she did not feel that the hearing could proceed due to the knock-on effect that the filing of the addendum welfare report had on the parties being able to file their pleadings, he withdrew this as a concern.

The Law - Temporary Removal from the Jurisdiction and the provision of the Act

33. Despite the father's views expressed about the mother's visa and her partner's American nationality, I find that this is not an application involving any risk concerns relating to potential abduction. Therefore, the Court does not need to concern itself with much of the guidance given in *R (A Child)* [2013] EWCA Civ 1115 and in *AB v TB (Temporary Removal to Jordan)* [2014] EWHC 4663 (Fam). As stated by me in *HL v JL*⁹ and in the *ex-tempore* ruling in *T v R* Fam 29 of 2021 dated 12 April 2024, as any order for temporary removal would be a s.10 Specific Issue Order, it means that, pursuant to s.3(1) of the Children Act ("the Act"), the children's welfare would be the Court's paramount consideration. Although there are two children, the Court may consider the children's welfare separately, especially if there is something which the Court finds prevents one of the children from travelling.

⁹ See paragraph 8 above.

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34. As Lord Fraser said in *Gillick v West Norfolk and Wisbech Area Health Authority and Department of Health and Social Security* [1986] AC 112 at 170:

“...parental rights to control a child do not exist for the benefit of the parent. They exist for the benefit of the child and they are justified only in so far as they enable the parent to perform his duties towards the child.”

35. On the afternoon before the hearing, the father’s attorney provided the Court with a communication from N’s school concerning a science fair. The communication highlighted that each student must complete a mandatory science fair project and that there was an expectation of full participation from all students. The project would form a part of the student’s final assessment for the term. Details of the project were provided with the communication. Upon receipt of the email about the science fair, I instructed my Personal Assistant to write to the parties and to the Welfare Officer as follows:

“I will need to know tomorrow whether the mother has contacted the school to inform them about the children’s proposed absence and about what the school’s reply (preferably in writing) has been.

I note that this project was only announced to the parents on Friday afternoon, but has either party been able to speak to the school to explain to them the possibility of the children being off Island. It may be that the school considers the preparation of the project, due to what is expected, to be one that could be done in the timeframe before the mother’s proposed departure. What is the school’s view about the proposed trip and absence trip if the project cannot be completed.

I note that, due to the children’s ages, they are not of compulsory school age and therefore Section 12 and Section 14 of the Education Act do not apply.

The parties will need to address tomorrow why the project cannot be completed before the proposed travel dates. I understand that it may be the father taking the lead role with the project as the children spend more time with him.”

36. I have had to think long and hard about the evidence concerning this project. If the children are to travel with the mother there will be, at best, two days before the departure and two days after their return for the father to guide N in relation to the project. It was agreed that the mother can also assist with the project if N was with her, but the father had a proviso that she was not to change the nature of the project that had been commenced. However, I am conscious that this is a project for

a four-year-old and having reviewed the directions given by the school about the requirements the project I am satisfied that if it is prioritised that there is sufficient time for the project to be completed. In this case, the father is commendably such a conscientious parent that I am satisfied that he would ensure that the project was completed even in the limited days that he has. Although it is a factor that I have had to carefully weigh up in the balancing exercise when considering the welfare of N, in the circumstances of this case, it does not preclude me from granting leave to move from the jurisdiction. When I reach this conclusion, I am acutely conscious that the school has made clear the importance of this graded project and of C's the presentation of it at the science fair. I also conscious of that school has not replied to the communications concerning the application before me and the project.

37. As in many temporary removal cases, I am aware of the life experience and developmental benefits that may arise for children, even at this tender age, to travel away from the Cayman Islands and to facilitate the building of relationships with their accompanying travelling parent and wider family members when doing so. I have to balance those benefits against the potential detrimental effect arising from C's 3 days away from school. The Court accepts that education and school are very important and so too is attendance. I have no evidence to suggest that for the current academic year the children have not attended school. I do not know whether the school have given any consent to the absences. I do not in any way suggest that being out of school is to be encouraged during school term time. However, having regard to all the circumstances, a few days absence from school itself would does not prevent me considering that the children should be able to experience this family event.

The 'Welfare Checklist'

38. In exercising my broad discretion when determining what orders are in the child's best interests, I must consider the factors contained in what has become known as "*the welfare checklist*" found at s.3(3) of the Act.¹⁰
39. In relation to the **wishes and feelings of the children**, I must have regard to the same in light of the children's understanding and the fact that they are only aged 4 and 3. They are not in a position to express an informed view concerning the temporary removal. The Welfare Officer

¹⁰ See from paragraph 101 below.

understandably stated, when considering this part of the welfare checklist in her report dated 13 January 2026, that they are not developmentally able to fully grasp the concept of where they should live. Adding that they “do not possess the cognitive or emotional maturity required to understand the long-term implications of residential arrangements or to make an informed decision regarding custody”. Although there are slightly different considerations for a temporary removal, I am satisfied that the children are not sufficiently mature for them to express wishes concerning the temporary removal to Florida.

40. In relation to **the children’s physical, educational and emotional needs** - for the reason set out in my analysis earlier in this judgement these can be met by both parents. I am satisfied that the children’s physical and emotional needs would be met by the mother during a visit to Florida as well as they are, on the whole, met by both parents of the children when they are with them in the Cayman Islands. As highlighted in paragraphs 34 and 35 above I have considered the children’s educational needs.
41. **The effect of any change in the children’s circumstances** during a short trip to a family event in Florida would be a positive one for the children. The children have hitherto not had the benefit of travelling off island with their mother. An important part of a child’s development is experiencing the wider world and getting to know family members on both sides of the family. In this case, the temporary and brief change of circumstances would involve the children spending time with their maternal wider family. It is important for children to be able to establish their roots and their relationships with wider family members. To ensure that the children do not feel unsettled about being in another country without a father, there should be some indirect video link contact set out. It could be every day by agreement or at least once every two days.
42. I have regard to the **children’s age, sex and religious persuasion**. Their sex and religious persuasion do not have a bearing on their welfare when considering whether a specific issue order for travel is in their interests. In the circumstances of this case there is nothing about the children’s ages or sex that hinders them travelling; in fact, at this age, before they reach the compulsory school age, trips to see family members should be encouraged.
43. I have considered **any harm the children have suffered or are at risk of suffering**. As illustrated by the paragraphs above, I have carefully considered the concerns raised by the father. For this

temporary relocation matter, I do not make findings in relation to those unless they have a direct bearing on the application. I have carefully noted the father's concerns and even if his evidence was to be accepted, they would not have led me to make a finding that there is a risk of harm being suffered by the children during a brief overseas break. The mother already cares for the children for periods similar to that involved with the trip, the only difference is that they will not be in Cayman. I note that the Welfare Officer is of the view that there are no risks associated with the current contact arrangements.

44. I have considered **how capable each of the children's parents are in relation to meeting their needs**. Although there may be some coparenting issues, I am satisfied that they are capable of meeting the children's needs when they are in their care. The Welfare Officer has indicated that both parents demonstrate the ability to adequately meet the children's emotional, physical and psychological needs and have shown a capacity to provide appropriate care, support and guidance. She stated in her Report that she was of the view that there were no current concerns regarding each parent's ability to maintain the children's overall well-being within their respective homes. In her oral evidence she confirmed that she had no concerns about the children in the mother's care and did not have concerns about her care and ability to travel with the children. She had expressed a concern about the mother's financial position if there was a trip as she had been informed that she only had \$1,000 in bank account. However, when she was told that the partner would be funding the trip, that concern was allayed. A message between the mother and the partner presented to the Court at the outset of the hearing evidence his agreement and confirm that arrangement as did the partner's oral evidence.

Conclusion

45. Having considered the welfare checklist, I am satisfied that it is in the children's best interest to travel to Florida with the mother for the specified days to attend a family event. The Welfare Officer in her evidence said:

"Travelling is a time for parents to bond and reconnect and memories are not only for the parent but for the children and it enables them to form life skills. It is good to have the opportunity to spend time with both parents."

46. Conducting the necessary risk balancing exercise, I make a Specific Issue Order granting the mother permission to temporarily remove the children to Florida for the period of 14 February 2026 to 19 February 2026. I also make a Specific Issue Order requiring the father to deliver up the children's passports to the mother forthwith and for mother to return them to the father within 24 hours of her and the children's return to the Cayman Islands. The mother must provide the father with details of where the children will be staying before the departure as well as details of how she can be contacted when she is away.
47. If the father wishes to have a meeting with the partner before the departure, he should give reasonable notice of that, and the mother and her partner should use their best endeavours to make that happen. The Court would also have an expectation that indirect contact, as mentioned above, would be arranged.

Footnote

48. As I have said in previous temporary removal judgments, a request for leave to temporarily remove a child should be made to the other parent well in advance of the requested departure date. I note, in this case, that the mother was aware of the wedding from 31 December 2025. Despite that she first raised it with the father on 19 January 2026. Although one month's notice prior to the trip is not remarkably short notice, ideally more than one month's notice should be given because, if it is opposed, this creates problems finding a slot to hear a contested temporary removal application within the required timeframe. As I have said on previous occasions, any such request should ordinarily be coupled with as much information as possible including:

- (i) the travel arrangements;
- (ii) where the children will be staying whilst away;
- (iii) how to contact the parent and children when they are away;
- (iv) proposed arrangements for indirect contact for the other parent with the children whilst they are away; and
- (v) general details about what the children may be doing whilst away.

A timely provision of the request/details would provide the other parent with sufficient time to consider the request and to reply and possibly reach an informed agreement. It may then, in turn, leave sufficient time for the applying parent to finalise the travel arrangements without leaving

those until the last minute. If agreement is not reached, the above would enable the applicant parent to then seek a listing of an application for a specific issue order in the normal way, rather than over-pressurising the Court to find a space in its full lists on too short notice. The mother in the present case was fortunate that, due to the Court having to vacate the substantive hearing for the reasons set out above, their vacated slot became available to hear this application. Parents should be aware that if they do not apply for a specific issue order permitting them to temporarily remove the child well before the proposed departure date, then the Courts may well not be able to accommodate the hearing of a contested application in the period prior to the proposed departure.



.....
The Honourable Mr. Justice Richard Williams
JUDGE OF THE GRAND COURT

