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**Neutral Citation Number: [2026] CIGC (Fam) 3**

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

**CAUSE NO. FAM 177 OF 2013**

**BETWEEN: CS Petitioner**

**AND RS Respondent**

**Appearances: The Petitioner appears in person  
The Respondent appears in person**

**Before: Hon. Justice Richard Williams**

**Heard: 3 February 2026**

**Meeting with child: 4 February 2026**

**Father's Written Submissions: 6 February 2026**

**Date of Judgment: 24 February 2026**

*Children Act - Variation of child arrangements under a shared residence order - Application for a specific issue order - Applications prohibited steps orders - Meeting of child with the Judge and the applicable Guidelines for such meetings.*

**JUDGMENT**

*2026 CIGC (Fam) 3 CS v RS - Judgment*

**The parties**

1. This hearing concerns P, a male child whose fourteenth birthday is next month, March 2026. P was born when CS, the Petitioner mother, and RS, the Respondent father, were married. I hope that the parties do not feel me to be discourteous but for convenience, I will refer to them as the mother and the father in this Judgment.
2. The parties met in the Cayman Islands where by July 2013 they had both been residing for approximately seven years. They were married in the Cayman Islands on 26 March 2010 and until around July 2013 they lived together in the matrimonial home in George Town, Grand Cayman. The Certificate of Dissolution of the marriage was granted on 8 November 2016.
3. A Judgment delivered by me on 10 August 2015 (“the Judgment”) recorded that the mother had been in secure employment with the Cayman Islands Government for quite some time. The father had previously been unemployed for a while and at the time it was agreed that he would stay at home to care for P. The mother, unlike the father, contended in 2015 that this arrangement was to be a temporary one as the father would be actively seeking employment. At the time of the 2015 hearing the father was working for a media services company. The parties are presently both in employment. The mother and P have Cayman status. The father has Permanent Residency. The parents are both US nationals.

**The applications**

4. The mother’s following applications are set out in her Summons dated 24 June 2025:
  1. That the ‘Special Issue Order’<sup>1</sup> dated 7 June 2016, be changed to the following:
    - that the Petitioner shall seek and arrange enrolment of the minor child (P), D.O.B. 16<sup>th</sup> March, 2012 in formal education as accepted by the Department of Education, for Grades 8-12.
  2. That the residential arrangements for P as set out in paragraph 13(a) of the Final Ancillary Order dated 4 November 2016, be reinstated and be modified to include a Penal Notice.

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<sup>1</sup> This is a Specific Issue Order.

3. That a Prohibited Steps Order be made restraining the Respondent from sending any unsolicited emails, letters, text messages, and any communications of any kind regarding P to the Office of the Governor, Office of the Deputy Governor, the Cabinet Office, Ministry offices, and Government departments not affiliated with education. That a Prohibited Steps Order be made restraining the Respondent from sending mass e-mails, text messages, and communications regarding P and this matter to the office of Compass Media, Cayman News Service, Caymanian Times, DMS Broadcasting and Cayman Marl Road.
  4. That a Prohibited Steps Order be made restraining the Respondent from holding or having administrative rights to any social media accounts, email accounts, or phone accounts for P.
  5. That a Prohibited Steps Order be made preventing the Respondent from sending any correspondence on behalf of P or on behalf of the company traded as 'The (P) Zone' and its affiliated social media channels "The (P) Zone and All Things Cayman".
  6. That a Prohibited Steps Order be made allowing the Petitioner to seek mental health counselling for P.
  7. That paragraphs 1-7 above shall remain in effect until P reaches the age of 18 or completes secondary education requirements (up to 21), whichever is the later.
  8. That a Penal Notice is attached to paragraphs 1-7.
3. During the hearing the parties informed the Court that they had agreed that, starting from the next academic year, P would be homeschooled. With that in mind, the mother clarified that paragraph 1 of her Summons should be treated as being an application for a specific issue order that only she conduct the enrolment process and decision-making about the homeschool programme. She confirmed in relation to paragraph 2 that the relevant order dealing with the weekly cycle "residential arrangements" was actually the order of Richards J made on 6 September 2019 and not the order of 4 November 2016. In relation to the residential arrangements, the mother accepted that she no longer required an order reinstating those arrangements as, from around October 2025, the parties had reverted to the arrangements under the 2019 order. The mother confirmed that she was still seeking the prohibited steps orders set out in her summons.
4. The father's following applications are set out in his Summons dated 8 August 2025:

1. Variation of the Residential Agreements. That the residential schedule for (P), as previously set out in the Minute of Order, be varied and redefined in the best interest of P, as follows:
  - Week 1
    - From Monday PM to Friday AM with the Father
    - From Friday PM to Monday AM with the Mother
  - Week 2
    - From Monday PM to Monday AM with the Father
2. Maintenance Order. That (the mother) shall pay child maintenance in the amount of C1\$2,200 per month, payable to (the father), in accordance with the needs of P.
5. The parties accepted that the Court would not be dealing with the child maintenance application made by the father at this hearing. They understood that any orders for maintenance would likely depend on what orders were made in relation to the child arrangements for P.
6. The parties agreed that, regardless of what child arrangements were ordered, the Residence Order should remain as a Shared Residence Order. The parties also expected that the homeschool studying term times would be similar to those in a normal school and, with this in mind, they agreed that the provision at paragraph 13(b) in the 4 November 2016 Order should continue namely, that P's time would be shared equally between the parents during the holidays. In addition, they also agreed that the special days provisions found at paragraph 13(c) of the November 2016 Order should remain in place.

#### **The procedural background – Up to the 10 August 2015 Judgment**

7. Although the earlier background has already been set out in some detail in my judgments of 9 September 2014, 15 April 2015 and 10 August 2015, I feel it necessary to repeat the same herein to put the present applications into context. Although I again do this in some detail, and although I have regard to the history, my decision about what orders should be made at this stage to meet the best interests of P are primarily based on the more recent events.

8. On 26 August 2013 the mother filed her Petition for Dissolution of the Marriage on the ground of the father's unreasonable behavior under section 10(1)(b) of the Matrimonial Causes Law (2005 Revision) ("the Law"). The father defended the Petition by filing an Answer on 30 September 2013.
9. Proceedings relating to the marital breakdown and P have been before the Court on a number of occasions. The mother, by an *ex-parte* application filed on 26 August 2013, sought orders as a consequence of the wrongful retention of P by the father in the United States from 28 July 2013.
10. The parties had agreed in a notarised written travel authority that the father could temporarily remove P from the jurisdiction between 15 and 28 July 2013. The father failed to return with P to the Cayman Islands by 28 July 2013. On 26 July 2013 the father had filed an Emergency Verified Petition for a Temporary Injunction to Prevent Removal of Minor Child in the Circuit of the Eighteenth Judicial Circuit in and for the Seminole County, Florida, United States.
11. On 31 July 2013 an "*Ex Parte Order on Emergency Verified Motion to Prevent Removal of the Minor Child*" was made by Alan A. Dickey, Circuit Judge at Sanford, Seminole County. The Learned Judge ordered:
  - (i) that the emergency verified motion to prevent the removal of P be granted;
  - (ii) that the mother shall not remove P from the State of Florida, and shall not be allowed to obtain a new passport for P;
  - (iii) that under the laws of the State of Florida, the Court had jurisdiction over the parties and the subject matter;
  - (iv) that the *ex-parte* order shall remain in full effect, unless changed by another order of the Court; and
  - (v) that the mother be served with a copy of the order and that a hearing shall be coordinated with the father's counsel's office.

The mother's Florida attorneys eventually obtained a copy of the pleadings and the above Order from the Florida Court on 28 August 2013.

12. The mother filed an Amended Ex-Parte Summons dated 4 September 2013 in the Grand Court seeking an interim residence order in her favour and an order that the father return P to the Cayman

Islands, the place where he was and remains habitually resident. At the conclusion of the *ex-parte* hearing on 9 September 2013, I delivered a detailed *Ex Tempore* Ruling. I found that P was habitually resident in the Cayman Islands and further that it was inappropriate for the father to permanently remove P from this jurisdiction without an order of this Court or the consent of the mother with whom he shared parental responsibility. I ordered that he return P to the care of the mother and that P be forthwith returned to the Cayman Islands. An Interim Residence Order was granted to the mother and a Prohibited Steps Order was made forbidding the father from removing P from the Cayman Islands without the mother's consent or an order of the Court. I ordered that the father hand over P's passport to the mother.

13. Judge Alan A. Dickey stated at the hearing held on 19 September 2013 hearing<sup>2</sup> that:

*“The undisputed facts show that the child was brought to United States, by agreement of the parties, with a return date of July 28<sup>th</sup>.”*

He correctly concluded that the Florida Court did not have jurisdiction to resolve issues of custody and access and that the Cayman Islands was the jurisdiction where the case needed to be resolved. He ordered the father to return P and P's passport to the mother. The father complied with the order and P duly returned with the mother to jurisdiction on 20 September 2013.

14. The father returned to the Cayman Islands on 22 September 2013. Very shortly thereafter the mother left the former matrimonial home with P to reside elsewhere. On 24 September 2013 the mother filed a Summons seeking orders that she and P be able to return to the former matrimonial home to the exclusion of the father. She also sought an order for supervised contact between the father and P.
15. On 4 November 2013 a Court Welfare Officer's Report was ordered. The Court accepted without prejudice cross non-molestation undertakings offered by both parties. The Court extended the Prohibited Steps Order and the Interim Residence Order. The application for an exclusion order in relation to the former matrimonial home was adjourned generally with liberty to restore. The Court made orders for defined unsupervised contact between P and the father. Directions were given to a final s.10 hearing to be listed for the first open date after 1 March 2014. The mother's Amended

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<sup>2</sup> Transcript of hearing prepared by Court Reporter Linda Bulmer- certified by her on 1 October 2014.

Summons dated 10 December 2013 in which she sought a final residence order was fixed for 20 March 2014.

16. Ms. Webb, the then Court Welfare Officer, in her report dated 24 February 2014, felt that both parents provided P with a loving environment and that P had adapted well to living with his mother and visiting with his father. Ms. Webb highlighted that the parents had different views on parenting and it was clear that she was aware of the difficulties in the parents' relationship. Ms. Webb had no substantial concerns about the mother being able to care for P and recommended a residence order to the mother with structured contact between P and the father. She also recommended counselling to assist the parties to communicate in "*an amicable and constructive manner*".
17. When the matter came on before Quin J on 20 March 2014, by consent, a Shared Residence Order in relation to P was made. The Order provided for an agreed two weekly shared care cycle which in effect meant P was spending equal time with each parent. The Prohibited Steps Order remained in place. Quin J gave directions to an ancillary relief hearing on the first available date. The mother's Ancillary Relief Summons dated 24 March 2014 was fixed for hearing on 19 August 2014.
18. When the matter came before Hall J (Actg) on 19 August 2014, she gave directions in relation to further disclosure. The Learned Judge reiterated that the Prohibited Steps Order remained in place. Hall J required the parties to seek a listing for a two-day hearing for the ancillaries. In her Order Hall J also provided that the hearing of the contested Petition would be fixed for one day on 17 November 2014. On 6 November 2014 the Listing Office issued a Notice of Hearing indicating that the final ancillaries hearing was fixed for 15 January 2015.
19. The contested Petition hearing commenced on 17 November 2014. At the close of the first day of the hearing, the contested Petition matter was adjourned part-heard. It restarted on 16 January 2015 and after a full day in Court, it was adjourned part-heard to the next available date.
20. On 6 March 2015 the Court considered the mother's Summons filed on 21 November 2014 and made orders in relation to disclosure in the ancillary relief proceedings.

21. On 14 April 2015, the parties again appeared before me. The Court was required to rule on a number of issues which had arisen during the 14 April hearing. I made orders for the mother to remove certain materials relating to these proceedings from social media and from an online website. I also made Prohibited Steps Orders preventing either parent from removing P from the jurisdiction.
22. Although dates had been offered to the parties for the adjourned contested Petition hearing to be restored in May 2014, the matter was not listed until 8 June 2015 at their convenience. The hearing of evidence was concluded on 9 June 2015.
23. During the hearing the father made serious allegations against the mother's attorney and wrongly characterised her conduct as being "*debaucherous behaviour*" solely motivated by her financial gain.<sup>3</sup> At the hearing the father informed the Court that, in relation to the proceedings, he had made complaints against a number of persons.<sup>4</sup> He said he had made complaints against (i) the Director of Planning to the Chief Officer at the Ministry and against Ms. Webb, the reporting Welfare Officer with the Director of Children and Family Services ("DCFS") to the Deputy Governor. He said he made complaints about two police officers to the Deputy Chief Officer of Home Affairs and to Mr. Gary Benham at the Governor's Office. He said he made complaints about the Cayman Islands Central Authority (Hague Convention) to Mr. Benham. He said he also made complaints about the officers who took his police grievance complaint at the Professional Standards Unit to the Chief Officer at the Ministry of Home Affairs. On the final day of the hearing the father indicated that he had also made complaints against the Director of the DCFS and the Deputy Governor. The father made a complaint about the counsellor who he believed was having an affair with the mother. The father referred to the above professionals in his closing submissions under the heading "*Concerns of conspiracy to violate the human rights of myself and the child*". The father demanded that there be a "*judicial review*" of all of these individuals and that a failure to do so "*contradicts the court's position that the welfare of children is the primary area of concern*". His conduct at the time was excessive and on the whole unjustified.
24. The Reserved Judgment was delivered on 10 August 2015. In relation to the father's stream of complaints, I commented at paragraph 74 in the Judgment:

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<sup>3</sup> Paragraph 69 in the Judgment.

<sup>4</sup> Paragraph 70 in the Judgment.

*“... The husband’s continuous stream of criticism about and serious allegations made towards the wife, Ms. Allard, and numerous professionals gives great insight into his personality and the way that he interacts with individuals, including the wife and professionals who disagree with his approach. The husband is of the view that his approach is always the right one and that for any person or professional to hold a different view to the one held by him is wrong and merits formal complaint against them. His way of dealing with an individual who departs from his viewpoint or wishes is to complain vociferously about them. This is how he treated and viewed his wife.”*

To this date, the father has retained his tendency of making complaints to a wide range of public officials if he feels that his concerns are not being adequately addressed.

25. The mother contended at the hearing that the father was very controlling and overbearing when it came to the raising of P, restricting the time she had with him. The mother stated that she became depressed and anxious due to her feeling marginalised as P’s mother. On the other hand, the father said that he had ongoing concerns about the state of the mother’s mental health, her intake of alcohol and about her ability to care for P.
  
26. In the Judgment I noted that to justify his actions the father had spent a great deal of time in both the Florida and Cayman proceedings criticising the mother’s care of P and giving the impression that only he knew what was best when it came to P’s care. His allegations included his discovery of small pieces of plastic in the home. It includes him finding a screw on the property and his concerns about the mother failing to wash her hands properly after handling pesticide in the garden. He criticised her for leaving wet rags on the side of bath and for the chemicals she was using to clean P’s bottles. At paragraphs 45 and 46 in my Judgment delivered on 15 July 2015 I stated:

*“45.... It is clear that he felt only he was able to care properly for the child, especially as he tracked all aspects of the child’s care in a logbook. He is right to be observant about these incidents. He is entitled to sensitively raise them with the wife. However, the way he raised them with the wife was deliberately belittling and his inference to L and to this Court that the wife was doing this to deliberately kill P is unfounded and absurd. What he fails to recognise is that raising a child is not an exact science and that all parents do on*

*occasion make errors and parents are entitled to have differing views about how a child should be raised and cared for.*

*46. I have carefully considered the husband's concerns about some of the wife's conduct towards him. In particular when he was continually questioning her about the plastic from the DVD case in P's crib and he says she had a psychotic episode and was screaming at him and threw P in the air at him. On the evidence before me I am unable to find on the balance of probabilities whether she did throw P in the air in the reckless manner suggested by the husband. I also have regard to the incident in the vehicle when he said that they were on the way to a birthday party and that she struck him when he was driving with P in the vehicle. I am satisfied that there may have been exchanges in which she struck the husband and he her, however I am also satisfied that this was a result of the husband's continual badgering and criticism of her. Her actions were reactive rather than proactive. This does not make her actions acceptable, but for someone who the husband accepts was having difficulty coping at the time, it is understandable when he was piling on emotional pressure by his frequent criticism, lack of support and continual undermining of her already low self-esteem."*

27. The mother's Petition contained an allegation that the father behaved towards her in a controlling manner in a number of areas of her life but particularly in relation to her interaction with P. In the Judgment I found that the father had restricted the mother's movements with P and also her independent care of P. I found that this and other controlling behaviour outlined in this Judgment formed a part of a course of conduct by him which had detrimentally affected the mother. At paragraph 84 in the Judgment, I said:

*"He (the father) still feels she is unable to care for P despite the Welfare Officer's report, the Florida Judge's finding that there was no emergency or risk to P and the fact that the wife, since September 2014 despite working full-time, has been able to independently care well for P. It is clear that the husband was and remains unable to accept that the wife was and is entitled to have views of her own in relation to the care of P and he still wishes to exert control over her by his non-acceptance of her genuine and reasoned desire to live an independent life no longer under his influence."*

28. In light of the above, I was satisfied that the mother had proved the particulars of behaviour in her Petition, and I found that she could not reasonably be expected to live with him and that it was the father's behaviour which had caused the marriage to be irretrievably broken down. The Petition was proved.
29. Importantly, especially when I am considering the present applications, I made the following balanced observation at the end of the Judgment:

*"I wish to make it clear that, despite my findings about the husband's behavior, I am of the view that he genuinely believes that he has acted appropriately in the best interests of the child. I accept the views of the Welfare Officer that he loves P dearly and that he wants what he believes is best for him. I accept that the husband is a very important figure in P's life and that he, like the mother, showers P with love and good quality care. That is probably why, having regard to the welfare checklist, Quin J. would have agreed with the parties in March 2014 that a shared residence order should be made.*<sup>5</sup> However, the husband must learn to accept that the wife is at least an equally important figure for P and that she (is) entitled to bring up P in a manner which may not be the same as the approach he advocates. I hope that now that the Petition has been proved, and the inevitable tensions that come with such protracted proceedings, the parties can now concentrate on cooperating with mutual respect for the other in relation to the upbringing of P."

**The procedural background – From 10 August 2015 Judgment until the Order of Carter J (Actg) made on 23 August 2017**

30. On 16 February 2016 the mother filed a Summons in which she sought a child maintenance order and a school fees contribution order. The mother also sought a specific issue order restricting the father's parental responsibility. The latter order was sought because the mother said that the father had written to the Ministry of Education making a complaint against herself and P's school that they were all acting to deliberately harm P and/or his progress at school. P had not yet reached his fourth birthday. She characterised his conduct as being demeaning, embarrassing, humiliating and threatening. She was concerned that the father's conduct which she called "*obstructive*" would create problems with school registration.

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<sup>5</sup> My emphasis by now underlining.

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31. That hearing was listed for 22 March 2016. On 18 February 2016, the ancillary relief proceedings were listed for hearing on 30/31 May 2016. At the hearing of the Summons on 22 March 2016 McMillan J approached it as being a directions application by the mother in relation to the fixed ancillary relief hearing.
32. On 23 May 2016 the father filed a C1 Form application seeking application to discharge the Prohibited Steps Order and granting leave for P to relocate with him to the USA. He also sought a financial provision order of \$1000 per month. In the special arrangements part of the C3 Form the father rather alarmingly wrote that he was:
- “concerned of my safety in the waiting area and in Chambers from the court staff, security and justices”.*
33. On 7 June 2016 McMillan J made a Specific Issue Order that only the mother was to seek enrolment of P in primary school. The Order specified that the father should not participate in the process of either choosing or enrolling the P in a school. The Order provided that once P was enrolled the father would be entitled to be informed readily and adequately about P’s progress at school.
34. On 4 October 2016 McMillan J handed down his Judgment in relation to the ancillary relief hearing which ended up being heard on 31 May 2016 and 14 July 2016. The decisions he made were set out in a detailed Order dated 4 November 2016. The Learned Judge made a number of financial orders and, at paragraphs 12-13, substantial s.10 orders in relation to P. McMillan J ordered that there should be a Shared Residence Order under which P would spend his time with his parents in a two-week cycle.

Week one would be:

- (i) P with the father from Saturday morning at 11:30 AM till Wednesday morning with the drop-off being at P’s school; and
- (ii) P with the mother from Wednesday afternoon from after school until Monday morning at school.

Week two would be:

- (i) P with the father from Monday afternoon after school until Wednesday morning at school; and

- (ii) with the mother from Wednesday afternoon from school until Saturday morning at 11:30 AM with the drop-off being at the father's property.

The Learned Judge ordered that during holiday periods P's time would be shared equally between his parents. McMillan J also made Child Arrangement Orders for the 'special days'. He further ordered that:

- (i) P was to remain enrolled in school in accordance with the Order dated August 2016;
  - (ii) the father was to pay maintenance in the sum of \$300 per month on or before the 20<sup>th</sup> day of each month from November 2016;
  - (iii) that the father would be responsible for half of the medical, dental and optical expenses;
  - (iv) that the Prohibited Steps Order against the mother made on 15 April 2015 be discharged; and
  - (v) that the Prohibited Steps Order preventing the father from removing P from the Cayman Islands without written consent of the mother or a Court order was to remain in place.
35. On 6 October 2016 the mother filed a Summons seeking a number of orders. She sought an order restraining the father from sending any emails, letters or communications of any kind regarding this matter to any Cayman Islands Government offices including but not limited to, the Office of the Governor, the Office of the Deputy Governor, the RCIPS, the DCFS, the Family Resource Centre, the Director of Planning, the Ministry of Planning, Lands, Agriculture, Housing & Infrastructure and the Planning Department. Presumably as she was legally represented, the mother sought an order restricting the father from sending any emails, letters or any form of communication of any kind regarding this matter to herself, to any of her family members, friends or co-workers. She sought an order that the father be restrained from sending any emails, letters or communication regarding any aspect of this matter to any media office and named four media outlets. She sought an order that he be restrained from making any negative comment by any and all forms of media to include making demeaning, offensive and contemptuous comments regarding her. A restraining order was sought in relation to the father communicating with the mother, save for contact, and an order was sought excluding him from within 150 meters of her and her home, save for when he was attending for child contact. An order was sought restraining him from entering her place of

work. On 11 November 2016 McMillan J made interim wide ranging restraining orders and ordered that there be a further hearing at the first available date. It appears that this hearing was set for 18 January 2017 by a Notice of Hearing issued on 13 December 2016.

36. At the hearing on 18 January 2017, McMillan J made a Consent Order containing the wide-ranging Restraint Orders concerning communications with government offices, media offices, communications with the mother and with her family. An Order was made to restrain the father from attending the mother's workplace. That Order had an expiration date of nine months.
37. On 12 May 2017 the mother filed a Summons seeking to vary the Ancillary Relief Order to permit her to temporarily remove P to the USA for a two-week period at the end of June. She also applied for an order that, should either parent wish to remove P from his school, the written authorisation of the others should be sought or failing that, an order of the Court. On 14 June 2017 Mangatal J made a Consent Order for the temporary removal but adjourned the application regarding P's school *sine die*.
38. On 20 July 2017, the mother filed a Summons seeking orders in relation to alleged arrears of the father's contribution to P's school fees. An amended version of that Summons was filed on 17 August 2016 concerning payment of the increased fees which would occur at the start of the next term. On 22 August 2017 the father filed a Summons seeking to vacate the hearing date of the mother's Summons. In the Summons he sought an order that the Court file "*a formal grievance*" with the Chief Justice "*seeking the disbarment*" of the mother's then attorney. He also sought an order discharging his responsibility to pay child maintenance pending the outcome of the contested costs hearing.
39. On 23 August 2017 Carter J (Actg) made an Attachment of Earnings Order in the sum of \$900 per month.

**The procedural background – Post the Order of Carter J (Actg) made on 23 August 2017 until the Order of Richards J made on 6 September 2019**

40. After August 2017 there was a lull in the continual Court applications being made. On 10 May 2018 the mother filed a Notice of Acting in Person. On the same day she filed a Summons seeking leave to temporarily remove P to the USA between 16-31 August 2018 and between 18-29 April

2019. She also sought an order that she be permitted to travel with P for at least two weeks during the August and Easter school breaks every year for the next seven years. When the Summons came on before McMillan J on 3 July 2018, by consent, he granted leave for the temporary removal applications for August 2018 and April 2019. He adjourned the other part of the Summons *sine die*.

41. There was a gap of one year before the next return to Court. The mother filed a Summons on 24 July 2019 seeking leave to temporarily remove P between 18–26 October 2019 and between 9-18 April 2020. She also sought an order that she be permitted to travel with P for two weeks during the 2020 summer break. Additionally, she sought an order that she be allowed to travel with P for two weeks of the summer break in one school break every year for the next three years.
42. The father filed a Cross-Summons on 19 August 2019. He sought the discharge of the Prohibited Steps Order preventing him from removing P from the jurisdiction. He sought leave to temporarily remove P from 18–26 October 2019 during the corresponding October school breaks for the subsequent three years. He sought leave to temporarily remove P during the summer school break for two weeks each summer for the subsequent three years. He sought a variation of paragraph 13<sup>6</sup> which set out in some detail the child arrangements, including the two weekly cycle to revert to the one ordered by Quin J on 20 March 2014. He applied for a discharge of the Specific Issue Orders.
43. The Cross-Summonses came on before Richards J on 6 September 2019. Richards J made a number of child orders which have governed the parties and P for a period of just under six years until June 2025. Some of the provisions were Consent Orders, others were not. The framework provided in her orders seemed to have enabled the parties to co-parent more effectively than they had been able to do at any time post their separation. As this Order is the governing order which the parties seek to address in their present Cross-Summonses, I set out Richards J’s Minute of Order in detail below:

***“IT IS HEREBY ORDERED BY CONSENT AS FOLLOWS:***

1. *Paragraph 13 (b) of the Final Ancillary Order dated 4th November 2016 made by Mr. Justice McMillan is hereby varied as follows:-*
  - i) *To allow the Petitioner to travel overseas to the United States with the child (P) date of birth 16th March, 2012) for the period of 9th April to 18th April 2020;*

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<sup>6</sup> See paragraph 34 above.

- ii) *To allow the Petitioner to travel overseas to the United States with the said child (P) for two weeks during the 2020 summer school break upon provision to the Respondent of a minimum of six weeks' notice prior to the date of such travel.*
  - iii) *To allow the Petitioner to travel overseas to the United States with the said child (P), for two weeks during the summer school breaks and during one other school break every year for the next three years through to the school year ending in 2023, upon provision to the Respondent of a minimum of six weeks' notice prior to the departure date of each of such periods of travel.*
2. *Paragraph 13 (a) of the said Final Ancillary Order dated 4th November 2016 is hereby varied to read as follows:-*

*That the said child (P) shall spend his time with his parents in a 2 weekly- cycle as follows:*

**Week 1:**

- *With (CS) from Friday afternoon when she will collect (P) from school until Wednesday morning when (CS) will drop (P) off at School.*
- *With (RS) from Wednesday afternoon when he will collect (P) from School, until Monday morning when he will drop (P) off at School.*

**Week 2:**

- *With (CS) from Monday afternoon when she will collect (P) from school until Wednesday morning when (CS) will drop (P) off at School.*
- *With (RS) from Wednesday afternoon when he will collect (P) from School, until Friday morning when he will drop (P) off at School.*

***BY ORDER OF THE COURT:***

3. *The Respondent's application to vary the Order of Mr. Justice Williams made on the 9th day of September 2013 is refused.*
4. *The Respondent's application to discharge the prohibited steps order preventing the Respondent from removing the child from the Cayman Islands without the express written consent of the Petitioner or in the absence thereof, by further order of this Court, is refused.*
5. *The Respondent's application for an order granting permission to travel overseas with the said child (P), during the fall school break from October 18th to 26th 2019 and the corresponding October school breaks for the subsequent three years is refused.*

6. *The Respondent's application for an order granting permission to travel overseas with the said child, (P), during the summer school break for two weeks, each summer for the subsequent three years is refused.*
7. *The Respondent's application for an order granting permission for the temporary discharge of the costs payment order of \$600.00 per month for a period of three months from September through to November 2019 in order to facilitate overseas travel is refused.*
8. *Liberty to the Respondent to reapply for permission to travel off Island with the said child (P), upon any changes in his circumstances including but not limited to his Immigration status on Island and or his financial circumstances (eg. his ability to provide security for costs should another Hague Convention application by the Petitioner be necessary if he does not return the child to the Cayman Islands on travelling with the child to the United States.)*
9. *Subject to the Respondent making the appropriate arrangements with his family in the United States, and upon his request, the Petitioner will at her own cost, travel with the said child (P) over a long holiday weekend for him to visit with the family of the Respondent.*
10. *The Respondent's application for an order to vary or discharge the specific issue order made by Mr. Justice McMillan on the 7th day of June 2016 with respect to decisions on the education and school to be attended by the said child, (P) is refused.*
11. *The Respondent's application for an order that (the child's) Primary School immediately re-include the Respondent's contact details on all Parental Distribution Channels is adjourned sine die.*
12. *The Petitioner is to communicate with (the child's) Primary School and make arrangements to facilitate the provision to the Respondent on a real time basis of homework information for the said child (P).*
13. *....."*

**The procedural background – Post the order of Richards J made on 6 September 2019 to date**

44. From 209 to 2025 the parties seemed to be able to continue the effective coparenting that had been seen since August 2017. This meant that they again did not feel the need to keep coming to Court. This was highly commendable. Although the father is still overreactive in the manner in which he

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responds to issues and how he makes his wide-ranging complaints known, he comes across as calmer and less combative.

45. Although I have felt it important to outline above the procedural and other background before September 2019 in some detail, I did so to put the present applications into context. Although the proceedings and events that have occurred in the period from September 2019 to date are what I have primarily concentrated on when determining what orders I should now make, it is important that the parties understand that I have also taken notice of the previous history. The mother contends that some of her present criticisms of the father's behaviour and parenting are similar to those highlighted and commented on in previous judgements and similar to those set out in her earlier affidavits.
46. The matter has now returned to Court due to the mother filing a Summons on 26 June 2025<sup>7</sup>. That Summons arose after the 'falling out' between the parents, emanating from what followed the incidents of bullying against P which are outlined below. That Summons came before me for a mention hearing on 18 July 2025. I made a referral for a Welfare Report to be filed by or on 10 October 2025. In the Referral Request Form I stated:

“.....

*Unfortunately, in March 2025, the child was the victim of what appears to be a pattern of serious bullying at (his school). The father, in particular, is very unhappy about how he feels the School, MASH and the Education Department have all responded to the situation.*

*The child has since left that school. The parents have agreed that he will attend (..) School in the Fall.*

*The father has since failed to comply with the 2016 child arrangements orders. He says that this is because the child has told him that he does not want to be overnight with the mother as he is scared at her property. The father says that the child feels that the mother does not adequately protect him and this may be because of the manner in which the child perceives the mother reacted to the bullying.*

*The Court has made clear to the parties today that paragraph 2 of the September 2016 order must be fully complied with. However, the Court requests an urgent assignment of*

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<sup>7</sup> See paragraph 4 above.

*this matter and that the welfare officer promptly meet with the child. If the welfare officer feels that the current arrangement is not in the child's best interests and should be changed before the next hearing, then the welfare officer should communicate that view to the court and to the parties briefly in writing.*

*The welfare officer should meet with the parents. The welfare officer should meet with the child separately from the parents. The welfare officer may want to also see the child in the presence of each parent in that parent's home to assess the child interaction with the parent.*

*The child is aged 13 and the welfare officer should assess his wishes based on his maturity and understanding. The mother has concerns that the views being expressed by the child are not freely given but are influenced by the father or materials that he may have been shown. There is a concern that the child is reading adult materials such as MASH reports in relation to the school incident. The welfare officer is invited to investigate whether the child is seeing inappropriate materials depending on the child's age and maturity.*

*Because of the bullying incident (at) school and the way that it has been handled and reacted to by the parents it has caused disruption to the parenting and family dynamics. The welfare officer should make enquiries into what happened at (XX) School and whether the way that the parents' complaint has been handled is detrimental to the best interests of the child. I understand that MASH and the Education Department were involved in the complaint and that therefore it may be beneficial if enquiries are made with them as well as with the School.*

*The mother has concerns about the postings that she says the father has made on social media or in written communications. The father says that those have been appropriate. The welfare officer is invited to consider those concerns and to recommend whether the court should be making any orders to regulate that alleged pattern of behaviour.*

*....”*

47. The father filed his Summons on 8 August 2025. I set a mention hearing on 2 September 2025, and I made a direction that the assigned Welfare Officer was to attend that hearing to share his/her views about the current s.10 child arrangements. I also fixed a mention hearing for 17 October 2025 to enable further case management. I reminded the parties that the present Residence Order and related child arrangements remained in force until further order and that it should be fully complied

with. I adjourned consideration of the mother's applications for prohibited steps orders and for counselling/mental health input for P to the next mention hearing. I noted that as the parties had agreed on the new school that P would be attending for the 2025/2026 academic year, the application made at paragraph 1 of the mother's Summons was also adjourned for further consideration at the next hearing. Noting that the father had indicated that he may wish to make applications himself, I directed that any further Summonses and supporting Affidavits should be filed no later than 8 August 2025. Accordingly, the father filed his Cross-Summons on 8 August 2025<sup>8</sup>.

48. The parties attended mediation with the first session being on 30 August 2025. Unfortunately, they were unable to reach agreement and a Mediation Report dated 31 December 2025 stated that mediation had been conducted "*on several occasions formally and by email*" but that the case did not settle.

49. The matter came back before me on 2 September 2025. The Welfare Officer indicated that P was: "*more drawn to the father as he says there's more structure and that he supports his goals.*"

He added that P:

*"preferred the arrangements spending more time with the father spending every other weekend with the mother"* and, that he was: "*comfortable at his school.*"

Despite that indication and because I was not in a position to hear evidence and make an informed determination in the scheduled 30-minute mention hearing, I reiterated that the current child arrangements orders remained in place. I extended the time for the Welfare Report to be filed to 24 October 2025 and, as a consequence, I re-fixed the next mention hearing for 31 October 2025.

50. Mr. David Hunter filed his Welfare Report on 20 October 2025. At the mention hearing held on 31 October 2025 I gave directions in relation to evidence for the child maintenance applications and the s.10 applications. I gave leave to the parties to obtain a listing for the hearing of the Summonses. I indicated that if the Welfare Officer had any further hands-on interaction with the family in the

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<sup>8</sup> See paragraph 42 above.

interim, he may file an addendum report, but any such report must be filed no later than 10 working days prior to the hearing of the Summonses.

### **P's Meeting with the Judge**

51. On 15 January 2026 I contacted the parties to clarify whether P wished to meet with the Judge prior to the hearing. The Court indicated that the Welfare Officer could meet with P to see whether P wished to have such a meeting. I indicated that the parents could then share their view about whether there should be a meeting. The parties and the Welfare Officer were provided with a copy of the **Guidelines for Judges Meeting Children Who are Subject to Family Proceedings** drafted by the Family Justice Council and approved by the President of the Family Division in April 2010. Guideline 1 explains that if a child wishes to speak to the judge, the welfare officer should explain from the child's perspective the purpose of the meeting. The Guidelines also highlight that welfare officers should advise the Court whether it accords with the welfare interests of the child for such a meeting to take place. It appears that the Welfare Officer did not pay regard to Guideline 1 which made clear that the judge was entitled to expect the lawyer for the child and/or the welfare officer to advise whether the child wishes to meet the judge. However, what the Welfare Officer did, following a further meeting he had with P, was to file a helpful Addendum Report setting out P's expressed wishes.
52. During the hearing I explored with the parents whether P might still want to meet with me. They agreed that he should see me and I met with P in my Chambers on the morning after the hearing. My Personal Assistant was present throughout the meeting. The meeting was approximately 26 minutes in length. I was careful to ensure that the meeting was not used to gather evidence. It was clear that P was pleased to have the opportunity to meet with me and to be able to share with me his wishes and feelings. I was able to explain to him the nature of my task. P agreed that the meeting could be recorded and he was aware that a copy of the recording would be provided to his parents. I, like the Welfare Officer, found P to be an articulate and intelligent boy. His fourteenth birthday is next month, and he is clearly more mature intellectually and academically than most children his age. Although P's physical appearance was that of an early 14-year-old, his mental maturity/capacity was what one might see for an average late 15/early 16-year-old boy. He was keen to share his views and feelings with me, and he felt it important that his wishes and opinions should not be disregarded. What he expressed in the meeting with me was consistent with what he had shared with the Welfare Officer, especially in relation to his wishes. I am satisfied that when P

expressed to me what he wished to happen that he was doing that freely and with sufficient insight into what the consequences would be for his family dynamics if I made orders that were consistent with his expressed wishes. Although the father has some influence over P's interests, I do not agree with the mother's view that P has been coerced by the father to express a wish for a change of his residential arrangements. P firmly stated that he wanted to live at his father's home and spend alternate weekends with the mother. He said he enjoyed the extended trips with his mother when they travelled for a week or so. P regards those trips as being his valuable family time with his mother. P accepted, in a balanced and thoughtful way, that he would miss his mother if he did not see her for two weeks but he added that the current schedule was holding him back and that he would have far greater opportunities to advance if he was spending more time with his father.

53. In the meeting P placed great emphasis on the support that his father gives to him in relation to his wide and impressive range of interests. Those interests appear to be:
- (i) acting as a disc jockey on the radio;
  - (ii) writing and performing his own music at events;
  - (iii) making environmental documentaries which have been shown on local media outlets; (iv) conducting interviews with senior officials in the community;
  - (iv) participating as one of the guest reporters on topical radio shows on the radio concerning important issues such as bullying;
  - (v) creating and broadcasting on his own social media channels for which P has received sponsorship from various entities; and
  - (vi) playing basketball.

I was satisfied that although his father seems highly invested, arguably on occasions over-invested, in P's extracurricular activities, P has enough independence to be able to no longer be involved in an activity even if his father had introduced him to it and had a personal interest in it. P gave a clear example about him telling his father that he no longer wished to play hockey, an activity which his father had a personal interest in<sup>9</sup> and something which P had been heavily involved in after his father had introduced that sport to him. P acknowledged that some parents make the decisions for their children about what their children are going to do and continue to do, but in relation to hockey

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<sup>9</sup> The father had coached national hockey in the Cayman Islands.

he told me about how his father had accepted his wish that he no longer wished to play it. He said that his father told him that if P wanted to do something then P had got to work at it. P said that without his father, his interests which he now enjoys would not have happened. I got the impression that P now takes the lead in relation to his interests such a music, online channels and basketball, but that his father is supportive to a high degree. It is not that the mother is ordinarily unsupportive of P's wider interests - she tries to be involved and assist, but she is far less hands on as the father is. I had the impression that P values his father's assistance/input more than he does his mother's. From talking with P, I am satisfied that he is sufficiently independently minded that he could appropriately disagree with his father if his father was trying to make him do or say things which he did wish to do or say.

54. In the meeting, when P was telling me about his wishes and feelings, he unilaterally and without prompting raised the issue of the bullying incidents which he had endured at his previous school. He said that he was unhappy that his mother had tried to make him return to that school shortly after it had happened and that she would not listen to him. P then added that he wanted to live with someone who would support him and who would help him to do the things that he wanted to do. P said that his father had told him to tell his mother what his wishes were. P said that his mother did not want to listen to his opinion about the child arrangements, and he said that he did not understand why she does that. P also said that he was afraid to tell his mother about what he wanted as he is afraid about how she would then feel. P told me that there had been a big argument between him and his mother "*about something*" in or around October last year which he said was "*horrible*" and he added that since then, he did not really want to talk to his mother about his wishes for his living arrangements. These events and the parents' different handling of them have clearly detrimentally affected his relationship with his mother. This has manifested itself in an argument with the mother in September 2025 and his now clearly expressed wishes to reside primarily with his father during school term time where he feels there is more emotional support and greater structure tailored to maximise the outcome of his wide interests.
55. Both parents attended and sat outside my Chambers during P's meeting with me. After the meeting I invited them into my Chambers and to give a debrief in the absence of P about what had happened during the meeting. I explained to them that a copy of the recording would be sent to them and indicated that if they had any comments arising out of the meeting which they wished to submit to the Court that they could send those comments to my Personal Assistant by the end of the week.

The mother has not sent in any comments. The father provided his written closing submissions by email on 6 February 2026. I have read those submissions and have taken them into account.

### **The hearing**

56. The hearing was held on 3 February 2026. Both parties gave evidence in chief and were cross-examined. Both parties took up the opportunity to examine the Welfare Officer. The parties, who are litigants in person, did not provide the Court with a bundle. The Court documents that they primarily relied upon were the pleadings filed from 24 June 2025. Those pleadings included each party's Summons, the mother's Affidavit sworn on 20 June 2025, the mother's Affidavit sworn on 16 December 2025, the father's Affidavit sworn on 17 July 2025, the father's Affidavit sworn on 24 December 2025, the Welfare Report dated 20 October 2025, and the Welfare Report dated 29 January 2026. I made the parties aware that I had also reviewed the full file, which included pleadings from the date of the mother's divorce Petition filed on 26 August 2013. I have considered all the above, as well as the content in the above-mentioned meeting P had with me, when making my determinations. At the close of the hearing, the matter was adjourned for this Reserved Judgment to be prepared and then delivered.

### **The Law**

57. When considering all the applications before me, the Court's decision is governed by s.3 of the Children Act (2012 Revision) ("the Act"). This means that P's welfare is the Court's paramount consideration. The Court's welfare assessment must be informed by an analysis of the factors in what has been termed as being 'the Welfare Checklist' under s.3(3) of the Act 1989. Therefore, the central issue for the Court's consideration is whether or not the variation of child arrangements under the shared residence order sought by the father or whether or not the prohibited steps orders and specific issue order sought by the mother would be in the best interests of P.

58. 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."*

59. In *Re B (A Child)* [2009] UKSC 5 Lord Kerr gave a reminder of the approach to be adopted by the Court when dealing with private law disputes. He began by referring to observations made by Baroness Hale in *In re G (Children) (Residence: Same-sex Partner)* [2006] UKHL 43 at paragraph 30, where she had said that:

*“...The statutory position is plain: the welfare of the child is the paramount consideration. As Lord MacDermott explained in J v C [1970] AC 668, 711, this means that it “rules upon or determines the course to be followed”. There is no question of a parental right.”*

Lord Kerr then added that:

*“37. This passage captures the central point of the In re G case and of this case. It is a message which should not require reaffirmation but, if and so far as it does, we would wish to provide it in this judgment. All consideration of the importance of parenthood in private law disputes about residence must be firmly rooted in an examination of what is in the child's best interests. This is the paramount consideration.”*

60. Having regard to the above, I am acutely aware that any decision about the s.10 applications must be firmly rooted in an examination of what is in P's best interests. This is especially important in a case in which the Court is being asked to change P's living arrangements.

61. I also must have regard to Article 9<sup>10</sup> rights. This means not only the Article 9 rights of P but also those of the mother and father. As stated in The European Court of Human Rights decision in *Kosmopoulou v Greece* [2004] 1 FCR 427:

*“The mutual enjoyment by a parent and child of each other's company constitutes a fundamental element of family life, even if the relationship between the parents has broken down, and domestic measures hindering such enjoyment amount to an interference with the right protected by Article 8 of the Convention.”*

62. As I mentioned to the parties during the hearing, the range of powers available to the Court under the Children Act and in these proceedings are wide. I have the jurisdiction to make the orders sought by both parents. However, as the parties were informed at the hearing, if I decide to vary the child arrangements currently in place and replace them with arrangements that I believe are in the best

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<sup>10</sup> The Bill of Rights - Cayman Islands Constitution Order 2009.

interests of P in the circumstances, then the orders that I make may not precisely mirror the orders being sought by the parties.

### **The parties' positions and evidence**

63. What appears to be the catalyst for the father's application to seek a variation of the child arrangements to enable P to primarily live with him during school term time, is the last of four bullying incidents which happened at P's previous school in or around 12 March 2025, and the parents' actions thereafter. There is no issue between the parents that P was a victim of bullying on at least four occasions by other boys in that school. The father's evidence, concerning the bullying events and the school's and the mother's reactions to it, is as follows:

*"P became the victim of repeated bullying and, most disturbingly, a serious gang assault at (the school). The seriousness of these incidents and the school's failure to protect P have been significantly downplayed by (the mother).*

*The indecent gang assault occurred inside a classroom in the presence of approximately 58 students and at least three faculty members. This was not a mere altercation but a violent, orchestrated attack involving at least five students:*

*(P) while standing in class taking notes when he was ambushed from behind by three students who tackled him to the ground using a grappling manoeuvre.*

*During the takedown, (P) was struck forcefully in his groin, causing immediate pain and distress.*

*While incapacitated, the three students, joined by two others, repeatedly kicked, stamped, slapped, and delivered targeted blows to P's head and groin.*

*Disturbingly, none of the three faculty members present intervened to stop the assault."*

The father added that:

*“The gang assault was preceded by other incidents of aggression, including theft of (P’s) academic assignments followed by physical retaliation, theft of (P’s) sports equipment, a violent kicking incident from behind causing (P) to fall from a stage, and a pervasive culture of bullying characterized by the “snitches get stitches” mentality, acknowledged even by the Head of Year ...”*

64. The father’s reaction to these incidents was to make in-depth enquiries with P’s then school. He felt that rather than recognising the seriousness of what happened, the school sought to downplay the events. As a consequence, he insisted that the school convene a formal meeting. He felt that as the “*gang assault*” had taken place within a classroom with faculty members present that the school had failed in its duty, as it did not file any reports with the Child Safeguarding Unit within the Ministry of Education, or to the Multi-Agency Safeguarding Hub (“MASH”) Unit. The father stated that additional meetings were arranged. However, he felt that the response from the school administration, especially towards the students who had perpetrated the bullying, was “*grossly inadequate*”. MASH and the school’s response, coupled with the apparently accepted existing student culture that “*snitches get stitches*”, made it “*abundantly clear*” to the father and to P, that returning to that school would place P in “*continued danger*”. Having regard to: (i) the effect that the last bullying incident had on P; (ii) P’s perception of the culture at that school and how that impinged on his personal safety and health; and (iii) P’s wishes, I am satisfied that the father and P were right.
65. It is not the incidents themselves that led to the father’s Summons, but it was the way in which he says the mother reacted to the bullying and P’s wishes expressed thereafter. The father was also concerned as he said that, as a consequence of the bullying and the mother’s insistence that he return to school, P “*exhibited symptoms of trauma including sleep disturbances, agitation at the mention of school and (the mother)*” and also lost interest in activities that he had previously enjoyed. He said that there had been a “*significant academic decline*” for P when he had been at that school as a consequence of the bullying and trauma. The father said that despite being fully aware of “*the traumatic events*” and risk to P if he were to return to the school, the mother still “*repeatedly attempted to coerce*” P into returning to that school. He said that by adopting a “*boys being boys*” conciliatory approach, the mother had disregarded P’s safety, mental health, and his clearly expressed fears. The father said that P felt “*deeply hurt, angry and profoundly betrayed*”

by the mother's attempts to get him to return to the school. The father added that P did not understand why the mother was disregarding his feelings and that he had a "*sense of abandonment*" which has had an emotional impact on him. Having met with P and also hearing from the Welfare Officer, unfortunately, that does appear to be the case. The father stated that the mother had tried to prevent him from communicating with relevant government authorities as well as with the Office of the Governor about the bullying incidents and the response to it.

66. In her evidence the mother said that, between September 2024 and February 2025, P had experienced two incidents of teasing and one incident of taunting that resulted in an injury to P from a fall. She said that to her knowledge, two of the four incidents of bullying were reported to the school and were addressed by the school administration. After the most significant incident, which was the 12 March 2025 incident, the mother highlighted that the father reported the incident to the school on the same day. She said that on 17 March 2025 the father emailed the school stating that he would inform Cayman Islands Electoral candidates, the Governor and other high-ranking government officials about the incident. The mother said that meetings were held between the family and the school on 19 March 2025. The mother agreed that on 23 March 2025 she messaged the father and child asking whether P would be returning to school on the Monday. She said that in relation to that message the father reacted angrily over an extended period of time on the telephone in P's presence. The mother said that she was "*extremely upset and triggered*" and she decided "*not to fight*" for P's return to that school.
67. The mother stated that P was then out of formal education from 13 March to 15 April 2025. I can understand her concerns about P being out of the educational system but she was wrong to try to compel P against his clear wishes, to return to the school at which he had been the subject of repeated bullying. To be fair to the school administration, they have not had the opportunity to tell me about why they believe that their responses were adequate. What is clear is that the father and P genuinely believe that they fell short and that the school had not done enough to make any return to that school by P to be a return to a safe and truly supportive environment. I can see why the father followed up with complaints and sought explanations although it also appears that, due to his character trait and inherent response mechanisms mentioned earlier in this Judgment, he can be said to have been excessive in his wide-ranging complaints sent to Government entities and senior public officials. However, his actions were not to the extent that I should now be making the prohibited steps orders sought by the mother at paragraphs 3, 4, 5 and 6 of the mother's Summons.

The mother's Affidavit sworn on 20 June 2025 was partly submitted to support her application for the prohibited steps and specific issue orders set out in her Summons. Those orders were sought at a time when the father's responses being made to the Authorities last year were still at fever pitch as they were just after the bullying incident. The father, although still angered by the events, has calmed down since then. That said, the father should be aware that it is highly inappropriate to identify a minor and mention any ongoing child proceedings in the media/social media. We are now almost eight months on from the date of the mother's June 2025 Affidavit and circumstances have clearly changed and events moved on somewhat.

68. The Welfare Officer in his evidence indicated that he had spoken to the parents about the bullying of P at his old school. What the father told Mr. Hunter is consistent with the father's evidence before this Court. The Welfare Officer said that the father reiterated his concerns about how the school and the Authorities had dealt with the bullying incidents. The Welfare Officer said that the father told him that the mother's "*subtle approach to the actions of the attackers and omissions of the school administrators*" had caused P to be even more fearful about returning to that school. The mother informed the Welfare Officer that following her interaction with the school, she adopted a "*pragmatic approach*" which involved the teachers and parents having meetings to try to resolve the matter administratively.
69. When the Welfare Officer spoke to P, P confirmed that he had experienced repeated unwarranted attacks from a group of male students at the school. P expressed a view to the Welfare Officer that the school had failed to take appropriate action to protect him and to stop the actions of the attackers. P confirmed to the Welfare Officer that the mother had taken an "*easy approach*" by remarking that "*boys being boys*" and by wanting him to return to the school even after he had told her that he felt unsafe being there. P said that the approach adopted by his father which involved informing the Ministry of Education to try to put a stop to the "*constant attacks*" was the better approach. P told the Welfare Officer that he liked it at his present school which is only 300 meters from his father's home. The evidence given by the Welfare Officer about what was told to him is consistent with the evidence given by the parties. The views expressed by P to the Welfare Officer about the incidents and how he regarded each parent's response to them, albeit made in greater detail to Mr. Hunter than to me, aligns with what P told me during our meeting.

70. The mother's Affidavit sworn on 20 June 2025 made clear that the application she made in relation to ensuring compliance with the existing Residence Order had come about because after the bullying incident the father had unilaterally changed that arrangement by having P live with him and he was only allowing her "cursory" non-overnight visits to her house. The mother wishes for the existing child arrangements orders to continue. The mother said that the father had told her that P did not want to live with her, and she added that P had not himself expressed that to her. However, I have seen a photocopy of a question-and-answer sheet prepared by the mother in which P answers that he does not wish to change the schedule where he is living primarily with his father. It is not clear whether that document predates the mother's June 2025 Affidavit. Although the parties' interactions with the Court since 2017 have been greatly reduced, it is still evident that they have co-parenting issues. The mother reiterates her view that the father seeks to dominate what P should be doing and that he seeks to control the mother in this regard and reduce her ability to parent. She says that the father is "grooming" P to view women and girls as "toxic and manipulative". I have read the email dated 27 November 2025 sent by the father to the Mediator and to the Family Resource Centre, and although he mentioned therein a suggestion that there should be a discussion with the support of a therapist or mediator on the topic of female bullying, I do not accept that this amounts to grooming of P. When I consider those prohibited steps and specific issue applications made by the mother, I am conscious of my findings made in the contested Petition hearing. The mother says that the father does not respect professionals or personal boundaries, and she highlighted at various stages of the hearing her fears that P will learn these behaviours and that will cause him issues when he navigates relationships as he becomes more independent. However, despite the father clearly taking a considerable hands-on approach to his parenting of P, I do not find that his conduct, although sometimes insensitive to the mother and her parenting role, reaches the unhealthy level that I previously found in my August 2015 Judgment. We are also now dealing with a child who is much older and maturer and who is able to very effectively communicate.
71. In the June 2025 Affidavit, in support of her specific issues application, the mother also set out what each parent had done in relation to P's education following his return to school. The mother said that in early April 2025 the father presented a homeschooling education plan for her to consider. She said he also approached P's present school to see if they would allow him to be enrolled part-time for the remainder of the academic year. This resulted in P being enrolled in science, math and STEM classes at that school on 28 April 2025. The mother said that in May 2025, after receiving guidance from the Department of Education, she submitted a school enrolment

application to them. The mother aired concerns about the father removing P from his new school on two occasions for reasons of bullying, and that he refused to return him to the school. It appears that the new school responded properly and the mother says that she reminded the school and the father about the Specific Issue Order of McMillan J<sup>11</sup> dated 7 June 2016, which had stated that responsibility to enroll P in education was with the mother. She was relying on an order grounded on circumstances and events which are now almost ten years old. It appears that the Order was then granted by McMillan J as the mother had told the Court that there was urgency in the enrollment due to statutory compulsory education requirements, despite fact P had only just turned 4 years of age. It is with this history in mind that the mother seeks an extension of the Specific Issue Order in relation to education but now tailored to the parties' agreement that the education will not be by attendance at a school, but by homeschooling.

72. In addition to the bullying incidents, the father's application to vary the child living arrangements is grounded on what he says he can offer P and P's wishes. The father's evidence is that P has "*repeatedly and unequivocally*" expressed to a number of persons, including at the Family Resource Centre and Pastor Marvin who offered some therapeutic input to P, a wish to reside with the father. The father said that friends and family had also been informed. Such a view was expressed by P to the Welfare Officer, and it was similarly expressed to me during the meeting P had with me. I am satisfied that this is P's genuine view and that he has expressed it to others. As already mentioned, the father is highly supportive of P's wide range of extra-curricular activities. Although the mother may have been a little narrow-minded and insensitive to something that was both meritorious and clearly important to P when she resisted P accepting an invitation to attend an international tourism and cruise conference in September 2024 as a part of the official media corps, I do not agree with the father that this should be categorised as being "*abusive behaviour*". The mother's reasoning was that the event was occurring at the outset of P's attendance at a new school and that the school should be prioritised as his absence set a bad impression with the school.<sup>12</sup> However, it was not helpful for the mother to also threaten directly to P that she would go to Court to stop him being absent from school to attend similar events in the future. This is an example of the mother's interaction with P which has led to him expressing a wish to live with his father. I am satisfied that the father is better placed to support P with these activities. I also accept the father's

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<sup>11</sup> Richards J had refused to discharge that Order on 6 September 2019.

<sup>12</sup> The father says that the school had acknowledged that P could miss school for legitimate purposes, and that this event would have fallen under that category.

evidence that he is also the best placed to assist with the day-to-day schoolwork which has to be intertwined with an organised schedule of activities for P. When I say this, I also have in mind that the father has a history of working with children and youth development in the Cayman Islands.

73. I have carefully considered the contents of the Court Welfare Officer Reports. After conducting a review of the welfare checklist, the Welfare Officer recommended that the present residence arrangement for P should be varied to align with P's wishes.

74. The last Welfare Report was filed following the Welfare Officer conducting an interview with P to ascertain P's feelings and his views concerning what had been troubling him. He set out in the report a direct quote from P:

*"I want for the judge to hear my direct thoughts because if it comes from one of my parents, they might not stated with the same words that I would have used; this could then carry a different meaning from what was intended."*

Mr. Hunter confirmed that P wished to live at the father's home for blocks of two weeks and then alternate weekends with his mother. He said that the weekends he would like to run from Friday afternoon until returning to school on the Monday morning. His reason for that was that he benefits from living with his father who has a different parenting style to the mother. P said that when at his mother's home he spends all his time on YouTube and he becomes disheartened and bored and although his mother tries to help him in regard to his interests, she loses momentum. P says that he believes she is pretending to support his sporting interests in order to create the right impression. P said that had it not been for his father, he would not have accomplished so much in his extracurricular activities. He said that he had a fallout with his mother and unfortunately it put his depression at level of 9/10.

#### **The 'Welfare Checklist'**

75. In exercising my broad discretion when determining what orders are in P's best interests, I consider the factors contained in "*the Welfare Checklist*" found at s.3(3) of the Act.

76. In relation to the **wishes and feelings of P**, I must have regard to the same in light of P's understanding and the fact that P is a month short of his 14<sup>th</sup> birthday. This is not a case where there

are any exceptional circumstances, so any residence/contact order will expire in just over 2 years if not varied sooner. Fourteen is an age where the Court would ordinarily wish to carefully consider a child's wishes about his living arrangements. The Welfare Officer rightly indicates that P is "*an intelligent child who displays maturity in his sport and articulation*". Having regard to the wider evidence, the content of the Welfare Reports and having had the benefit of meeting with P<sup>13</sup>, I find that P is intellectually maturer than his age - he is more like a 16-year-old. I am satisfied that P has sufficient understanding about these proceedings and about what the consequences would be if the Court made orders that are consistent with his wishes. Having met with him and reviewing the evidence I am satisfied that P has not been coerced into expressing his views and that they reflect his free and independent wishes. Although I recognise that when making my decision P's wishes are not to be the only factor that I consider, in the circumstances of this case, I have given great weight to them. If the Court were to order against P's wishes, it would likely cause him significant upset as he would feel that the "*direct meaning*" of his words had been disregarded and that could distance him further from his mother.

77. I have considered **P's physical, educational and emotional needs**. P's physical needs can be met in both households. His emotional needs can be met by both parents. However, due to the strength of his relationship with the father and due to the tensions that have emerged in his relationship with his mother since the bullying incident and in light of P's keen expressed wishes, they are better met at the father's home at this time. I am not satisfied that a specific issue order<sup>14</sup> should be made allowing the mother to seek mental health counselling for P. P is more emotionally settled than he was in June 2025 when the Summons was filed which was shortly after the bullying incidents. P has long since been removed from the unsettling, and for him traumatic, locus of that school. The Court must be cautious about making orders which in effect compel a child to attend therapy unless that input is clearly necessary. In this case, it is hoped that the orders that I will be making, which will result in a change to the child arrangements in line with P's consistently expressed wishes, will give him more certainty and make him feel even more emotionally settled. It is of course a matter for the parents if they both feel that now or sometime in the future therapeutic input would be beneficial for P.

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<sup>13</sup> See paragraphs 50-55 above.

<sup>14</sup> The mother wrongly terms it as being a prohibited steps order in her Summons.

When considering P's educational needs, I recognise that P is a bright boy with exceptional potential if he is in the right setting to nurture and develop his talents. Although P's pure academic needs were being met when he was at the school from which he was removed due to bullying, it is evident that he was beginning to struggle there because of the emotional effect upon him from what was happening to him at that school.

Although some of the reactive actions from the father were excessive when it came to the manner in which he complained too widely, his decision that P should not return to that school was the correct one and was clearly in P's best interests. Even though the dated specific issue was still in place, the father cannot be criticised for being hands-on and for taking the lead in relation to education decisions including enrolment in an alternative school. P's present school appears to be meeting his educational needs at this time.

However, both parents have now agreed that P should be homeschooled for the next academic year. If P is to be homeschooled, it is very important that P has a structured schedule which involves not only his education but also incorporates time for his extracurricular activities. With this in mind I am satisfied that it is better that this structure comes during the school week, which would mean that he should live primarily with one parent at that time. I agree with P that it is his father who he relates better to when it comes to his academic and extracurricular development and therefore, under the homeschooling structure, I am satisfied that the father would better meet the needs.

Having reached that conclusion, the specific issue order made in June 2016 is discharged. I want to make it patently clear that this does not mean that the father should feel that he has the authority to now make unilateral decisions about P's education. There is a shared residence order, both parents have parental responsibility, and the Court's expectation is that the parents will now meaningfully consult with each other about the educational decisions to be made for P. For example, whether P is going to be homeschooled, and if he is, who will be that service provider. As mentioned at the hearing, having regard to the wider orders that I will be making, the parties should use their best endeavours to ensure that the dates for any homeschooling course match as closely as possible with traditional school term times and vacations.

78. When considering the **likely effect on P of any change in his circumstances**, I remind myself that in **Re B** Lord Kerr commented that the status quo:

*“will not always command the importance that must be attached to it in the present case.”*

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This means that the weight to be attached to it depends on the circumstances in each case and it is therefore only one of the factors to be borne in mind when ensuring that the child's welfare is the Court's paramount consideration. I note that when the Welfare Officer considered this welfare check list factor in his Report, he stressed the importance for P to have stability in his life. It seems that the Welfare Officer viewed the change of circumstances as not being a change in relation to the terms of the November 2016 Order but a change from the child's wishes to primarily live with the father. I say this because the Welfare Officer said, when considering this factor in his review of the welfare checklist, that P has:

*“stressed vociferously that father encourages his interest in trying to establish his media website and music business” and he added “it is therefore my professional view that a drastic change against his will could have some negative emotional impact on him.”*

I am satisfied that the likely effect of a change in P's circumstances from a 50-50 alternate week schedule to a more structured schedule during the week would be a beneficial change. However, the order I make must ensure that any change does not prevent P from having a meaningful relationship with his mother, and that is why I agree with the parties that the shared care arrangements during the holidays should remain.

79. **P's age, sex, background, and relevant characteristics** - As highlighted by the Welfare Officer, P is a male of mixed race. The fact that he is a male does not in itself mean that a mother or father is better placed to meet his needs. P has no significant health issues. P is a mature almost 14-year-old.
80. I have considered **any harm that P has suffered or is at risk of suffering**. The primary harm that P suffered came in a school setting. I agree with the Welfare Officer that P may feel that he has been drawn into conflict and disagreements between his parents. I am satisfied that he has not suffered harm under the care of either parent and that he is not at risk of suffering harm under the care of either parent. I do feel that he would be very emotionally unsettled if the current equal sharing child arrangement remains in place as he would feel that his *“vociferous”* and consistent views were being ignored.

81. **The range of the powers available to the Court in these proceedings** are wide. I have the jurisdiction to make the orders sought by both parents. When making my determination I have considered whether such orders would be in the best interest of P in the circumstances. I have also considered whether other orders might better meet the best interests P.

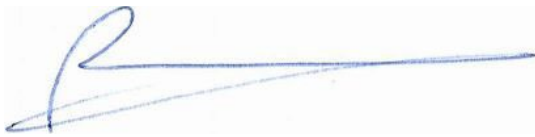
### Conclusions

82. As already indicated herein, I decline to make the prohibited steps orders sought at paragraph 3, 4, 5 and 6 in the mother's Summons dated 24 June 2025. I also decline to make the specific issue orders sought at paragraphs 1 and 7 in that Summons. For the avoidance of doubt, I discharge the Specific Issue Order made by McMillan J on 7 June 2016, which was reaffirmed at paragraph 13 (e) in the Order of McMillan J dated 4 November 2016.
83. The Shared Residence Order made at paragraph 12 of the 4 November 2016 Order remains in place. The fact that this Order will no longer mean that the two weekly cycle which resulted in P spending equal time in each parent's care is in force, does not in itself justify the variation to a sole residence order. In any event, neither party is seeking a sole residence order. The orders made at paragraph 13(b), 13(c) and 13(d) in the 4 November 2016 Order also remain in place.
84. I vary paragraph 13(a) of the 4 November 2016 Order to the following two weekly cycle:
- (i) In week one, P will overnight with the mother on Thursday from 4:00 PM (or from the end of school if P is still attending a school) until Friday at 9:00 AM (or until the start of school if P is attending a school).
  - (ii) In week 2, P will reside with his mother from 4:00 PM Friday (or from the end of school if P is still attending a school) until 9:00 AM Monday (or until the start of school if P is attending a school).

Apart from the above times and the times provided for in paragraph 13(b)-(d) of the November 2016 Order, P shall reside with the father.

85. In relation to the Prohibited Steps Order set out at paragraph 13(i) in the November 2016 Order, that provision should be varied to the extent that it now applies in relation to both parents.

86. In relation to the financial orders at paragraphs 13(f) and (g), review of those Orders is still required pursuant to the father's present Summons. After this Judgment and the resultant Orders have been perfected, the father may apply for a mention hearing to be held on a Family Mention date to restore the maintenance part of his Summons. At that hearing I may case manage to a hearing, or I may send the parties to mediation as the earlier mediation would have primarily concentrated on the more complex and emotional issues surrounding s.10 applications. If the parties agree to attend mediation, they may write to the Court requesting a referral to mediation and I will likely action that without the need for them to attend a mention hearing. The Court does not expect there to be a substantial variation to paragraph 13(g), as both parties should remain responsible for half of P's medical, dental and optical expenses. What is left for further consideration is the level of child maintenance for P and any education expenses. For the avoidance of doubt, until the father's maintenance application is determined, as a consequence of the orders I have made herein, the Maintenance Order at paragraph 13(f) of the 4 November 2016 Order, which was reconfirmed by Carter J (Actg) on 23 August 2017, is suspended.



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**THE HONOURABLE MR. JUSTICE RICHARD WILLIAMS**  
**JUDGE OF THE GRAND COURT**