



**IN THE COURT OF APPEAL OF THE CAYMAN ISLANDS
ON APPEAL FROM THE GRAND COURT OF THE CAYMAN ISLANDS, FAMILY DIVISION**

**CICA (Civil) Appeal No 14 of 2020
(Formerly FAM 143 of 2016)**

BETWEEN:

JC

Applicant

-AND-

IC

Respondent

BEFORE:

**The Rt. Hon Sir John Goldring, President
The Rt. Hon Sir Bernard Rix, Justice of Appeal
The Hon John Martin, Justice of Appeal**

Appearances:

**The Appellant in Person
Ms. Yvonne Mullen of Broadhursts LLC, Attorney for the
Respondent.**

Heard:

23 November 2020

Oral Ruling delivered:

23 November 2020

**Written Reasons
For Ruling delivered:**

10 February 2021

Ruling

GOLDRING, President

1. This case concerns a little girl (“Z”). On the 27th August 2020, following a lengthy hearing, involving extensive evidence, Justice Williams ordered that Z should cease to live with the

Applicant and instead should reside with her father (the Respondent) and his wife. He made a Residence Order accordingly.

2. In a judgment not far short of 200 pages, the Judge explained why he made that order. In short, and simplifying to a considerable extent, he concluded that it was in the interests of Z that she be removed from the Applicant. He concluded that the Applicant's complaints of sexual abuse by the Respondent on his daughter were without substance. He further concluded that the Applicant had coached her daughter in respect of the complaints; that her conduct was causing damage to Z. It was clear that he was conscious of the magnitude of his decision.
3. On the 28th August 2020, the day of the proposed move of Z, I refused an application for a stay. I also refused an application for permission to appeal. The Applicant now renews her application for permission to appeal. She also again seeks a stay, which would in effect mean the return of Z to her mother pending the appeal. She does so on the basis of lengthy grounds which she has drafted herself. She has represented herself at this hearing, as she did below. She supplemented those written grounds with submissions made to us from which the strength of her feelings about this matter were apparent.
4. I have read the grounds with great care. I shall simply summarise.
5. The Applicant firstly complains that the principles of a fair trial and natural justice were breached. She complains about the disclosure of documentation. That is a complaint that she amplified before this court. She submits that when finally documentation was disclosed, it was not in proper order, which made her task, not being a lawyer, that much more difficult. She also complains of a remark made by the Judge that indicated, as she submits in her written grounds, that "*he had made up his mind in advance.*" She submits too, both in writing and repeated before us, that Z did not have a fair opportunity to express her view, albeit that there was a Court Welfare Officer and a Guardian Ad Litem.
6. Secondly the Applicant submits the allegation of sexual abuse was not critically assessed as the law requires. Citing the decision of Mr. Justice Holman in *Leeds City Council v X (Assessment of Sexual Abuse)* [2008] FLR 869, the Applicant is critical of the Judge's assessment of the evidence. In her grounds she goes into detail as to why, in her submission, the evidence does not support the decision reached by the Judge. As she puts it to us, "*the judgment was littered by statements*

unsupported by evidence” and therefore amounted to an error of law. She submits Justice Williams failed to consider all the evidence.

7. Thirdly, in her written grounds, the Applicant complains that the Judge did not address the evidence going to what she terms “*the history of abuse by the Respondent*”.
8. Fourthly, the Applicant submits that there was no evidence to support the Judge’s findings that she coached Z. She complains of speculation as opposed to evidence. She is highly critical of the expert witness, Dr. Lam, in a number of specific respects which she has set out in her grounds, and again, which she amplified before us. Among other things, she criticises Dr. Lam’s competency. She complains that she was denied some evidence. She submits that her complaints are not merely academic. It is clear she feels very strongly about Dr. Lam.
9. The Applicant also speaks of lies having been told on oath in respect of material issues. It is her submission that the Judge should not have accepted Dr. Lam’s and the other expert evidence before him.
10. Fifthly, and on the basis of her analysis of the evidence, the Applicant submits that no reasonable judge could have reached the conclusions which Justice Williams did.
11. Sixthly, the Applicant submits that the Order the judge made was grossly unreasonable. She speaks of the devastating effect of moving Z and again she sets out her analysis of the evidence.
12. Finally, as I have already said, the Applicant submits that there be a stay in respect of Justice Williams’ Order.
13. I have anxiously re-read the judgment in what, as the Judge put it, “*was an upsetting and difficult case.*” I do not for one moment underestimate the magnitude of the decision as far as Z was concerned. But however the Applicant puts it, as my summary of the grounds of appeal illustrates, she is in essence seeking to re-argue the facts. She is submitting the judge was not entitled to reach the decision he did.
14. I cannot accept that the principles of a fair trial and natural justice were breached. To the contrary, it seems to me, reading the judgment as a whole, the judge did his utmost to be fair to the Applicant.

He set out the law at length and correctly. He assessed the evidence meticulously. He was entitled to rely on the expert evidence before him. In my judgment he was entitled to reach the findings he did. I would observe too, that no doubt before the judge as before us, the Applicant's encyclopaedic knowledge of the details of the case was apparent.

15. In short, I have concluded as I did when considering this most distressing case on paper, there was no error of law. There is no prospect of any appeal succeeding. In the circumstances, difficult as I well understand it is for the Applicant to accept, I would refuse leave to appeal. In these circumstances no question of granting a stay arises.

Martin, Justice of Appeal

16. I agree.

Rix, Justice of Appeal

17. I also agree.