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Neutral Citation Number: [2026] CIGC (Fam) 5

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

Cause No: FAM 150 of 2023

BETWEEN:

BB

Applicant

AND

DD

Respondent

Re: A (A Child)

In Chambers and in Private

**Appearances: Mr Gareth Jacques of Priestleys for the Applicant
Mr Kyle Broadhurst of Broadhurst LLC for the Respondent**

Before: The Honourable Justice Marlene Carter

Heard: 09 February 2026

**Further affidavit
evidence filed: 09 March 2026 & 26 March 2026**

Draft Circulated: 15 May 2026

Ruling Delivered: 21 May 2026

*Family Proceedings – variation of interim contact order***RULING**

1. Father's application is for increased contact with A pending final determination of the proceedings. The application is opposed by Mother.
2. Father seeks the following:
 - (a) An Interim Order providing for equal care for A, whereby during school term-time A lives with each parent equally by way of a week on/week off arrangement. Other interim arrangements to include: an equal share of holidays including Easter and Summer holidays this year; that A is to spend time with both parents on his birthday and that A spend Father's Day with Father and Mother's Day with Mother;
 - (b) Father also seeks an order permitting either party to travel with A during the school holidays and corresponding directions relating to his passport.

Introduction and Background

3. The parties were in a settled relationship until they separated in or about April 2022 when their child A was approximately 1 year old.
4. Father filed an application for contact on 1 May 2023. On 16 October 2023 the Court ordered that A had regular overnight contact with Father for periods of 2 nights.
5. On 5 December 2024, the Court varied the contact order to allow for A to have overnight contact with Father from Thursday to Sunday on alternate weeks and on Thursday to Friday in intervening weeks. The December 2024 order was an interim order which it was intended to be reviewed and coincide with the hearing of an application for relocation by Mother.
6. Father sought variation of the contact orders during 2025 and also made an application for summer 2025 holiday contact. On 9 July 2025 the court allowed Father overnight contact from 20 July 2025 to 12 August 2025 during the summer vacation.
7. A subsequent Welfare Report dated 26 August 2025 identified no significant welfare issues during that contact period with the Father, although Mother noted concerns regarding the timing of arranged calls with A and that some calls with A were cut short.

8. On 26 August 2025 Mother filed an application for a fact-finding hearing, supported by her sixth affidavit in these proceedings. On 29 October 2025 the Court dismissed mother's application for a fact-finding hearing. The court noted the following:

"45. Mindful of the above, the determination of this court is that the application for a fact-finding hearing is dismissed. In all the circumstances the hearing will not be proportionate to the issues that are before the court. The time which will be necessary to devote to such a hearing is not proportionate to the main issue remaining for determination between the parties. More pertinently, this court considers that it has sufficient evidence before it to determine the issues surrounding contact. The court must move to resolve the matters before it as a decision on the contentious issues between the parties will enable them to concentrate their efforts on their young child. I am mindful that counsel for the applicant wished to address the court further on the issue of contact before any final order was made. F has made extensive submissions on this issue and sought an order for equal shared time with A at the hearing. However, apart from initial submissions in November 2024, M has only addressed this issue indirectly in making other applications to this court. For this reason, I will not make final orders at this time."

9. Consequential orders followed:
- (a) Father's application for increased contact was listed for 9 February 2026.
 - (b) The contact order of 5 December 2024 was ordered to remain in force;
 - (c) An interim report from the Welfare Officer was ordered;
 - (d) The parties were directed to attend individual co-parenting sessions;
 - (e) Mother was ordered to file submissions in response to the Father's application for increased contact by 30 January 2026 with Father to respond by 6 February 2026.

10. On 9 February 2026, after hearing submissions from counsel for both parties, the court reserved its ruling. On 9 March 2026 Mother filed a summons seeking to admit further affidavit evidence of matters that had arisen since the 9 February hearing. Upon receipt, the court gave the following directions:

- "(i) The respondent shall file an affidavit in response, such affidavit to be filed on or before 26 March 2026*
- "(ii) The filed affidavits to be considered together with the previous affidavits of the parties and submissions heard on 09 February 2026 regarding the application for interim contact.*

(iii) *The court will deliver its ruling on interim contact on 17 April 2026.*”

Father’s submissions in support of the application for increased contact

11. At the outset counsel for Father made the preliminary observation that Mother has consistently conducted litigation in a manner designed to cause delay. Counsel referred to a number of occasions that Mother had filed affidavit evidence at short notice without Father having had the opportunity to respond with the result that hearing dates on the issue of variation of contact had proved in effective. The dates referred to were as follows:

“..

- (b) *On 23 April 2024 the day before the hearing in the Summary Court, she filed an affidavit seeking to delay any progress made:*
- (c) *On 26 November 2024 less than two days prior to the hearing, Mother served evidence resulting in Father having no chance to respond:*
- (d) *On 3 July 2025, the day prior to the last hearing, Mother served her fifth affidavit.*
- (e) *On 26 August 2025, just before the hearing on 28 August, Mother served her seventh affidavit...”*

12. Counsel also made the further observations:

- (i) That a shared residence order would recognise that A has a home with both parents and that both parents have an equal and valuable role to play in his life.
- (ii) The order on 5 December 2024 was only ever intended to be an interim order which was to have been reviewed in March 2025. That review and the progression of contact have been repeatedly delayed by Mother’s litigation tactics.
- (iii) Many of the legal obstacles raised by Mother have fallen away as the matter has progressed:
 - (a) Mother no longer pursues her relocation application.
 - (b) Mother has abandoned her appeal against the interim contact order.
 - (c) Two welfare reports have been prepared which identify no impediment to A spending more time with Father.
 - (d) The most recent welfare report from the welfare officer makes a clear and cogent recommendation for A to spend equal time with both parents.

13. Regarding the welfare checklist, Father's position is as follows:
- (a) **A's wishes and feelings in light of his age and understanding** – A is only 4 years old but it is clear that he enjoys spending time with both of his parents. The court should be very careful about accepting Mother's account of A's views, particularly in light of Father's evidence of Mother attempting to negatively influence A's views of Father and his family.
 - (b) **A's physical, education and emotional needs** – A has similar needs to any boy of his age. In particular he needs to have the love and support of both parents as consistent and ongoing parts of his life. He also needs to have a positive relationship with his half-siblings.
 - (c) **The likely effect on him of any change in his circumstances** – the change of circumstances sought is relatively minor. A is currently spending 4 nights (5 days) per fortnight with Father. Father proposes that should increase to 7 nights per fortnight. There is no reason to believe that he would struggle with that change. He coped extremely well with the extended periods of time with Father over the summer holiday and supportive measures could be put in place to assist.
 - (d) **His age, sex, religious persuasion, background and any characteristics of his which the court considers relevant** – it is of significance that A has a half-sibling with whom it is vital that he maintains a close relationship. A child's relationship with their siblings are among the most important relationship for a child. They are likely to be lifelong relationships, outlasting their relationship with their parents.
 - (e) **Any harm which he has suffered or is at risk of suffering** – the court has determined that a fact-finding hearing is not necessary in this case. While there remains ongoing conflict between the parents, that is likely to be reduced by the clear and consistent contract of arrangement sought by Father.
 - (f) **How capable are each parent of meeting his needs** – the welfare report is clearly of the view that both parents are able to meet A's needs. Both parents undoubtedly have different parenting styles, however, both are capable of meeting his needs.
 - (g) **The range of powers available to the court under this Law in the proceedings is question** – the court plainly has the power to make such as order at this hearing.

14. Counsel for Father concluded that any further delay would be prejudicial to A for the following reasons:
- (a) any further delay would be prejudicial to A – s.3(2) *Children Law (2012 Revision)*. These proceedings have already lasted more than 2 1/2 years.
 - (b) The court must conduct proceedings justly, including in so far as possible that it dealt with expeditiously and fairly – *Children Act (Grand Court) Rules (2024 Consolidation)* r.1.2(2)(a)
 - (c) Any further delay in determining the matter will not only be harmful to A’s welfare, but also interferes with Father’s Article 6 and Article 8 rights and A’s Article 8 rights.
 - (d) The order of 5 December 2024 envisaged a review of contact after 3 months. There has been a significant delay since then, a delay that has been prejudicial to A’s welfare.
 - (e) The summer holiday established that A benefits from increased time with his Father and that there is no welfare issue arising from Father having increased time.
15. In further submissions Counsel emphasized that due to A’s age and the parties being unable to agree further contact, that A has not had any longer periods of contact with Father except for the court ordered contact last summer.
16. Counsel also addressed the submissions of Mother on the issues to be considered under the welfare checklist:
- i. The equal footing of each parent. - Because both parents are equally important in A’s life, the nature of the welfare issues raised do not preclude the shared time sought.
 - ii. Counsel noted that Father had sought to take account of Mother’s views regarding the full 7 days apart from A and had suggested an alternative which had been rejected.
 - iii. Counsel submitted that this was not a safeguarding case and was only concerned with interim contact. He submitted that a workable routine regarding contact would reduce friction between the parties and removes one of fundamental issues between the parties.
 - iv. Regarding the newer allegations raised of A becoming stressed prior to long weekends with Father, counsel invited the court to exercise caution about surrounding this new information as it was raised very late in the day. Counsel wondered if this was now being raised not in child-focused manner but as a litigation point. Counsel noted in particular that this transition issue had not been previously reported to Father or to anyone else and was information that was now

being filtered through one parent only. Counsel noted that Father's affidavit makes clear that A had not communicated to him any issue of this sort and emphasised that this was a matter that should have been raised and addressed to allow for a collective effort to try to resolve the issue.

- v. Counsel submitted that anxiety does not mean that contact should not be allowed. He offered that there did not seem to be any concrete basis for saying that A does not want to spend time with Father and submitted further that this was not a safe allegation upon which the court should rely to not order increased interim contact in light of the animosity of the parties.
- vi. Regarding A's physical, educational and emotional needs - counsel rejected the Mother's claim of being the primary caregiver. He submitted that A needs were being met by both parents and that Father was factually caring for the child at least 1/3 of time. There was no proper basis to say that Father is not capable of meeting A's needs.
- vii. Addressing in particular the matters going to harm highlighted by Mother, while not dismissing Mother's concerns counsel stated that the allegations of the child having a fever and Father's lack of response were not to the extent as expressed by Mother and so not indicative of a lack of response from Father to child's needs.
- viii. As to the capability of each party to meet A's needs counsel stated that although both parties had differing parenting styles, with shared care each party is equally responsible and should have equal say in what happens to A. There was nothing in the welfare checklist that should cause any further limitation on increased contact.

Mother's Position

17. Mother opposes Father's application and submits that there are welfare reasons why contact should not be increased on an interim basis. Mother submits that it would be appropriate for the current order to remain in place pending a final hearing, whereupon both Father and the Welfare Officer can be cross-examined.
18. Mother sets out her reasons for opposing the application as follows:
 - a) An increase in contact is not in A's welfare interests given his age and emotional and physical response to contact.
 - b) An increase in contact is not in A's welfare interest as such an increase is likely to expose A and Mother to further harm from Father given his behaviour and continual breaches of court orders.

- c) An increase in contact is not in A's welfare interests as A's relationship with Mother is likely to be negatively impacted if an increase in contact is ordered.
- d) Mother is concerned about the practicality of the arrangements proposed by Father (it is proposed that A spends one week with Father followed by one week with Mother) and the impact of the same on A.
- e) The making of an interim decision at this stage risks pre-determining the appropriate final order in the case.

19. Mother also expressed that:

".. thus far there has been no proper analysis of the issues in this case by the Welfare Officer given the issues that are identified at paragraphs 78 to 103 of Mother's 9th Affidavit."

20. Regarding the welfare checklist, Mother's position is as follows:

(i) The ascertainable wishes and feelings of A:

"A is 5 in May 2026.... Whilst it is accepted that a child of A's age is too young to proffer wishes and feelings that will be given significant weight by the Court,... A is now expressing his anxiety about spending longer periods of time away from M and actively seeks reassurance from M that he will 'not be away too long'. Such expressions by A should be afforded weight by the Court as they are an insight into how A feels about spending longer periods away from M with F. A's distress is, on M's case, likely to be exacerbated should contact move to 50:50 as advocated by F."

(ii) A's physical, educational and emotional needs

"As M is currently A's primary carer, M is currently meeting all of A's physical, educational and emotional needs."

Mother referred to various instances set out in her evidence by affidavit where she alleges that Father *"failed to properly monitor A, failed to inform her that A was unwell and returned A when...unwell"*

21. Mother submits that:

- (a) Father failed to meet A's physical needs when allowing him to get sunburnt which resulted in blistering and

"Father's failure to properly address A's illnesses, and failure to ensure that A wears a helmet when cycling highlighted Mother's significant concerns about Father's

ability to meet A's physical needs if Father's request for an increase in contact is granted. Whilst Mother contends that A suffered harm during these incidents, Mother was able to minimise the impact of the same to A..."

"Mother is also concerned that Father will be unable to meet A's emotional needs during longer periods of contact. ...Mother sets out that Father appears to have a lack of insight into how his conduct can impact A and that there appears to be a lack of acceptance by Father as to how A can be emotionally impacted by the same.

"There are practical difficulties relating to Father meeting A's physical, emotional and educational needs, given Father's lifestyle. At paragraphs 128 and 130 of Mother's 9th affidavit, Mother sets out that Father travels frequently, has a number of residences (both in the US and Canada) and has signalled his intention to travel frequently over the summer period. Father has informed Mother that he intends for his younger child (and A's half-sibling) to start school in Miami in August and has already been pushing the Mother to agree weekend travel abroad and for A to take days away from school."

.....

"Father travels frequently with A, the extent of his travel may impact on A's schooling and thus educational needs, either through tiredness from travel or missing days from school. If Father leaves A in the care of others whilst he travels, then such an approach is not in A's best interests as contact should be preferable to spending time with either Father or Mother."

(iii) The likely effect on A of any change in his circumstances

"Mother has always been A's primary carer and A spends the majority of time in Mother's care. A currently has structured periods of overnight contact with the Father during term time. During vacation time, A has spent increased periods of time with Father, which have led to a number of difficulties..."

.....

"Mother gives evidence that whilst A manages short separations from Mother without difficulty, A suffers emotional and physical distress when longer separation occurs. Mother's evidence is that this manifests itself in night terrors and frequent anxiety"

(iv) A's age, sex, religious persuasion, background and any characteristics of A which the court considers relevant.

"A is a young child whose primary attachment is to Mother. Contact between A and Father should move at a pace appropriate to A rather than at a pace that Father wishes to impose. As set out by Leven J in the above cited Father v Mother, there is in the jurisdiction of England & Wales (also true in the Cayman Islands) no principle that A should split his time equally with his parents. "

.....

“At Z’s age, A requires stability and predictability in a safe environment with contact to progress, as appropriate., in an age sensitive way”

(v) Any harm which A is at risk of suffering

“Mother is concerned that Father’s behaviour towards her continues to be unregulated and is escalating. The behaviour is being witnessed by A directly, with, on Mother’s case, Father speaking directly to or in the presence of A and indirectly, in seeing the impact of Father’s behaviour on Mother. A move to a 50:50 equal contact order is likely to further expose A to Father’s behaviours as he would spend greater time in his care.”

.....

(vi) How capable each of A’s parents are of meeting A’s needs?

“Mother has significant concerns about the ability of Father to meet A’s needs outside of the current contact regime. These have been highlighted both in respect of health concerns but also in relation to the practical arrangements relating to the same. Thus far, as set out in 82-93 of Mother’s 9th affidavit, the Welfare Officer has failed to address any of Mother’s concerns regarding the Father, nor undertake any proper assessment of Father.”

22. Counsel for Mother submitted the following in response to Father’s submissions:

- (i) Mother opposes the making of the interim order in the terms sought and says that final orders are now being sought by the back door. He stated that the Order advanced reaches the situation that the Father advocates for as a final position and as such would unduly prejudice the Mother because a status quo would be established that could not be reversed or reconsidered.
- (ii) Regarding the material placed before court, Mother takes issue regarding the accuracy of what has been submitted and has significant issues with the preparation and analysis of the welfare officer and the opinions relied upon by Father. These, counsel states, should properly be challenged by cross examination which would not take place until the final hearing. Counsel submitted that the court should only reach firm conclusion after hearing the oral evidence and that if the court were to make an order for interim contact without challenge to Father and social worker this would not be appropriate where such an order could finalise the arrangements for A. To this end counsel submitted that the court should maintain the status quo and then timetable this matter as expeditiously as possible in respect of final contact and a shared residence order.

- (iii) Counsel submitted that A was still a young child and a change in primary in day-to-day care to a 50/50 split was a significant change from the present 3 nights in one week and then one night in the next. Counsel asked that the court carefully consider Mother's evidence of A's struggles to spend significant amount of time away from her, that he had been that quite withdrawn after the last summer vacation with Father and that this may be exacerbated if contact were increased. Counsel stated that there were matters that Mother would say were not addressed by the welfare officer although they were Mother raised with him prior to the filing of Welfare Report in August 2025.
- (iv) Counsel submitted that the application was not shown to be in A's best interest but was a reflection of Father's wish "*to prescriptively have 50/50 however that manifests itself*."
- (v) Mother's position is that A could handle short separations without difficulty. However, with longer periods of separation, because of the frequent anxiety she had witnessed there was a greater risk of these longer periods having a destabilizing effect A. Counsel also expressed Mother's concerns surrounding difficulties when indirect contact was previously ordered with continued and persistent disruption to indirect contact.
- (vi) Counsel submitted that increased contact should move at pace appropriate to A and not at pace that Father wants and that the court must be mindful of any harm that he is at the risk of suffering. In this respect counsel pointed to the most recent incidents as set out in Mother's most recent affidavit which should raise significant concerns that Father's unregulated behaviour had increased. Mother had no confidence that this behaviour would abate with increased contact

23. Counsel's position is the status quo should be maintained until final determination in respect of contact. The court could then properly assess evidence from both parties especially as there were relevant factual matters properly in dispute. Counsel maintained that to do otherwise could prejudice the outcome of the final hearing.

Mr. Broadhurst in reply

24. Counsel submits that Section 12J allows for interim orders of contact, that the court has always to consider what is in the best interest of the child. Counsel submitted that the question of the primary attachment – when A is ready and when he is not ready was not Mother's remit alone as ultimately it was important for A to have a more equitable period with each parent.

Court's considerations

25. The court has the power to make contact orders and residence orders (including shared residence) under section 10(2) of the *Children Act*. The appropriate time that A spends with each party is a discretionary matter for the court, applying the Welfare Checklist. In considering the welfare assessment, the court must balance the value to the child of the parent-child relationship and the significance of any allegations that the child may be harmed if further contact is ordered.
26. As detailed above each party has presented extensive written and oral submissions on the matters relevant to the court's consideration and the court has also reviewed the extensive affidavit evidence filed by each party. Given that this is an application for interim contact setting out any fuller review of each of these affidavits here is unwarranted and unhelpful.
27. As this court has observed previously, the parties are unable to agree any of the outstanding issues between them without court intervention. However, it appears that the amplification of grievances will continue until final hearing. The very fact that before this court could give its ruling on the application for increased interim contact there was an application for further evidence to be admitted confirms this view.
28. There are a number of principles that assist and guide a court to determine the issues on the present application. The parties have presented their views on the primary matters that fall to be considered on the Welfare Checklist.

Welfare Checklist

- (i) **Ascertainable wishes and feelings of the child** - A is still quite a young child at now 5 years of age and the extent to which his wishes can be taken into account are therefore limited. Mother has identified an issue that A has expressed anxiety surrounding his being apart from her for longer periods of time and the destabilizing effect on A. Mother states that this issue was raised with the Welfare Officer, but it is not addressed in the updated welfare report. Father is concerned that this issue was never related to him. Father has not himself noticed any issue with A while in his custody, to alert him to his having increased anxiety. Father could identify no basis that would prompt A to say that he did not want to spend time with him. Without cross examination of the welfare officer this court cannot fully understand if, when and how the matter may have been communicated to him and his views on this issue.

The court would be assisted to have the Welfare Officer's views on what may be affecting A in this way.

- (ii) **Physical, emotional, and educational needs** – The child's physical, emotional and educational needs are being met by both parents. A spends more time with Mother than he does with Father. Mother's concerns and examples of areas in which she states Father has shown an inability to physically care for and understand the emotional impact of his actions on A are noted. Mother is also concerned that increased contact may impact A's physical, emotional and educational needs, given Father's lifestyle. These are matters that will need to be examined in greater detail at a final hearing. However, this is not a factor, without more, that should limit the contact between A and Father. Clearly each party has differing approaches to raising A.
- (iii) **Likely effect of any change in circumstances** – the impact on A of the 50/50 split in contact time applied for by Father. Mother has stated in her affidavit that while A manages short separations from her without difficulty, A suffers emotional and physical distress when longer separation occurs. Mother's evidence is that this manifests itself in night terrors and frequent anxiety. As stated at (i) above this is a matter that will require further investigation. Father's position is that the change proposed will not have a significant impact on A, as it is not such a significant deviation from what presently obtains. The change to contact applied for is a significant change for a 5-year-old and it may require some adjustment as it would mean that A is to spend 7 nights apart, per fortnight, from Mother when he is apart for only 4 nights (5 days) per fortnight at this point, split 3 nights (4 days) one week and 1 night on the other week. With the proper support from each parent this challenge, if it manifests as difficult for A, can be managed if it is determined that it is appropriate and in A's best interest for an order for increased contact to be made.
- (iv) **Age, sex, background, and other relevant characteristics.** Mother's position is that the court should be cautious in increasing contact given A's age: "*At A's age, A requires stability and predictability in a safe environment with contact to progress, as appropriate., in an age sensitive way.*" Father has noted that A has a younger half-sibling with whom he should have contact and emphasized the significance of that relationship to A. This relationship between siblings should be encouraged and fostered. It is in A's best interest that he spends periods of

time with them so that their relationships can grow and in time he will have the confidence to rely on these other family members.

- (v) **Any harm suffered or at risk of suffering** – As stated above, one of the main arguments against increased contact is the risk of harm to A as articulated by Mother as stated at paragraphs 12 above. Mother has submitted that the extent of these need to be explored and as well the court is cognisant of its ruling on the fact-finding application where Mother related the manner in which she states that Father has exhibited coercive and controlling behaviour and the ultimate effect of such on herself and on A. The court has not yet reached any conclusions on those allegations. These are matters that should more properly be determined at the final hearing.
- (vi) **Capability of parents or others to meet the child's needs** – Both parties are capable parents and can meet A's needs. From Mother's perspective, issues arise as to the extent of Father's capabilities in particular situations. Father has not questioned Mother's ability to care for A. Rather Father's concerns are that Mother may not appreciate how her actions are ultimately adversely affecting A's relationship with Father and so negatively affecting his welfare by her not supporting the growth of that relationship.
- (vii) **Range of powers available to the court** – The court is empowered to make interim orders pending a full and final hearing such as the order for increased interim contact sought by Father in this case.

29. The addendum welfare report was filed on 29 January 2026. The Welfare Officer made the recommendations that follow. I bear in mind mother's submissions regarding what she has perceived as deficiencies in the welfare officer's considerations when I note these recommendations.

“30. I have not heard any compelling arguments or have any material evidence of child safeguarding issues that would cause me to think that one parent should have constant limited access to the child. In my view, it is reasonable for both parents to play equal roles in A's upbringing. Each parent has strengths; therefore each will bring some permanent benefit to his development. Against this background, I recommend that Father be granted equal contact time with the child. It is also recommended that during the alternative weeks, the parent with the child should:

- (a) allow child to communicate with the other parent by electronic methods;
- (b) should inform the other of any illnesses of A and prescribed medications;
- (c) informed about important school activities
- (d) In the event of plans to travel abroad with A, the parent with whom he is with, should inform the other parent of travel itinerary and whereabouts of the child.”

30. Making orders pending a full and final hearing in family matters this may present particular difficulties: In *Re D (Contact: Interim Order)*¹ Wall J. stated the following regarding an order for interim contact: *“By their very nature, they are unlikely to be made with a full understanding of all the facts, and equally there will not normally have been full evidence given, with cross-examination as to all the relevant issues. It follows, in my judgment, that interim orders for contact...need to be approached with a degree of caution.”*

31. At present Father has frequent contact with A. I am mindful of the issue raised by counsel for Father as articulated by Williams J. in *T v R*²:

“315. I also must have regard to Article 9 rights. This means not only the Article 9 rights of the children but also those of T and R. As stated in The European Court of Human Rights decision in Kosmopoulou v Greece [2004] 1 FCR 427:

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

32. At present A spends the greater amount of time with Mother. It is incumbent on Mother, as it is upon Father who wishes increased contact, for each to do their best to meet A’s needs in relation to the provision of contact, just as they would seek to meet the A’s needs in every other regard. To this end, where it is to A’s benefit that he maintains a meaningful relationship with each parent,

¹ [1995] 1 FLR 495 at paragraph 504

² Fam 29 of 2021 at paragraph 315

each parent must accept the responsibility of seeking to meet A's needs regarding interaction with the other parent by facilitating meaningful contact and working together as much as possible for A's best interests.

33. This court's consideration of the matters raised on the welfare checklist lean towards the application for increased contact being refused. The primary driver is the court's inability at this point to make findings regarding any harm suffered by A or the risk of A suffering harm. In the present case, Mother has noted issues related to harm which if accepted, impact A and are relevant to any order for increased interim contact. Related to this is how the alleged attitudes and behaviours directed at Mother by Father may have impacted A.
34. Further and more troubling to the court is that Mother states that she related A's anxieties, which she states is directly related to time spent with Father or at least were observed after time spent with Father, to the welfare officer prior to August 2025. It is an issue on which the parties strongly disagree. One of the arguments raised by counsel for Father is that the court should not give these observations much weight because they had not been communicated to anyone else. This is a significant issue regarding the credibility of one of the parties, a matter of some gravity especially as there are other factual issues upon which the parties present differing narratives. The court can more confidently make an assessment of these after having oral evidence at a final hearing
35. The court is concerned that if it were to make the order that Father seeks, an order to move to 50/50 contact, this will in effect amount to a final order regarding contact without all necessary and relevant issues being fully and properly ventilated. In such circumstances this court must be mindful that its order cannot be seen to and does not prejudge or prejudice the ultimate order for contact. There is no principle that the starting point is equality of time between parents. Each case turns on its own facts. For the avoidance of doubt, this court is still of the view, having considered the submissions and evidence so far presented that interim contact is in A's best interest.
36. The court can vary the present contact arrangements after the final hearing on contact, if so warranted. At this stage, restraint regarding increased contact should be exercised where, as in the instant case, this change involves a very young child and his living arrangements. This court will not make an order for increased contact before the issues surrounding harm are fully ventilated by the cross examination of the welfare officer and/or the parties. The court has at all times to maintain its focus on the welfare of the child.

37. Consequently, the present contact arrangements will remain until further order. However, contact during the school vacation will be shared. While I am not prepared to modify the present order, given the more relaxed atmosphere during vacation and the measures that could be adopted, as they were during the summer contact period in August 2025, to ensure that A is as comfortable as possible, the summer vacation should be shared. I believe that this measure is in the best interests of A as he may have more frequent contact with his younger half-sibling during these vacation periods which relationship should be promoted as an important part of his well-being. It will also enable Father to have some longer periods of everyday social interaction with A.
38. Of the 8-week vacation period, A will spend 4 weeks with mother and 4 weeks with father. It may be beneficial at this point for these periods to be spent in two-week intervals. I would ask that counsel consider the feasibility of this approach with the parties' schedules or vacations plans. The support measures that were negotiated between the parties regarding contact during the period that A spent with Father during the vacation period in the summer of 2025 should again be employed.
39. The application for increased contact is refused. Father has not opposed the application by Mother that the welfare officer as well as the parties should be cross examined at the final hearing. The court will therefore make that order for cross-examination. The parties will be informed of dates at the end of the summer vacation that are available for the final hearing. The court would be grateful if counsel would agree the most suitable of the proposed dates.



The Hon Justice Marlene Carter
Judge of the Grand Court