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IN THE FAMILY COURT
(Sitting at Middlesbrough)

No.MB19P01248

Teesside Combined Court Centre
Centre Square
Middlesbrough
TS1 2ZE

Monday, 25 October 2021

Before:

HER HONOUR JUDGE MATTHEWS QC

B E T W E E N :

MGJ

Applicant

- and -

JASON REES EVANS

Respondent

ANONYMISATION APPLIES

THE APPLICANT appeared in Person.

THE RESPONDENT did not appear and was not represented.

J U D G M E N T

(v i a B T M e e t M e)

JUDGE MATTHEWS:

1 On 1 October 2021 I heard live evidence from the applicant mother in this latest committal application in respect of the most recent allegations of breach of Family Court orders by the respondent father, Jason Evans.

2 As set out in my order of that date, I found two of the three allegations proven to the criminal standard, but did not find the third allegation proven to that requisite standard. I adjourned sentence in respect of the proven breaches to today, bearing in mind that:

(a) the respondent had yet again failed to attend the hearing on 1 October despite being served with the court order directing him to attend the hearing; and

(b) that the adjournment would give him another opportunity to attend the hearing and engage properly with the court in respect of the protective measures in place to protect the mother and the three subject children and, lastly

(c) that there was a sentence of 15 months' imprisonment currently suspended.

I will return to that issue of suspension in due course.

3 The respondent has adopted a wilful and reckless attitude towards the emotional welfare of his children for many years now. He is clearly a very proud Welshman, but his refusal to acknowledge the jurisdiction of this court in respect of his children purely because of their Welsh heritage, through him, has been obstinate and illogical.

4 The children live in this area with their mother. All reports indicate that she is an excellent mother and that she consistently meets all of the children's physical and emotional needs to a very high standard. There is no reason why father could not spend regular good quality contact time with his children *if*, he could behave reasonably.

5 However, it is not reasonable, nor in the children's best interests to be snatched away from the care of their mother and taken to Wales, where father lives, in breach of court orders. This is what the father has done in the past on several occasions, causing considerable distress to the children and to their mother.

6 On 17 December 2019, I sentenced father, Jason Evans, to prison for 12 months in respect of proven breaches of protective family court orders which included snatching the children and causing the police to have to recover them back to their home with mother.

7 Subsequent to this sentence of imprisonment, the prohibited steps orders previously put in place by the Family Court have been exceptionally extended to each child's 18th birthday, in order to ensure that father does not undermine the mother's ability to provide the children with a stable and calm family home. Father shows no respect for the mother's feelings when he acts in the way he does. He also shows no respect for the court.

8 On 17 December 2019 father absconded from the court building whilst I was attempting to secure him free legal representation.

- 9 Subsequently, during the course of his imprisonment term, father applied to purge his contempt, but the judge who dealt with the matter considered that he was not genuine in his remorse and refused his application. In fact, father had written to the boys from prison criticising the court and absolving himself of all responsibility.
- 10 On 30 April 2020 father told me during a hearing on the link from Durham Prison, prior to his release at the end of that sentence that he intended to secure legal representation to seek to vary the child arrangements orders. I encouraged him to follow this course, as it is clear that he needs the benefit of objective advice as to how best to raise whatever concerns he may have with regard to his children. Unfortunately, in the almost 18 months since that hearing he has failed to make good his word. No application has been made to the court by him and he appears not to have instructed any lawyers to act on his behalf. However, he has continued to wilfully ignore court orders and evade bailiffs who have been attempting to serve him personally with the court's orders.
- 11 I have ordered substituted service upon father. The court sends all orders and evidence to him via his email address, one which he uses periodically to send bizarre messages to the court. Documentation is additionally sent by post to his home address and also by the means of the bailiffs posting the documents through his home letterbox. In addition, WhatsApp has also been used on occasions in relation to court orders.
- 12 I am satisfied that father has adopted a deliberate course of conduct in not engaging with the court and in avoiding attending hearings in Teesside or even remotely. Father has been offered an opportunity to engage with court hearings by telephone or a video platform in the past, but he has failed to take up these offers on each occasion. He has failed to attend all hearings since the public health emergency rebated somewhat, and he has at no point responded sensibly to the court or acknowledged the court's orders.
- 13 It is clear, however, that he is aware of the tightened restrictions in relation to his contact with the children. As a result of his inappropriate messaging to the children I restricted all contact with the children. This was because Mr Evans could not restrain himself from making damaging, misleading and inappropriate comments to the children. This explains why contact restrictions had to be imposed.
- 14 The court may have been in a position to vary or lessen such restrictive orders if father would simply engage with the court process. This obstinate attitude was apparent much earlier during the Children Act proceedings, when he would travel all the way from Wales to Teesside Court but then refuse to enter the court room itself and participate in the proceedings.
- 15 Perhaps this is a personality issue, but unfortunately it is not mature or sensible and does not demonstrate someone acting with parental responsibility. A further example of father's attitude is his communication with the court on 22 February 2021, when he sent an email using the email address to which the court sends correspondence, asking the following question:

“Can you confirm that if I exercise my parental responsibility to remove my children from mother's care, I will be wrongfully arrested by Cleveland Police Force on the grounds of a fake molestation order, placed before magistrates and subject to further arbitrary imprisonment?”

This communication from the father, the most recent which has been received prior to this hearing, gives a graphic illustration of his attitude.

- 16 I am satisfied that father is aware that he should not contact any of the children. On 30 April 2021 I found him in breach of those restraining orders by contacting two of the three boys by telephone. I found those breaches proven, and adjourned sentence to 5 July 2021 to give father an opportunity to engage with the court process but, again, he failed to attend the hearing on 5 July.
- 17 On that date I passed a sentence of 15 months' imprisonment suspended for 2 years in respect of three breaches committed on 26 November, 9 December and 17 December. I passed a sentence of three months imprisonment on each breach to run consecutively to one another, amounting to nine months imprisonment in total. This sentencing exercise had been adjourned on a number of occasions due to the public health emergency and also to give father an opportunity to attend court.
- 18 In addition to the sentence of 9 months imprisonment I also passed a sentence of six months' imprisonment consecutive for further much later breaches occurring between 16 September and November 2020 and a further breach on 9 January 2021. These actions represent a course of conduct on the part of the respondent with a total lack of respect for the mother and the authority of the court.
- 19 On 5 July 2021 post-sentence the mother told me that there had been further breaches by Mr Evans. A further notice to show cause was issued, evidence heard and breaches found proven on 1 October 2021 this year.
- 20 The delay in dealing with the matter was due to an extended period of leave which I took over the summer and other judges declined to deal with the matter, given my lengthy handling of this case.
- 21 The actions found proven on 1 October 2021 demonstrate that, father committed these further breaches of protective family court orders whilst awaiting sentence for earlier and separate breaches found proven by the court on the 30 April 2021. Less than a week prior to the scheduled sentencing hearing on 5 July, father caused one of the boys' friends, who was only 14 years of age, to call his son and pass on a message through him from the father that father's friend or cousin would be coming to collect him and his brothers on the morning of 30 June; and in the second breach, on 29 June, he used the same 14 year old boy to contact his son and speak to him personally, conveying the same message.
- 22 These are, in my judgment, egregious breaches. Using somebody else's child to convey a message to his son is manipulative and emotionally damaging. After a lull in the threats about snatching the children, seemingly caused by the public health emergency, father seems to have returned to his previous damaging conduct of seeking to abduct the children to Wales. The child who he spoke to, his own child, was put in fear and disclosed to the mother what had occurred. She had to implement her safety strategy of transportation to and from school.
- 23 I accepted the mother's evidence. She is a genuine witness, in my judgment. I was not prepared to require that child to give evidence against his own father. This conduct represents disgraceful behaviour by the father.
- 24 I have no doubt that the boys love their father and would like to have a relationship with him, but unfortunately, he refuses to behave reasonably or use the courts to litigate the

arrangements for the children. Instead, he chooses to abuse their love for him by constantly placing them in the middle of a war with the mother – a war which she does not wish to participate in. The mother wishes simply to be left in peace to bring up the boys.

- 25 I should point out of course that the mother has no legal representation for these proceedings and has had to bring these applications before the court herself, which is a considerable burden, and all because father refuses to behave reasonably. A huge amount of public money has been spent in dealing with these protracted proceedings which in my judgment have been wholly unnecessary.
- 26 The Family Court must protect the children from this type of wilful, emotionally damaging behaviour. I do not want to have to send the father to prison again, but I have little choice absent any co-operation from him.
- 27 The suspended sentence cannot actually be activated as these acts which I have found him to have perpetrated, actually occurred before it was handed down. The suspended sentence will continue in force and will remain in place on father's release from the sentence of immediate imprisonment which I propose to pass upon him for these most recent breaches.
- 28 The sentence on the first breach, breach (a) using the young man to make contact with his son and passing a message with regard to a potential snatch, is one of six months' imprisonment.
- 29 The sentence in respect of breach (b) on 29 June, again, using this young man to facilitate actually speaking to his son personally with regard to potential abduction of the boys by a third party on 30 June, is again a sentence of six months which will run consecutively to the sentence on breach (a). This is repeated behaviour, aggravated by actually speaking to the subject child on the second occasion and putting him and mother in fear of further abduction.
- 30 Whilst there appear to have been no further tangible action since that date, the emotional toll on the children is very significant, in my judgment. The whole purpose of the protective orders which the court has put in place was to attempt to protect the children by banning such contact, preventing father from inflicting such damage.
- 31 The respondent has deliberately sought to subvert the court orders. It is clear to me that he knows the content of those orders. The mother and the children need some respite from this type of behaviour. They do seem to have something of a respite from this when father is in prison. It is very sad that it has come to this. Therefore, I pass a total sentence, of 12 months' immediate imprisonment. The respondent can of course apply to purge his contempt. The court will consider anything he has to say
- 32 There will be a transcript of this judgment which will be posted on BAILLI. His name will be published. The names of the mother and the children will be anonymised.
- 33 The suspended sentence will continue to run throughout its whole period and therefore after he has served a sentence, he will still be subject to a suspended sentence of imprisonment. I will issue a warrant for his immediate arrest.

CERTIFICATE

Opus 2 International Limited hereby certifies that the above is an accurate and complete record of the Judgment or part thereof.

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**** This transcript is approved by the Judge**