

**ROYAL COURT**  
(Matrimonial Causes Division)

1st August, 1994

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**Before:** The Deputy Bailiff, and  
Jurats Orchard and Hamon

**Between:**

LM

**Petitioner**

**And:**

GM

**Respondent**

Application by the Respondent for variation of the access arrangements  
to allow him to exercise holiday access out of the Jurisdiction.

The Respondent on his own behalf.  
Advocate P. Landick for the Petitioner.

**JUDGMENT**

**THE DEPUTY BAILIFF:** This is a summons issued by LM  
to whom we shall refer for convenience as  
LM, seeking Orders both as to maintenance and as to  
access.

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By consent, the Court is concerned this morning only with one  
aspect of access, namely whether GM, to  
whom we shall refer as GM, should have extended access for  
a single period of two weeks during August, so as to enable him  
with his current lady friend, H, to take the children  
away on holiday. GM told us that no plans had actually  
been made having regard to the uncertainty as to whether he would  
be permitted to take the children away or not. The two options  
were either that he would seek to rent a "gîte" in France, or,  
alternatively, that he might seek to exchange houses with his  
parents so as to enable him to take the children to England.

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The application was opposed by Mr. Landick, on behalf of  
LM, on two grounds. First, it was put to us that GM  
might abscond with the children and we were reminded that there  
was existing an injunction which prevented him from taking the  
children out of the jurisdiction. Secondly, it was put to us that  
it was not in the interests of the children that they should go  
away for this length of time.

5 As to the first ground, the Court is satisfied that it is unlikely that GM will abscond. He has lived in Jersey for over ten years and has made his home here. He has a relationship, as we have said, with a lady who is in established permanent employment in the Island. It is true that GM was born in Hong Kong but he has not lived in that jurisdiction for 24 years.

10 As to the second objection raised by Mr. Landick, we were told that to allow the children to be away from their mother for this period of time would be disruptive. They had not enjoyed overnight access to their father for some considerable time and that if this type of access were to be introduced it should be done gradually.

15 Mr. Landick drew our attention to passages from recent reports from the Probation Service and from the Consultant Psychologist recommending that current access arrangements should not be disturbed. Neither report was, however, addressing the question of holiday access.

20 We have no doubt that it is in the interests of the children that GM should be permitted to take them away on holiday with him. They have, according to the reports which we have seen, a good and happy relationship with their father and we see no reason why an ordinary event like a family holiday should not be an enjoyable and stimulating experience for them. We have noted that in 1993 the children went away on holiday with and her new husband.

30 We accordingly vary the existing access arrangements so as to permit the father, GM, to have access for up to 14 days during August so that he may take them away on holiday. That Order is subject to two conditions: first, GM must give a minimum of three days' notice of his intention to take them away, and we think it is desirable, if you are content, Mr. Landick, that that notice should be given to Mr. Landick. Secondly, at the time when notice is given Mr. Landick should be informed where GM is intending to take the children and given the address and telephone number (if there is a telephone number) of the place where they will be staying while they are away on holiday.

45 The wider questions of access and of maintenance, in the summons to which we have referred, are left over.

50 There are two things, however, which we would like to say before closing and upon which we would like both parties to reflect during the time leading up to any further hearing which may take place. In his report, dated 28th April, 1994, Mr. Richard Jones, Chartered Clinical Psychologist, had this to say in his concluding remarks:

"Both these parents are currently more in need of psychological intervention than their children.

5 This family is currently unable to arrange 'team parenting' unaided and therefore some kind of ongoing contact with a third party agency to assist them in this process is essential.

10 I suggest that as a condition of making changes to current access arrangements, both parties be required to attend mediation meetings where the focus is on assisting LM and GM develop insight into how their own conditioning is leading to their conflict and influencing parenting behaviour. Additionally the views of extended family, 15 grandparents in particular, could be canvassed.

C and D are stuck with GM and LM as parents for life. There is an opportunity now to escape from a cycle of unresolved conflict which threatens to spiral 20 down the generations."

GM has told us that he would be prepared to participate in a mediation process. We have noted, with regret, 25 that Mr. Landick has been instructed that his client is, however, not willing, at present, to engage in any mediation process because of her feelings about her former husband. We express the hope that LM may be prepared to reflect on this attitude which we are convinced is one ultimately which will bring only 30 distress and unhappiness to her children.

35 The second thing which the Court wishes to say is that it has noted that GM is currently paying no maintenance for the children. It is evident that GM is an intelligent man with a capacity for earning a reasonable salary. It ought, in our view, to be a matter of shame to him that he is not contributing to the upkeep of his daughters. We express the hope, again, that 40 GM might reflect on these remarks and before the matter comes back before the Court again have ordered his affairs in such a way that he is able, of his own volition, to make some positive contribution towards the maintenance and upkeep of his children without requiring the compulsion of a Court Order.

No Authorities.

