

Neutral citation number: [2023] EWHC 3534 (Fam)

Case No: ZW23P00801

IN THE HIGH COURT OF JUSTICE
FAMILY DIVISION

Royal Courts of Justice
Strand
London
WC2A 2LL

Date of hearing: 13th December 2023

THE HONOURABLE MR JUSTICE FRANCIS

Re A

MS A BASSAM instructed by Edwards Family Law appeared on behalf of the **Applicant**

JUDGE'S COMMENTS

MR JUSTICE FRANCIS: This is not a full Judgment. I am just going to say a few words, as it were, so that it is on the record.

I am dealing this afternoon with a girl called A, who was born on in the summer of 2022, so she is under 18 months old, and the application today is by the mother for me to terminate the father's parental responsibility.

Instinctively, I think a judge is going to be very reluctant to terminate parental responsibility where a father's name is on the birth certificate. Whether by duress or otherwise, the fact is that he is the father...that's the mother thinks he is the father; the father thinks he is the father, so there is no reason to assume for a moment that he is not, and I find as a fact, therefore, that he is, and that is obvious from the birth certificate.

I am not going to set out the history of abuse that there has been in this case, partly because it is written in the papers and partly because I do not want to cause any distress to the mother in this short hearing, but it is obvious that she has had an incredibly difficult time with him. He has a string of really very serious criminal convictions. He has shown no interest in partaking in his daughter's life in any way at all, and, as I understand it, has never in any sense provided for her materially.

It seems to me that now that the mother is back in England after her trip to

A Country A , I do find that she is habitually resident here. It is actually quite likely that she never lost her habitual residence when she went to Country A because it seems to me that she was not going there to emigrate. She was going there for a time. She did not work there. She did not settle there, and she is now in England where she was born, and she has British nationality and a British passport. So, the basis of my jurisdiction is the habitual residence of the child in England and Wales.

B The basis on which I should revoke parental responsibility has been the subject of authorities which have been very helpfully set out in the skeleton argument that Ms Adiba Bassam has given us today, and I am grateful for her help.

C It seems to me that by far the most sensible order for me to make today is to deal with the issue now, and I am going to make an order revoking the father's parental responsibility. He has not shown any interest in his child. He has caused a great deal of trouble, it seems to me, to the mother, and I think that she needs the protection of not having to approach him for his consent on any number of issues where she would have to, be it schooling or if there is any need for medical treatment, all that kind of thing, and so I am satisfied that it is in A's best interests that I make this order now.

D We have got to decide how that is going to be served on the father. We have got an e-mail address for him.

E Do we have, Ms Bassam, a physical address for him, as in where he lives?

MS BASSAM: Yes, we do have ----

F MR JUSTICE FRANCIS: We got that from the DWP, did we?

MS BASSAM: Yes, we do. Whether he, in fact, actually resides there is another matter. Of course, the difficulty is if the court order is sent to that address and he does not live there, that ----

G MR JUSTICE FRANCIS: Yes, well, I am going to direct that he should be served by recorded delivery post at the last known address, which we will recite on the face of the order. He will be served by e-mail to the e-mail address that you have got.

Do you have a mobile number where you can serve him by WhatsApp or similar?

H MS BASSAM: No, I do not think we do at the moment.

MR JUSTICE FRANCIS: So, the only basis on which you can...the only ways you can serve him are going to be e-mail and the address where he may or may not live; is that right?

MS BASSAM: Yes, my Lord.

MR JUSTICE FRANCIS: All right. Well, this order is going to be drawn and sealed now. It

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is going to be sent to him by those methods. If, at some point, he gets the order and he decides he wants to apply to set it aside, we will cross that bridge when we come to it, but I am satisfied on the basis of what I have been told that he knows about this hearing; he knows about this application. I am bound to say that when I first read it and thought about it, that I was likely to defer it for maybe six months because things might have settled down and he might have shown some interest or taken some responsibility, but having been told what I have, I determine that it is in A's best interests that I make the order right away, and that is what I do.

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I do not think there is any point at all in me making an order for costs. I think it would just...it could be inflammatory. It seems to me that he is probably unlikely to have the money to pay, and if he did, he probably would not pay, but it is one of those things, I think, where you might end up spending more money trying to chase the order than you might get out of it, and so unless you want to tell me that I should do something else, Ms Bassam, I think I am simply going to say no order for costs.

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