



IN THE SUPREME COURT OF BERMUDA

DIVORCE JURISDICTION

2024: No. 26

BETWEEN:

K

Applicant/Mother

- and -

A

Respondent/Father

REASONS

(Fact-Finding)

Before: Hon. Alexandra Wheatley, Assistant Justice

Appearances: Georgia Marshall of Marshall Diel & Myers Limited, for the Respondent

The Respondent/Father, In Person

Dates of Hearing: 28, 29 and 30 January 2026

Date of Final Submissions: 2 February 2026

Date of Decision: 2 February 2026

Date Draft Reasons Circulated: 15 April 2026
Date Reasons Issued: 20 April 2026

INDEX

Fact-Finding Hearing; Balance of Probabilities; Welfare of the Child the Paramount Consideration; Parental Alienation; Earliest Possible Intervention When Findings of Parental Alienation; Impact of Parental Alienation on the Child; Impact of Parental Alienation on the Alienated Parent; Interim Order with Restricted Assess to Protect Further Harm; Controlling and Coercive Behaviour; Domestic Abuse Inclusive of Emotional Abuse; Breach of Undertaking to the Court Considered Breach of Court Order; Test for Breach is Beyond Reasonable Doubt; Committal to Prison; Suspended Sentence

REASONS of Assistant Justice Alexandra Wheatley

INTRODUCTION

1. These are the expanded reasons for the decision of the Court delivered ex-tempore on 2 February 2026 (**the Decision**). The Decision relates to the fact-finding hearing conducted over three days on 28, 29 and 30 January 2026, with closing submissions heard on 2 February 2026 (**Fact-Finding Hearing**). The Court indicated at that time that expanded written reasons would follow; however, given the nature of the findings and orders being made that it was necessary to provide brief reasons on that day.
2. Three applications were the subject of the Fact-Finding Hearing which are as follows:
 - (i) The Applicant’s (hereinafter referred to as ‘**the Mother**’) application dated 2 May 2025 seeking sole custody and sole care and control of the child of the family (**Mother’s Sole Care Application**) who shall be referred to as ‘**M**’ and who was ten years old at the time of the Fact-Finding Hearing;
 - (ii) The Respondent’s (hereinafter referred to as ‘**the Father**’) application dated 29 April 2025 (**Father’s LTR Application**) seeks to vary the Consent Order dated 31

May 2024 (**Consent Order**) to obtain care and control of M and to secure leave to remove M permanently from Bermuda to the United States¹;

(iii) The Mother's Notice of Motion dated 23 January 2026 seeking a committal order (**Committal Motion**) against the Father arising out of alleged breaches of an undertaking given to the Court on 16 July 2025 (**Court Undertaking**).

3. Firstly, the procedural history of the Father's LTR Application and the Mother's Sole Care Application are of relevance. Upon the filing of the Mother's Sole Care Application, serious allegations were raised, including coercive and controlling behaviour, parental alienation and conduct said to be detrimental to the welfare of the child. Given that the issues raised by the Mother were directly relevant to the Father's LTR Application, her position was that prior to any independent reports being prepared by the appropriate professionals, it was necessary for the Court to conduct a fact-finding hearing. The Father resisted the necessity of a fact-finding hearing. That issue was litigated before Mr Justice Richards in July 2025, following which on 13 November 2025 this Court advised the parties in a case management hearing that Justice Richards' decision is that a fact-finding hearing was required. The Court also indicated that Justice Richards will be providing his reasons in due course.
4. The matter thereafter came before this Court. The purpose of the hearing was to determine, on the balance of probabilities, whether the factual allegations advanced by the Mother were established.
5. The Court had the benefit of extensive affidavit evidence. The Mother relied upon her First Affidavit dated 9 June 2025 (**Mother's First Affidavit**), comprising 542 paragraphs, which set out in detail her allegations of domestic abuse, coercive and controlling behaviour as well as parental alienation. That evidence was supplemented by further affidavits dated 2 December 2025 (**Mother's Second Affidavit**), 4 December 2025 (**Mother's Third Affidavit**), and 17 December 2025 (**Mother's Fourth Affidavit**), together with the affidavit of her mother, M's maternal grandmother (hereinafter referred to as '**the Grandmother**') sworn on 5 November 2025, (**Grandmother's Affidavit**). Written submissions were filed on 2 February 2026 by Mrs Marshall which the Mother also relies on (**Mother's Written Submissions**).
6. The Father relied upon his First Affidavit dated 16 April 2025 (**Father's First Affidavit**) and a subsequent affidavit responding to the allegations made against him which was sworn on 5 June 2025 (**Father's Second Affidavit**). A further responding affidavit was filed by the Father on 4 July 2025 (**Father's Third Affidavit**). A fourth affidavit was filed by the Father on 26 November 2025 which was in response to the Grandmother's Affidavit (**Father's Fourth Affidavit**) with his final affidavit in response being sworn on 24 December 2025 (**Father's**

¹ The state of intended relocation has been omitted for anonymity.

Fifth Affidavit). He also relied upon his written submissions dated 1 February 2026 (**Father's Written Submissions**).

7. The Mother also relied upon a Scott Schedule prepared for the purposes of the hearing which was provided to the Court and the Father on 23 January 2026 (**Mother's Scott Schedule**). The Father also submitted his version of the Scott Schedule on 23 January 2026 (**Father's Scott Schedule**).
8. The Father's Scott Schedule provided four categories which had been assigned by the Father that summarized each of the allegations set out in that schedule. Those categories are as follows:
 - (i) Allegations to be determined at Fact-Finding hearing.
 - (ii) Allegations to be considered at a later stage.
 - (iii) Findings that can be made on the Father's concessions.
 - (iv) Not material to decide sole custody/care, and control or the Father's LTR Application; propose to address at welfare hearing, only if needed.
9. The Mother's Scott Schedule was subsequently amended to include fulsome citations from the relevant affidavit evidence for the purposes of closing submissions on 2 February 2026 (**Final Scott Schedule**). Both the Mother's Scott Schedule and the Father's Scott Schedule (as well as the Final Scott Schedule) categorized the alleged conduct into defined categories and was of great assistance to the Court in organising and assessing the evidence.
10. Oral evidence was heard from both parties. The Court had the opportunity to observe the demeanour of the witnesses and to assess their responses under cross-examination.
11. It is of note that during cross-examination the Father made concessions to some of the allegations identified in the Mother's Scott Schedule. These allegations are in relation to specific categories of behaviours and numbered items 13, 16 and 17 of the Mother's Scott Schedule (collectively, hereinafter referred to as '**the Conceded Allegations**') which are described as to relating to the following topics:
 - (i) Item 13 – "Team Dad":

Actively creating an impression in M that he and M are a team and that the Mother is not a member of that team and is not a team player. By so doing he has created an "*us against her*" mentality which has become extremely damaging to the relationship between the Mother and M.

(ii) Item 16 – “relentless badgering”, “unaccompanied minor travel attempt”:

The Father is relentless in his badgering of both the Mother and M, refusing to accept their view or position and badgering them until they are emotionally exhausted and relent. This has caused M great frustration which she is not equipped to deal with as well as causing both her and the Mother psychological harm. This category also included a concession regarding the behaviour that the Father exhibited when the Mother withheld her consent for M traveling as an unaccompanied minor.

(iii) Item 17 – “poor me”:

The Father systematically plays on M’s emotions by presenting himself as “*poor me*” blaming the Mother for causing him unhappiness or harm (including suggesting to M that the Mother wants to “*put him in jail*”). As a result, causing M to feel she must protect him or bend to his wishes so that he can be happy and she can protect him. This is a huge emotional weight placed on a young child when the Father is saying cause of that unhappiness is the Mother.

12. The details of the Conceded Allegations can be found at **Appendix I**². The references to the affidavit evidence relied on by the Mother is set out in each relevant category and are self-explanatory.
13. At the conclusion of the evidence and submissions, the Court delivered an ex-tempore ruling. The Court determined that the Mother’s evidence was to be preferred where conflicts arose and accordingly confirmed the allegations in the Final Scott Schedule had been made out by the Mother. Findings were made of domestic abuse, coercive and controlling behaviour as well as parental alienation.

Summary of Brief Ex-Tempore Reasons

14. The following is a summary of the Ex-Tempore Ruling given which has been paraphrased in some areas but has not in any way impacted the findings made and the final decision given.
15. The Court confirmed that is preferred the evidence of the Mother where conflicts arise. Her evidence is coherent, consistent and supported by contemporaneous material. On the balance of probabilities, the Court finds that the allegations of domestic abuse, coercive and controlling behaviour, and parental alienation are established. The Court is also satisfied that the Father’s

² For anonymity purposes, Appendix 1 shall not be published and shall remain confidential to the parties without it being released to any third party without leave of the Court.

conduct has materially contributed to the deterioration of the relationship between M and the Mother.

16. The Court further accepts that the Father lied on oath and therefore perjured himself in his affidavit. The Court observed that the Father attempted to twist and manipulate his evidence when challenged, in an effort to construct a narrative that was not supported by the documentary or oral evidence. His conduct also reflects blatant breaches of both the Memorandum of Agreement dated 7 February 2025 (MOA) and the Court Undertaking.
17. The Court read to the parties a summary of identified short- and long-term psychological effects on children subjected to alienating behaviours, drawn from research by Gunsberg, PhD and Heller, PhD (2025). The Court did so for the purpose of informing the parties of the potential impact such behaviours may have on children. The Court expressly acknowledged that neither party had prior notice of this material and emphasized that it was shared for informational purposes only and did not form part of the evidentiary basis for the Court's findings. The list identifies 39 effects, not all of which would be relevant for this case, which are summarized as follows:
 - Post-traumatic stress disorder (short-lived, enduring)
 - Cumulative trauma
 - Separation anxiety
 - Abandonment anxiety
 - Attachment classification changes: from Secure Attachment to Insecure Attachment (Anxious/preoccupied/ambivalent attachment; or Avoidant/hostile/dismissive attachment) or Disorganized/disoriented attachment
 - Traumatic bonding
 - Rewriting of personal history and creation of new family narrative yield consequences for the development of a cohesive self.
 - Isolation from alienated parents, pets. Isolation from alienated parent's family: grandparents, aunts and uncles, cousins, pets. Isolation from school (home schooling), friends, extracurricular activities, sports, religious organizations and religious activities.
 - Black and white thinking, a.k.a. black and white affect. All-good parent/all bad-parent, no nuanced thinking or affect (e.g. ambivalence) towards either parent. Black and white thinking and affect often remain isolated towards family, but can spread to outside family and negatively impact critical thinking capacity.
 - Dissociation as a defense mechanism, development of a dissociated self. Also, dissociation allows for maintenance of a private relationship with the alienated parent.
 - Somatization and physical illness in present and future (ACES study)
 - Suicidal ideation/suicidal attempts/actual suicide
 - Homicidal ideation

- Psychiatric hospitalization(s)
- Negative psychological impact of parental coaching in alienation process
- As a result of being an alienated child, may not want to become a parent themselves, and may not want to get married.
- Forced into thinking that is identical to the delusional thinking of the alienating parent (Folie a Deux) regarding the alienated parent.
- Dependency upon alienating parent is encouraged (not allowed to think/act independently). Autonomous thinking and action are stifled by alienating parent.
- Developmental failures/developmental regressions (Atrophy of already attained developmental achievements)
- Depression/sadness/excessive experience of loss/anxiety
- Acting out behavior: drugs, alcohol, sexual acting out, delinquency
- Apparent absence of empathy, guilt/remorse towards alienated parent, or grief at loss of the alienated parent
- Threat of losing both parents
- Sense of grandiose empowerment
- Attachment distress can interfere with child's brain development (at all ages)
- Failure to learn successful conflict resolution
- Emergence of an abusive relational style: identification with an abusive, aggressive, alienating parent
- Insecurity and unreliability in relationships (from others, and towards others)
- Relationships developed based on fear rather than love
- Pathological lying in alienation scenarios, which can generalize to other relationships
- Manipulation and exploitation of alienated child by alienating parent can be transferred to other relationships.
- Traumatic impact on alienated child of alienating parent's suicidal threats (themselves), and homicidal threats towards alienated parent
- Disturbances in the creative and spiritual core of the child/adolescent psyche
- At risk for borderline personality structure and psychopathology
- Intergenerational transmission of Parental Alienation. Alienated child may become an alienating parent or alienated parent themselves.

18. Similarly, the Court read the impact that the alienating behaviour has on the alienated parent which is as follows:

- “1. *Post-traumatic stress disorder (short-lived; enduring)*
2. *Separation anxiety*
3. *Abandonment anxiety*
4. *Annihilation anxiety*
5. *Fear of breakdown*
6. *Diminished parental capacity*

7. *Depression, sadness, feeling of tremendous loss and emptiness. Loss of child (children); loss of identity as a parent; loss of self; loss of partner; loss of marriage*
8. *Suicidal ideation/suicide attempts/actual suicide*
9. *Homicidal ideation*
10. *Psychiatric hospitalization(s)*
11. *Negative psychological impact of litigation process, forensic evaluation process and psychological testing”*

19. Firstly, it is necessary to address the Father’s position raised in his reply submissions, that he did not understand the nature of the Conceded Allegations he made during his *viva voce* evidence. As indicated in paragraph 11 above, under cross-examination, the Father expressly conceded four categories of allegations presented in the Final Scott Schedule, namely: “relentless badgering”, “unaccompanied minor travel attempt”, “poor me”, and “Team Dad”. His later claim during submissions that he was unaware of the evidential basis for these concessions is not accepted.
20. In his final submissions, the Father raised that he only received the Mother’s Scott Schedule on the Friday before the hearing and therefore did not have sufficient time to review the evidentiary references. He further stated that he had relied on his own electronically prepared version, i.e. the Father’s Scott Schedule, and that he did not receive a response from the Mother’s counsel regarding issues he had raised, he says in September 2025.
21. When conceding the listed categories, the Father used the specific terminology adopted in the Mother’s Scott Schedule. Additionally, the Court observed the Father holding the Mother’s Scott Schedule, reviewing it and turning through it as he confirmed each concession. He was asked by the Court more than once if he was certain regarding the Conceded Allegations which he confirmed without hesitation.
22. Furthermore, the Court also taken into account that this issue was only raised for the first time in the Father’s final submissions that he did not have ample opportunity to review the Mother’s Scott Schedule prior to the hearing and accordingly did not understand what he was conceding. Whilst I accept that the Mother’s Scott Schedule was filed one business day before the original hearing date, the parties were advised on the morning of 26 January 2026 that the hearing would commence instead on 28 January 2026. As a result, even if the Court were to accept the Father’s contention regarding short ‘notice’, he nonetheless had the weekend and two further business days in which to review the Mother’s Scott Schedule. More importantly, at no point did he raise any concern with the Court that he lacked sufficient time to prepare based on ‘late’ submission of the Mother’s Scott Schedule, in either correspondence to the Court prior to the hearing commencing or at the outset of the hearing. One would have thought that if such a concern had it genuinely existed, the Father would unquestionably have brought it to the Court’s attention

at the earliest opportunity. Indeed, the Father corresponded with the Court on numerous occasions in the lead up to the hearing without any difficulty. The Father is also notably an educated and successful businessman with two law degrees from Ivy League educational institutions in the United States.

23. For these reasons, the Court rejects the Father's submission that he misunderstood the Conceded Allegations. The Court has no hesitation in concluding that he understood fully the nature and effect of the Conceded Allegations.
24. In light of the findings of this Court, i.e. that the Mother has made out her allegations as set out in the Final Scott Schedule, M's best interests require immediate protective action given the findings. The evidence clearly establishes that the Father's conduct has had a negative and harmful impact on M's welfare, including a pronounced deterioration in her relationship with the Mother.
25. Furthermore, the Father has demonstrated no meaningful insight into the consequences of his alienating behaviour, choosing instead to minimize it by shifting blame onto the Mother or attempting to rely on narrow interpretations of wording in the Consent Order, MOA and the Court Undertaking. This approach was particularly evident on numerous occasions during cross-examination. One example is when he refused to acknowledge that he had told M he "*will get her a puppy*" if she came to the United States, instead repeatedly stating, "*I have not committed to getting her a puppy*". When asked by this Court to clarify if by stating "*he ha[s] not committed*" that he means he did tell M that she "*may*" get a puppy, he confirmed this was accurate and continued to express further about not being able to "*commit*".
26. Accordingly, the Court directs that in order to ensure that M's best interests are being met the immediate suspension of the Father's contact with M, save for supervised audio and video communication as set out in the formal Order. These measures are necessary both to prevent further emotional harm and to stabilize M's relationship with the Mother.
27. As it relates to the Committal Motion, the Court accepts the law as presented by Mrs Marshall that a breach of an undertaking is considered to be a breach of a court order, in committal proceedings. It is also accepted that the legal test for determining such an application is based on the criminal burden of proof rather than on a civil burden, i.e. beyond a reasonable doubt. Accordingly, the Court finds that it is beyond a reasonable doubt that the Father is in contempt of Court based on the numerous breaches of the Court Undertaking.

Terms of Fact-Finding Order

28. The terms of the 2 February 2026 order (**Fact-Finding Order**) are as follows:

“UPON THE COURT considering the evidence adduced at the hearing of these applications for the purpose of making findings of fact on 28, 29 and 30 January 2026 (with closing submissions heard on 2 February 2026);

AND UPON THE COURT finding that the Mother’s evidence is to be preferred to that of the Father in relation to the matters facts are summarized in the in the Scott Schedule dated 23 January 2026, and thereafter updated by Counsel for the Mother for the purpose of closing submissions, and those findings are accordingly made facts are summarized in the 23 January Scott Schedule;

AND UPON THE COURT finding that there has been domestic abuse inflicted by the Father, including coercive and controlling behaviour and that there has been parental alienation;

AND UPON THE COURT giving a brief Ex-Tempore Ruling after closing submissions on 2 February 2026 which the Court deemed necessary to be given immediately as based on its findings determined that there would be an immediate change in custody, care and control given that Tallula was in the care of the Father at the time of the hearing;

AND UPON THE COURT intending to produce a written Ex-Tempore Ruling with additional reasons to be included if it is deems necessary and which will be distributed to the parties in due course;

IT IS HEREBY ORDERED AS FOLLOWS:

- 1. It is declared that [M]’s habitual and ordinary residence is Bermuda.*
- 2. Bermuda shall retain jurisdiction with respect to all matters of custody and care and control of [M].*
- 3. Paragraphs 2 and 3 of the 31 May 2024 Order are hereby suspended until further order.*
- 4. [M] shall be placed in the interim sole custody and sole care and control of the Mother until further order of the Court. For the avoidance of doubt, this means that [M] shall be collected from school by the Mother today.*
- 5. [M] shall be prohibited from leaving Bermuda with the Father only until further order of this court.*
- 6. The Father access to [M] shall be restricted to supervised access by audio and/or video calls. This supervised access shall commence on 4 February 2026 at 7:00*

p.m. for a 20 minute duration. Such supervised access shall occur every other day at 7:00 p.m. unless the parties mutually agree an alternate time.

7. *As it relates to the supervision of access referred to in paragraph 6 above, for the avoidance of doubt, the Mother shall not be the dedicated supervisor. The parties shall agree forthwith the third-party to assist with the supervision of the access but failing agreement the parties may apply by letter to the court for the Judge to determine the supervisor based on the correspondence presented.*
8. *For the avoidance of doubt, the Father shall not attempt to make any contact with [M] either directly or indirectly save for what has been provided for in this order. This shall include the Father attempting to utilize a third-party to contact [M] on his behalf.*
9. *[M] shall continue to meet with her therapist weekly and the therapist shall be provided with a list of alienating behaviours found to exist by this court for the purpose of tailoring the therapy accordingly. The list of alienating behaviours is as follows:*
 - *Badmouthing the other parent*
 - *Saying that the other parent does not love them*
 - *Saying that the other parent is dangerous*
 - *Limiting contact with the other parent*
 - *Interfering with communication with the other parent*
 - *Interfering with symbolic communications*
 - *Withholding love and approval*
 - *Allowing and/or forcing the child to choose between the parents*
 - *Confiding in the child*
 - *Forcing the child to reject the other parent*
 - *Asking the child to spy on the other parent*
 - *Asking the child to keep secrets from the other parent*
 - *Withholding medical or academic information*
 - *Undermining the authority of the other parent*
 - *Anything else which undermines the relationship with the other parent*
10. *The parties shall only communicate through Our Family Wizard (OFW) and the Father shall only contact the Mother with respect to issues relating to [M]'s activities and medical issues.*

11. *On or before 9:30 am on 3 February 2026, [M]’s passports (UK and US) shall be delivered to the offices of Marshall Diel and Myers located at 31 Reid Street Hamilton.*
12. *The Father shall be permitted to leave a note together with Valentine’s Day gifts which he has purchased for [M] at the former matrimonial home and subject to the Mother inspecting the same and being satisfied that there is nothing inappropriate included, the Mother shall provide these to [M].*
13. *The Mother shall have her costs of the Fact-Finding Hearing and the Notice of Motion on an indemnity basis such costs to be taxed if not agreed. For the avoidance of doubt, these costs do not relate to the appearances before Justice Richards surrounding the dispute of whether a Fact-Finding Hearing should be held prior to the experts being instructed and in turn, prior to the substantive hearing of the parties’ competing applications for custody, care and control.*
14. *The Mother shall have leave to file her Bill of Costs to be taxed in advance of the conclusion of these proceedings. Upon either agreement or the Court confirming the taxation sum, payment of the agreed or taxed sum shall be made within 14 days of receipt of the respective Consent Order or Certificate of Taxation.*
15. *This matter shall be mentioned on 19 February 2026 at 2:30 p.m. when the Court shall consider whether physical contact may be permitted and to review the position in relation to the letters of instruction to the Social Worker and the psychologist. The Court shall also consider if a Litigation Guardian should be appointed.”*

THE LAW

29. The present applications are concerned with a fact-finding exercise. As indicated in the ex-tempore decision, the legal principles for fact-finding hearings can be found in the case of *A v B (Fact-Finding Hearing)* [2024] SC (Bda) 66 app. At paragraph 13 the Court stated as follows:

“13. There were no arguments contesting the law surrounding fact-finding hearings which can be summarized as follows:

- i. *The standard of proof is the civil standard, namely the balance of probabilities. The seriousness of the allegation does not create any difference to the standard of proof. The inherent probabilities are simply something to consider.*

- ii. *It is for the person who asserts the fact to prove the allegation. It is not for the accused to disprove it by showing how the injuries were in fact sustained.*
- iii. *Any findings must be based on evidence and not suspicion or speculation.*
- iv. *It is essential that the Court forms a clear assessment of the parties' credibility and reliability."*

30. The purpose of a fact-findings hearing is not to determine final welfare arrangements but to establish what has occurred between the parties so that the Court may approach future welfare decisions with clarity and insight. The Court applies the civil standard of proof. The question is whether it is more likely than not that the alleged conduct occurred, i.e. on the balance of probabilities.
31. In the March 2021, the England & Wales Court of Appeal case of *Re H-N and others (children) (Domestic abuse: fact finding hearings)* [2021] EWCA Civ 448, the court described the purpose of fact-finding hearings as follows:

"In family proceedings the outcome of a fact finding will normally be a narrative account of what the court has determined on a balance of probabilities has happened in the lives of a number of people and often over a significant period of time.

The primary purpose of the family proceedings is to determine as best that may be done, what has gone on in the past so that that knowledge may inform the ultimate welfare evaluation where that court will choose what option is best for a child with the courts' eyes open to such risks as the factual determination may have established."

32. Having confirmed the purpose and the standard of proof to be applied in fact-findings hearings, it is still essential (as this case involves the welfare of a child), the Court must always have in the forefront of its mind that the child's welfare is the paramount consideration. All recent Bermuda cases confirm that whilst the UK Welfare Checklist is not applicable in Bermuda, the Courts have confirmed its support in being used as a tool to assist the Court in reaching its decision as to the outcome it believes to be in the child's best interest. There was no dispute regarding this legal position.
33. Mrs Marshall relies on the case of *Re H-N and others (children) (Domestic abuse: fact finding hearings)*³ also supports the notion that in cases involving allegations of domestic abuse, the Court must consider both individual incidents and patterns of behaviour. As such, the law recognizes that harmful conduct may manifest not only in discrete events but also in sustained

³ See paragraph 216.

patterns that exert pressure, control or emotional harm. At paragraph 26 the UK Practice Direction 12J (which does not yet have an equivalent practice direction in Bermuda) is helpfully cited as it relates to the definitions of the following terms:

“‘domestic abuse’ includes any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, psychological, physical, sexual, financial, or emotional abuse. Domestic abuse also includes culturally specific forms of abuse including, but not limited to, forced marriage, honour-based violence, dowry-related abuse and transnational marriage abandonment;

‘coercive behaviour’ means an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten the victim;

‘controlling behaviour’ means an act or pattern of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.” [Emphasis added]

34. In the more recent case of *Re C* (*‘Parental Alienation’; Instruction of Expert*) [2023] EWHC 345 (Fam) Sir Andrew McFarlane, the then President of the Family Courts of England & Wales, said the following at paragraph 103 as it relates to a court making findings regarding parental alienation as follows:

“103. Before leaving this part of the appeal, one particular paragraph in the ACP⁴ skeleton argument deserves to be widely understood and, I would strongly urge, accepted:

‘Much like an allegation of domestic abuse; the decision about whether or not a parent has alienated a child is a question of fact for the Court to resolve and not a diagnosis that can or should be offered by a psychologist. For these purposes, the ACP-UK wishes to emphasise that “parental alienation” is not a syndrome capable of being diagnosed, but a process of manipulation of children perpetuated by one parent against the other through, what are termed as, “alienating behaviours”. It is fundamentally a question of fact.’

It is not the purpose of the judgment to go further into the topic of alienation. Most Family judges have, for some time, regarded the label of ‘parental alienation’, and

⁴ Association of Child Psychotherapists

the suggestion that there may be a diagnosable syndrome of that name, as being unhelpful. What is important, as with domestic abuse, is the particular behaviour that is found to have taken place within the individual family before the court, and the impact that that behaviour may have had on the relationship of a child with either or both of his/her parents. In this regard, the identification of ‘alienating behaviour’ should be the court’s focus, rather than any quest to determine whether the label ‘parental alienation’ can be applied.” [Emphasis added]

35. The judgment of *Re H-N and others (children) (Domestic abuse: fact finding hearings)* emphasizes the need for the Court to act with diligence where alienation and abuse are established. Delay or inaction may entrench harmful dynamics and make later intervention more difficult. Mrs Marshall further relied on the guidance of Lord Justice Peter Jackson giving judgment in the England & Wales Court of Appeal case of *Re S (Parental Alienation: Cult)* [2020] EWCA Civ 58. The Court of Appeal emphasized the need to swift and early intervention. At paragraph 13 Jackson LJ states as follows:

“13. In summary, in a situation of parental alienation the obligation on the court is to respond with exceptional diligence and take whatever effective measures are available. The situation calls for judicial resolve because the line of least resistance is likely to be less stressful for the child and for the court in the short term. But it does not represent a solution to a problem. Inaction will probably reinforce the position of the stronger party at the expense of the weaker party and the bar will be raised for the next attempt at intervention. Above all, the obligation of the court is to keep the child’s medium to long term welfare at the forefront of its mind and wherever possible to uphold the child and parent’s right to respect for family life before it is breached. In making its overall welfare decision the court must therefore be alert to early signs of alienation. What will amount to effective action will be a matter of judgment, but it is emphatically not necessary to wait for serious, worse still irreparable, harm to be done before appropriate action is taken, it is easier to conclude that decisive action was needed after it has become too late to take it.” [Emphasis added]

36. In the more recent case of *Re C (‘Parental Alienation’; Instruction of Expert)* [2023] EWHC 345 (Fam) Sir Andrew McFarlane, the then President of the Family Courts of England & Wales, said the following at paragraph 103 as it relates to a court making findings regarding parental alienation as follows:

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37. The Father relies on the UK’s Family Justice Council (FJC) Guidance (2024) (**FJC PA Guidance**) which defines “alienating behaviours” as those “which have resulted in the child’s reluctance, resistance or refusal to spend time with the other parent” and sets out that three elements that it says must be established in order for a court to make a finding of parental alienation:

- “1) the child is reluctant, resisting or refusing to engage in, a relationship with a parent or carer; and*
- 2) the reluctance, resistance or refusal is not consequent on the actions of that parent towards the child or the other parent, which may therefore be an appropriate justified rejection by the child (AJR – see Glossary above⁶), or is not caused by any other factor such as the child’s alignment, affinity or attachment (AAA – see Glossary above⁷); and*
- 3) the other parent has engaged in behaviours that have directly or indirectly impacted on the child, leading to the child’s reluctance, resistance or refusal to engage in a relationship with that parent.”*

⁶ Appropriate justified rejection (‘AJR’) – situation where a child’s rejection of a parent is an understandable response to that parent’s behaviour towards the child and/or the other parent.

⁷ Attachment, affinity and alignment (‘AAA’) – reasons why children may favour one parent over another, or reject a parent, which are typical emotional responses to parenting experiences and not the result of psychological manipulation by a parent.

38. Page 21 of the FJC PA Guidance also provides suggestions as to how a Court can apply the UK Welfare Checklist in cases where parental alienation has been found:

“Applying the welfare checklist

93. *The welfare checklist will need to be applied as relevant to the individual circumstances of the child and their family. The following provides a non-exhaustive list of issues that may be considered:*

Wishes and feelings of the child

- *Although likely to reflect a desire for the status quo, opportunities for the child to express their wishes and feelings may offer indications of the viability of reparative work to re-establish the relationship between the child and their parent.*

Physical, emotional, and educational needs

- *The child’s future relationship with the non-resident parent if there is only indirect contact.*
- *The impact of a total cessation of contact both direct and indirect.*
- *The impact of continuity or change of schooling/educational arrangements will often need to be considered.*
- *The practical and physical arrangements for care of the child during and after any change of residence.*
- *The role and/or form of any therapeutic support for the family.*

The likely effect on the child of any change in their circumstances

- *The impact of different contact arrangements for siblings or possible separation from siblings.*
- *The impact of separation from the current parent with care.*
- *Contact plans for any new family configuration.*
- *If a change of residence will lead to a child being brought up with a different culture, faith, first language or in a very different environment, particular thought should be given to the impact of that, how they could be supported with that transition and their identity needs met.*

Any harm the child has suffered or is at risk of suffering

- *The risk of harm to the child from exposure to continuing Alienating Behaviours (and disruption to the relationship with one parent).*
- *The risk of harm to the child from disruption of their current living arrangements.*

- *The risk of harm to the child of disruption of their relationship with their current parent with care and siblings.*
- *Impact of placement with a parent with whom they have had a limited or disrupted relationship (potentially comparable to a child being moved to a stranger placement/foster care).*
- *Risk of breakdown of any changed living arrangements for the child.*

How capable each parent (and any other person in relation to whom the court considers the question to be relevant) is of meeting the child's needs

- *The quality of care generally provided to the child by the current parent with care.*
- *The potential for deterioration in the mental health of either parent consequent on the court's order.*
- *In the case of contemplated transfer of residence, the quality of care likely to be provided by the other parent.*

The range of the powers available to the court in the proceedings in question

- *Whether the status quo could be maintained, and if so how.*
- *Whether contact with members of the wider family of the alienated parent could ameliorate the harm.*
- *Whether the child's placement should be changed and if so where they should be placed.*
- *Whether bridging options would assist where there is no current relationship between the child and alienated parent.*
- *What contingency planning might be put in place."*

39. As it relates to the Committal Motion, the Administration of Justice (Contempt of Court) Act 1979 (**Contempt of Court Act**) provides the Court with the power to impose sanctions, including committal or suspended sentences, where contempt is established.

40. In the case of *Joliet 2010 v Goji Limited*, Civil Jurisdiction 203 of 2012, Justice Hellman established that an undertaking given to the Court carries the same weight as an order of the Court. A breach of such an Undertaking given to the Court is to be treated as a breach of an Order.

THE PARTIES' POSITIONS

41. Before setting out the respective positions of the Mother and the Father, it is necessary to clarify the scope and approach adopted in these Reasons. Given the volume and breadth of the evidence before the Court, it would be neither proportionate nor necessary to descend into a microscopic

examination of each individual allegation advanced against the Father. The Mother's First Affidavit alone comprises 542 paragraphs, supplemented by further affidavit material, documentary evidence, and oral testimony. To address every allegation in granular detail would require a level of analysis disproportionate to the purpose of a fact-finding exercise and the issues the Court is required to determine.

42. Instead, the Court has relied upon the Final Scott Schedule as the principal analytical framework. It identifies the specific categories of conduct alleged and directs the parties to the precise evidentiary references relied upon by the Mother in support of each example of the Father's behaviour towards M, and where relevant, towards the Mother herself. It is against that structure, and the totality of the evidence, that the parties' respective positions are considered and evaluated.
43. The Final Scott Schedule can be found at **Appendix II**⁸ noting that the two columns for "Respondent's Response" and "Judge's Finding" have been removed for the purpose of reduced the size of the document. The Conceded Allegations which are referenced as Items 13, 16 and 17 of the Final Scott Schedule have also be omitted as these are set out in **Appendix I**.

The Mother

44. The Mother relies upon the Final Scott Schedule as a structured presentation of the allegations. She submits that the Final Scott Schedule demonstrates the breadth and consistency of the Father's conduct across multiple categories of inappropriate behaviour towards M. She says that the cumulative effect of the Father's conduct amounts to domestic abuse, including coercive and controlling behaviour and has resulted in parental alienation. Mrs Marshall submitted that these findings necessitate immediate protective measures. In particular, the Mother seeks that the child be placed in her sole custody and care on an interim basis, with the Father's contact being restricted and supervised. She contends that such measures are necessary to prevent further harm and to allow for the restoration of a healthy relationship between the Mother and M.
45. Mrs Marshall stressed the importance of the timeline of these proceedings as it relates to the agreements between the parties surrounding M (as evidence in the Mother's affidavits). It was noted that the divorce application was filed on 8 March 2024. Thereafter, the parties engaged in negotiations to resolve their finances as well as the arrangements relating to M. On the 31 May 2024 a Consent Order was filed and signed off by a Judge (**Consent Order**). Prior to its filing, the Father had advised the Mother that his financial advisor had advised him that he could not afford to continue living in Bermuda. The Father therefore confirmed his intent to return to the United States. Subsequently, on 26 July 2024, upon the grant of the Conditional Order, the Consent Order was affirmed as an Order of the Court.

⁸ For anonymity purposes, Appendix 1 shall not be published and shall remain confidential to the parties without it being released to any third party without leave of the Court.

46. It is the Mother's evidence that she was clear in the negotiations of the Consent Order that she was prepared to compromise her position in relation to the finances to reach a consensus, but where M resided was not negotiable. The Father agreed that M's welfare would best be served by her remaining in Bermuda. To facilitate the Father's ongoing joint care of M, the Mother undertook payment of the rent and utilities at the FMH without contribution by the Father. It was also agreed to change M's care arrangements from a week-on/week-off schedule to two weeks-on/two weeks-off which would reduce financial pressure on the Father so he could travel back and forth from the United States. A nesting arrangement was agreed so that when in Bermuda the Father resides with M in the home that the Mother rents.
47. The Consent Order acknowledged in the preamble that so long as one party was able to reside and work in Bermuda (then under a Digital Nomad Permit (**DNP**)) that this Court would have jurisdiction over all matters relating to M's custody, care and control and welfare. Mrs Marshall submitted that the Father places importance on the reference to the DNP and takes the view that in the absence of a DNP the preamble falls as does paragraph 2 of the Consent Order which set out the current nesting arrangement. Preamble (C) and paragraph 2 of the Consent Order state as follows:

“(C) The Applicant and Respondent acknowledge that [M] is an ordinary resident of Bermuda and that while one or both of the parties holds a digital nomad permit enabling them to work remotely and reside in Bermuda that Bermuda shall be the correct jurisdiction to make determinations as to her care and control, custody and all other orders relating to her welfare.

...

Child arrangements

...

2. *The Applicant and the Respondent shall have joint care and control of [M] with each parent having her in their care for two weeks every month subject to travel and work commitments. During their non-care weeks, the non-care parent shall have access to [M] as agreed with the care parent from time to time. The Applicant shall reside with [M] [in Bermuda] (subject to any travel that is agreed per paragraph 3) and the Respondent shall reside in the said residence during his care week unless he lives elsewhere in Bermuda in which case [M] shall reside with the Respondent at his separate residence during his care week unless otherwise agreed by the parties...”*

48. The Mother does not accept the Father's interpretation of the preamble to the Consent Order. Her evidence is that its purpose and intent were to confirm that, so long as either party was able to reside and work remotely in Bermuda, this Court would retain jurisdiction over matters relating to M's custody, care and control, and welfare. In any event, the Mother's evidence is that her Digital Nomad Permit would not have expired until February 2026 and that she applied

for residence under the new immigration scheme at the first available opportunity in December 2025.

49. The Mother states that concerns regarding the Father's involvement of M in adult matters first arose at the time of the parties' separation in 2024. She says that these concerns informed her attorneys' insistence upon the inclusion of explicit protections during the negotiation of subsequent agreements.
50. In February 2025, the parties attended a round table meeting to reach consensus on what matters could appropriately be discussed with M. The Mother says that, during that meeting, the Father expressed an intention to alter M's ordinary place of residence to the United States. By that stage, she says it had become apparent that the Father had already begun discussing relocation and related adult issues with M, thereby placing a child of not yet nine years of age into an inappropriate decision-making role.
51. The round table meeting held on 4 February 2025 resulted in the execution of the Memorandum of Agreement. The MOA regulated communication between the parties, providing that discussions concerning M's day to day care, finances, and health needs, save in emergencies, were to take place through the co-parenting application Our Family Wizard. Paragraph 2 of the MOA expressly recorded the parties' agreement that M would not be involved in adult issues, including litigation, relocation, or disputes between the parents, and prescribed a consistent narrative to be adopted should such matters arise. Paragraph 2 expressly recorded the parties' agreement that M would not be involved in adult issues, including litigation, relocation, or disputes between the parents, and prescribed a consistent narrative to be adopted should such matters arise. The wording of paragraph 2 is as follows:

“2. The parties agree not to involve [M] in adult issues, including but not limited to:

- (i) The ongoing litigation between the parties*
- (ii) Where [M] shall live, including any move to [the United States]*
- (iii) The parties' relationship*
- (iv) The parties further agree so far as they are able to restrict any third party of discussing the same with [M].*
- (v) Should [M] wish to discuss an adult issue, the parties agree that the narrative should be that “it is an issue for mummy and daddy and we love you very much”.*
- (vi) In the event that [M] specifically asks the father about [the United States] or going to [the United States] at some point in the future, the father will not speak to [M] in relation to the issue or his position in relation to wanting to relocate [M], and instead will say that “daddy is speaking to mummy about it”. In the event that [M] speaks to the mother about it, she may state that “mummy is speaking to daddy about it”.*

(vii) *It is agreed that neither party will record the other without express agreement, nor record [M] in relation to the ongoing dispute between the parties.*”

52. The Mother’s evidence is that, in reliance upon these provisions, she agreed to provide her consent for M to travel with the Father to the United States between 8 and 15 February 2025. Central to her case is the allegation that the Father nonetheless continued to involve M in discussions concerning possible relocation and related matters, contrary to the terms and intent of the MOA.
53. In support of her position, the Mother relies upon contemporaneous correspondence, including letters and emails from her attorneys and text messages exchanged between the parties between 19 December 2024 and 20 January 2025. She says this material demonstrates that the Father’s conduct pre-dated the MOA and reflected an established pattern rather than isolated lapses.
54. The Mother’s case is advanced on the basis of a pattern of behaviour. She describes conduct which she says was persistent, repetitive, and cumulative, and which she characterizes as intended to exert influence and control over her decision making.
55. A central aspect of the Mother’s case is the allegation that the Father engaged in relentless badgering. She describes repeated attempts by the Father to revisit settled issues and to continue pressing his position until she relented, which she characterizes as emotionally exhausting. She further asserts that this behaviour extended to M, exposing her to repeated questioning and persuasion that caused frustration and emotional distress.
56. The Mother contends that M lacked the emotional capacity to endure such pressure and that this conduct was harmful to her wellbeing. She says that these interactions contributed to M’s increased distress and difficulty in managing her emotions.
57. Additionally, the Mother also alleges that the Father breached paragraph 2 of the MOA by discussing relocation and litigation with M. She asserts that he has discussed matters relating to relocation and litigation with M and placed her in a position where M felt required to engage with those issues. In cross-examination the Father indicated that his position is that paragraph 2 of the MOA uses the word “*involve M in adult issues*” and contends that he is not “*involving*” M. The Father said by way of example, that when M has been conducting online searches with him for houses in the United States, searching for different breeds of dogs available for sale as well as decorating her room that she would have in the United States with AI, he is simply “*following her curiosity*” and cannot be defined as “*involving M*”. He further suggested that he would be an irresponsible and neglectful parent if he did not allow M to “*follow her curiosity*”.
58. The Mother’s position, is that the Father has engaged in a sustained and escalating pattern of coercive and controlling behaviour, coupled with conduct amounting to parental alienation, which she says has had a direct and harmful impact upon both her and M.

59. It is further contended by the Mother that the Father has engaged in conduct designed to manipulate situations so as to portray her negatively to M. She provides examples in which the Father is said to have created circumstances that would lead M to believe that the Mother was responsible for denying her opportunities or experiences.

60. In addition to the references in the Final Scott Schedule, the Mother says that it is clear that the Father has shared with M more than just the 19 December 2024 letter from MDM. In the Father's cross-examination of the Mother, he put to her that, "*Didn't she think that M's opposition towards her has to do with paragraph 542 of her First Affidavit?*" in which she says,

"For all of those reasons I believe that [M]'s welfare will be significantly impacted should she move and unfortunately the only way for [the Father]'s behaviour to be stopped is for his time with M to be ceased until he is able to demonstrate that he will not emotionally harm her any father."

61. In re-examination the Mother was clear that she has never disclosed this paragraph or its import to M. Therefore, it was submitted by Mrs Marshall that the only way that M could form a hostile view of the Mother on account of this paragraph is if the Father has either shown it to her, read it to her or shared with her its existence and importance.

62. The Mother also alleges that the Father created a dynamic in which he and the child were aligned against her. This is described as an "*us against her*" mentality (also referred to as "*Team Dad*" category in the Final Scott Schedule). She says that this dynamic was actively fostered by the Father and that it has had a corrosive effect upon her relationship with M.

63. The evidence of the Mother further includes allegations that the Father has engaged in emotional manipulation of M. She asserts that the Father presented himself as a victim and attributed his unhappiness or distress to the Mother, i.e. referred to as the "*poor me*" category in the Final Scott Schedule. In doing so, she says, he placed upon M an emotional burden and encouraged her to adopt a protective stance towards him. The Mother contends that such conduct is particularly harmful given M's age. She submits that M has been placed in a position of emotional conflict, feeling that she must choose between her parents or act in a manner to alleviate the Father's distress.

64. The Mother also relies upon changes in M's behaviour as evidence of the impact of the Father's conduct. She describes M as having become more oppositional, resistant and at times hostile towards her. She asserts that this represents a marked change from the previously warm and loving relationship they shared. She is adamant that these behavioural changes are not attributable to normal developmental factors. Mrs Marshall submitted that M's changes are the direct result of the Father's sustained campaign of influence and manipulation which include acts of parental alienation of the Mother.

65. Additionally, the Mother raises concerns regarding the Father's compliance with Court orders and undertakings. She alleges that he deliberately breached the Court Undertaking by continuing to involve M in prohibited discussions.
66. Mrs Marshall submitted that the Committal Motion is founded upon those breaches. She submits that the Father's conduct demonstrates a disregard for the authority of the Court and warrants a finding of contempt. Moreover, Mrs Marshall reiterated that portions of the Father's own affidavit and *viva voce* evidence admit to several breaches.
67. Mrs Marshall invited the Court to consider the Father's credibility. She submits that the Father has denied matters which he later accepted under cross-examination and has sought to present a narrative that is inconsistent with the evidence. It is therefore submitted that, *inter alia*, the evidence of the Mother should be preferred to that of the Father. Accordingly, findings should be made confirming the allegations of domestic abuse, coercive and controlling behaviour carried out by the Father as well as the Father's behaviours amounting to parental alienation which have caused the deterioration of the relationship between M and the Mother.

The Father

68. The Father's case is that the Mother's Sole Care Application is not genuinely concerned with the welfare of M but rather, is part of a broader strategy to prevent the Court from determining the Father's LTR Application. He asserts that the Mother has sought to delay proceedings and to introduce allegations that obscure the central issue of where M should reside.
69. It was submitted by the Father that the primary issue before the Court should be M's relocation to the United States, which he describes as her home. He contends that M has expressed a desire over many years, since she was around 6 years old, to return there and that her long term welfare would be best served by permitting that relocation.
70. The Father further submits that the Mother's approach has resulted in unnecessary litigation and misuse of the Court's resources. He argues that the focus should remain on M's welfare and the determination of the relocation application. He says that he is a committed and loving parent and that there is no basis for restricting his relationship with M. He submits that any such restriction would be harmful to M.
71. Throughout the Father's affidavit evidence, he denies the allegations of domestic abuse, coercive and controlling behaviour and parental alienation. He characterizes these allegations as exaggerated, unfounded or strategically advanced. Albeit, as referenced in paragraph 11 above, concessions were made by him whilst he was under cross-examination. Further, as indicated in paragraph 8 above, most items in the Father's Scott Schedule he categorized as being irrelevant for the purposes of the Fact-Finding Hearing.

72. Furthermore, the Father says that the Mother initially relied upon allegations of abuse and neglect, which he states were not substantiated. He contends that the Mother subsequently shifted her case to one of parental alienation in response to perceived weaknesses in her earlier claims only after he provided the FJC PA Guidance which he says defines the criteria that must be present for a court to make a finding of parental alienation (see paragraph 37 above). Specifically, the Father disputes that the necessary elements are present for the Court to make a finding of parental alienation. He asserts that there is no objective evidence that M has developed reluctance, resistance or refusal to spend time with the Mother. He contends that M maintains a loving relationship with both parents and that the Mother's case represents a form of historical revisionism, in which past events are reinterpreted to support her current position.
73. The Father submits that the Mother has advanced a case designed to prevent independent scrutiny of her allegations and to exclude professional assessment of M's wishes and feelings. He contends that, following what he characterizes as prolonged delay, the Mother now asserts that M is so compromised by alleged alienation that her expressed views cannot be relied upon. It is said that this position effectively prevents the Court from hearing M directly or permitting professional inquiry by a psychologist and/or court appointed social worker.
74. It is further asserted that this approach creates an irreconcilable dilemma for the Court. On the Father's case, the Mother alleges alienation without objective evidence and then relies upon that allegation to argue that the child's voice is unreliable and should not be heard. He submits that this renders the allegations immune from examination and undermines the Court's ability to test them. Such an approach is said to circumvent the statutory framework and to be inconsistent with the welfare principle.
75. The Father also says that having achieved significant postponement of assessment, the Mother now relies on the passage of time to argue that M's views are no longer reliable. The Father submits that this approach is disingenuous and designed to prevent independent evaluation of the child's wishes and feelings. He contends that it is an improper use of the Court's resources to advance shifting accusations while simultaneously asserting that the child should be denied access to neutral professional assessment, contrary to the Court's statutory obligation.
76. The Father states that he is unable to give direct evidence regarding the dynamics of the Mother's household during periods when M is in her care. He relies instead on the Mother's own affidavit evidence, noting that her First Affidavit described a warm and loving relationship between herself and M and made no reference to reluctance, resistance, or refusal on the part of the child to spend time together. He contends that allegations of estrangement or alienation only emerged after he identified what he says are the constituent elements typically relied upon in such claims.

77. Reliance is also placed on his own observations when attending the Mother's home. Reference is made to photographs depicting the Mother and child together and to written notes from M expressing affection. He further points to the Mother's oral evidence acknowledging physical closeness between herself and M, including shared time in bed shortly before a recent handover. It is said that these matters are inconsistent with a fractured relationship.
78. Acceptance is given that M has, on occasion, shown distress during handovers. It is asserted that such behaviour has occurred with both parents and should not be viewed as indicative of reluctance or resistance to spending time with either of them. Rather, it is characterized as a normal response of a child navigating parental separation and expressing a desire for family unity.
79. The Father does not dispute that M has, at times, expressed anger or frustration towards the Mother. He contends, however, that such behaviour is developmentally normal and reflective of the complexity of parent child relationships. Examples are given of M expressing strong emotions towards both parents when boundaries are imposed or expectations are not met. On this view, such incidents are said to demonstrate the absence of alienation rather than its presence.
80. To the extent that tension has been directed towards the Mother, the Father attributes this to what he characterizes as inconsistencies perceived by M, rather than any influence exerted by him. He submits that M is perceptive and increasingly capable of forming her own views, and that dismissing those views while preventing professional engagement is itself psychologically harmful. It is said that a child objecting to such treatment is engaging in self-protection rather than demonstrating alienation.
81. Some emphasis is also placed on developmental factors. It is suggested that recent emotional fluctuations may be associated with the onset of puberty and that similar behaviour has been observed by other parents of children of the same age. This behaviour is said to be neither unusual nor specific to the relationship between M and the Mother.
82. As it relates to the allegation of financial control, the Father submits it is submitted that the allegation of financial control cannot properly be sustained in light of the Mother's professional status, financial resources, and autonomy during the relevant period. Reliance is placed on evidence that the Mother is a senior law partner with a substantial income, which increased during the time she alleges coercion. It is further asserted that she received significant liquid assets, including proceeds from business and property transactions, circumstances said to be fundamentally inconsistent with any suggestion of financial dependency or control.
83. Further reliance is placed on the practical operation of the parties' finances. It is asserted that there was no access by the Father to the Mother's personal accounts, income, or professional

interests, nor any ability to direct or control her funds. By contrast, the Mother retained access to joint accounts and control over withdrawals, while his involvement was limited to transferring funds when requested. On this basis, disagreement about financial responsibility, including the Father's refusal to assume further liabilities, is said not to amount to financial abuse when viewed in its proper factual context.

84. In relation to the Court Undertaking, the Father disputes that any breaches warrant a finding of contempt. He characterises the Mother's application as an attempt to project her own conduct onto him and to seek punitive measures that are not justified.
85. The Father submits that the Mother's assertion that he poses a risk to M is undermined by her own actions. He relies in particular on the Consent Order dated 31 May 2024, which the Mother signed while legally represented and which provided for joint custody and equal care and control. It is said that this agreement was reached after the period of alleged abusive behaviour now relied upon, and that the Mother would not have consented to equal shared care if the Father had been a danger to the child. On this basis, the Father characterizes the allegations as a retrospective reframing of events advanced to oppose his relocation application.
86. It is further asserted that claims that the Father was absent or neglectful are inconsistent with contemporaneous evidence. The Father relies upon records said to demonstrate that, prior to his return to the United States, he was the primary caregiver for M for a significant majority of the time. He submits that this evidence contradicts the Mother's portrayal of his role in M's day to day care.
87. The Father also addresses specific allegations relied upon by the Mother. In relation to an incident where M was said to have been left alone while he swam, the Father contends that M was supervised remotely by her tutor and that he remained in close proximity. As to dietary concerns, reliance is placed on photographic evidence depicting shared cooking and baking activities, which is said to refute suggestions of rigidity or neglect.
88. Overall, the Father's case is that the Mother's allegations are inconsistent with both her prior agreements and the contemporaneous documentary evidence. He submits that these matters undermine the suggestion that he presents a risk to M and that they should be taken into account when assessing both credibility and welfare.
89. The Father submits that the Court cannot safely assess M's welfare where, he alleges, the Mother has provided false or misleading evidence in order to gain a tactical advantage. He contends that this concern is heightened given the Mother's legal training and the objective, verifiable nature of the matters in issue.

90. It is asserted that the Mother misrepresented her professional status to minimize the appearance of her ties to the United States and to exaggerate her professional mobility. The Father relies on sworn evidence in which the Mother stated that she could “waive in” to the New York Bar and was “*able to practice*” in the United Kingdom. He contends that these statements are inaccurate, asserting that she is ineligible for admission by waiver in New York and does not hold a practicing certificate permitting her to practice law in the United Kingdom.
91. Further criticism is directed at the Mother’s evidence concerning M’s education. The Father points to sworn statements in which the Mother claimed responsibility for enrolling M at each stage of her education. He asserts that documentary material demonstrates that he completed the applications and executed the contracts for the identified schools and activities.
92. Similar submissions are made in relation to childcare arrangements. It is contended that the Mother claimed to manage the nannies, whereas contemporaneous records show that he arranged and coordinated those caregivers and that the Mother was unaware of their schedules and rates.
93. The Father submits that these matters are not minor administrative disputes, but examples of misrepresentation on issues capable of objective verification. He contends that, if the Court is satisfied that the Mother was willing to mislead the Court on such matters, her uncorroborated allegations of abuse must be approached with caution.
94. It is submitted that the Mother’s pursuit of committal proceedings against the Father is founded on an improper attribution of conduct. The Father contends that allegations of “involving” the child reflect a projection of the Mother’s own actions rather than any misconduct on his part. He disputes that his behaviour supports a finding of contempt.
95. In relation to allegations of surveillance, reliance is placed on the fact that the Father was transparent in communicating his intention to record certain interactions. By contrast, it is asserted that the Mother repeatedly placed into evidence private communications exchanged between the Father and M. The Father submits that this inconsistency undermines the allegation that he engaged in improper monitoring of the child.
96. It is further asserted that the Mother was the initial source of the child’s distress concerning relocation. Reference is made to statements allegedly made by the Mother to M in December 2024 describing extreme consequences should the child move to the United States. The Father contends that it was M’s reaction to those statements which prompted him to contact the Mother in writing and request that such language not be used. He submits that this correspondence marked the beginning of the subsequent disputes.

97. Overall, the Father's position is that these alleged misrepresentations undermine the reliability of the Mother's evidence. He submits that the Court should exercise particular care before accepting allegations advanced without independent support, particularly where they are relied upon to justify serious findings affecting his relationship with M.

FINDINGS AND ANALYSIS

98. The Mother's First Affidavit is a comprehensive and detailed document which sets out, in considerable depth, the history of the parties' relationship, the breakdown of that relationship, and the Father's conduct both during and following that breakdown. Extending to 542 paragraphs, it is not merely a narrative account but is supported by documentary evidence, contemporaneous communications, and references to specific incidents. The breadth and level of detail contained within that affidavit provide an important evidential foundation for the Court's analysis.
99. By way of illustration of the issues arising in this case, the Court also notes the Father's interpretation of the wording contained within the MOA, particularly as it relates to the prohibition against involving M in matters of litigation and other adult issues. This interpretation is indicative of a broader theme in the evidence, namely the Father's tendency to adopt narrow or self-serving constructions of agreed terms in a manner which, in the Court's view, fails to reflect their purpose or intent.
100. The Court now turns to its findings and analysis, which constitute the central task of this fact-finding hearing. The purpose of this exercise is to determine, on the balance of probabilities, what has occurred between the parties so that any subsequent welfare determination may be made with clarity and with the Court's eyes fully open to the realities of M's lived experience. This requires not only an assessment of discrete incidents but also a broader evaluation of patterns of behaviour and their cumulative effect.
101. In undertaking this task, the Court has carefully considered the totality of the evidence before it. This includes the affidavit evidence filed by both parties, the documentary material exhibited thereto, the oral testimony given during the hearing, and the demeanour of each witness when giving evidence. Particular regard has been had to the internal consistency of each party's account, the extent to which that account is supported by contemporaneous material, and the manner in which each party responded under cross-examination. These factors are critical in assessing both reliability and credibility.
102. It is appropriate to state at the outset that this is a case in which credibility assumes central importance. The allegations advanced by the Mother are extensive and serious, encompassing coercive and controlling behaviour, emotional manipulation, and parental alienation. The

Father's response, by contrast, is characterized by broad denial, coupled with attempts to recharacterize or justify his conduct. In these circumstances, the Court is required to determine which account is to be preferred where conflicts arise, and to do so by reference to the evidential material as a whole rather than by reliance on isolated points.

103. Having carefully evaluated the evidence, the Court finds that the Mother's evidence is to be preferred where there is conflict. This conclusion is not based on any single factor, but rather on the cumulative effect of several considerations which, when taken together, lead the Court to conclude that her account is more reliable and more consistent with the objective evidence.
104. First, the Mother's evidence is detailed, structured, and internally consistent. It is supported by documentary material and, where relevant, by the evidence of third parties. The specificity of her account, including references to dates, communications, and particular incidents, lends it significant weight. This is especially so where her account is corroborated by contemporaneous communications, which provide an independent evidential anchor for her assertions.
105. Secondly, and of considerable significance, aspects of the Mother's case were confirmed by the Father himself during the course of the hearing. Matters which were initially denied in affidavit evidence were subsequently accepted, either in whole or in part, under cross-examination. This shift in position is highly material, as it undermines the reliability of the Father's earlier denials and lends support to the Mother's version of events.
106. These concessions are not peripheral or minor in nature. Rather, they relate directly to the core allegations advanced by the Mother, including those concerning coercive and controlling behaviour and parental alienation. In particular, they include acknowledgment of behaviour characterized as persistent badgering, the creation of a dynamic in which the Father and M were aligned in opposition to the Mother, and the emotional engagement of M in matters which ought properly to have remained between the adults. Such concessions materially reinforce the Mother's case.
107. Thirdly, the Court found aspects of the Father's evidence to be inconsistent and, at times, evasive. There were occasions during cross-examination when his answers shifted in response to challenge, and where explanations appeared to be constructed in order to address the immediate difficulty rather than reflecting a consistent and reliable recollection of events. This lack of consistency detracts from the overall credibility and reliability of his evidence.
108. The findings made by the Court are as follows⁹:

⁹ References to Item numbers are references to those Items set out in the Final Scott Schedule attached at Appendix I.

- (i) The Father has inappropriately involved M in adult matters causing her uncertainty, insecurity and fear. This includes matters relating to litigation and potential relocation. This conduct occurred notwithstanding the existence of an agreement between the parties that such matters would not be discussed with M. Examples of this behaviour are as follows:
 - (a) Misinforming M as to the import of preamble (C) of the Consent Order and the immigration position of Talullah following disbanding of the DNP (albeit he never should have revealed these issues to her in the first place); and
 - (b) Despite acknowledging that M is ordinarily resident in Bermuda, unsettling her by saying her permanent residence is in the United States and that she has no legal right to reside in Bermuda and that life as she knows it is going to change. **[Items 1, 2 and 3]**
- (ii) The Father has recorded conversations between the Mother and M to create evidence in support of the Father's LTR Application, causing the Mother and M discomfort, insecurity and fear of being surveilled and seeking to create an impression on M that the Mother is a liar who must be recorded. **[Item 4]**
- (iii) The Father has repeatedly breached the Mother's privacy causing her to feel threatened and vulnerable. **[Item 5]**
- (iv) The Father has misinformed M (albeit he never should have revealed this to her in the first place) of the import of paragraph 2 of the Consent Order dated 31 May 2024 insofar as it relates to the obligatory provision that the non-care parent is to have access during his or her non care week and that the Letter of 19 December 2024 specifically ensured that the parties could communicate on these matters. **[Item 6]**
- (v) The Father discussed with M adult matters of access and care and control unnecessarily and unilaterally causing her to experience confusion and an angry disposition towards the Mother. **[Item 7]**
- (vi) The Father misrepresented the content of the 19 December 2024 letter from MDM to M (albeit he never should have revealed this to her in the first place) causing her to become angry and resentful of the Mother calling her a liar, a gas lighter and a manipulator. He has done so whilst using language such as "*trapped, hostage and ransoming*" to describe the effect of resisting the LTR application and his refusal to undertake not to discuss adult issues with M.

[Item 8] Similar behaviour was displayed by the Father when he read paragraph 542 of the Mother's First Affidavit to M.

- (vii) The Father has repeatedly called the Mother a liar in the presence of M causing M to become alienated from the Mother. **[Item 9]**
- (viii) The Father has intentionally shared with M correspondence between attorneys for the purpose of convincing M of his point of view and "proving" to her his misguided belief that the Mother is a "*liar*". **[Item 10]**
- (ix) The Father becomes physically menacing and intimidating when the Mother or M do not agree to his demands including yelling at them and threatening to "*destroy*" the Mother. **[Item 11]**
- (x) The Father has taken active steps to alienate M from the Mother causing significant harm to M's disposition towards the Mother. **[Item 12]**
- (xi) The Father has actively created in impression in M that he and M are a team and that the Mother is not a member of that team and is not a "*team player*", creating an "*us against her*" mentality which has become extremely damaging to the relationship between the Mother and M. The Court also finds that the Father actively created and reinforced a dynamic in which he and M were aligned against the Mother. The "*Team Dad*" dynamic identified in the evidence is both clear and concerning as such a dynamic is inherently damaging. It undermines M's ability to maintain a balanced relationship with both parents and places her in a position of divided loyalty. **[Item 13]**
- (xii) The Father has berated the Mother and others verbally, often in the presence of M, has been physically aggressive by use of his physicality and has exerted financial control over her even to the extent of giving M the impression that the Mother "*owes him money*", has "*stolen money from daddy*" and is therefore a "*thief*" further negatively impacting the mother-child relationship. **[Item 14]**
- (xiii) The Father has engaged in or encouraged M to conduct online searches regarding a potential move to the United States in violation of the MOA and the Court Undertaking in a systematic and relentless course of conduct aimed to manipulate and influence and mold M's wishes as to where she will live. The Father has also permitted others to discuss these matters when she has been within earshot and listening to the conversation. **[Item 15]**

The Mother's description of the Father's behaviour as relentless is justified and accurate. The evidence demonstrates that matters were not left to rest but were pursued repeatedly until the Mother or M relented. The evidence establishes that M was exposed to repeated questioning, persuasion, and pressure. Ultimately, causing M frustration and emotional distress as M was placed in a position where she was required to engage with issues in circumstances where she lacked the maturity and emotional tools to do so. This is a hallmark of coercive conduct and in any event was conceded by the Father. **[Item 16]**

- (xiv) The Father systematically plays on M's emotions by presenting himself as "*poor me*" blaming the Mother for causing him unhappiness or harm (including suggesting that the Mother wants to "*put him in jail*" causing M to feel she must protect him or bend to his wishes so that he can be happy. This is a huge emotional weight placed on a young child particularly when the cause of the unhappiness is purportedly the Mother. **[Item 17]**
- (xv) The Father has leveraged M's welfare to obtain a "*leg up*" in the proceedings to the detriment to M's health and also to achieve his desires even in the face of stated opposition by the Mother. **[Item 18]**
- (xvi) Over the course of at least the last year, the Father has systematically caused the loving relationship between the Mother and M to be so negatively impacted that M is now resistant to the Mother and behaves in a rude and aggressive manner towards her for several days when she is returned to the Mother's care. **[Item 19]** Likewise, the negative impact on M has now extended to M's relationship with the Grandmother which has resulted in M being aggressive and using abusive language to her.
- (xvii) The totality of the behaviours displayed by the Father amount to abuse (emotionally and/or psychologically) of M whether or not each instance has been categorized as amounting to parental alienation. Moreover, in the instances of parental alienation, there was a clear aversion to having contact with the Mother by acting out in a very hostile manner towards her.
- (xviii) The Father engaged in a pattern of coercive and controlling behaviour rather than being limited to isolated incidents. It was a sustained course of conduct which included repeated attempts to override the Mother's decisions, persistent revisiting of issues after positions had been clearly stated, and a refusal to accept boundaries.

- (xix) The Father engaged in emotional and/or psychological manipulation of M. This included presenting himself as a victim of the Mother's actions and attributing his unhappiness to her conduct. In doing so, the Father placed upon M a sense of responsibility for his emotional wellbeing. The Court is satisfied that this constitutes inappropriate emotional and/or psychological burdening of M. A child should not be placed in a position where she feels required to protect or support a parent in relation to adult conflict.

109. In relation to the Conceded Allegations, the Court has taken into account not only the substance of those concessions but also the manner in which they arose and were previously categorized by the Father. It is of note that those items in the Father's Scott Schedule which overlapped with the Mother's allegations were, in large part, categorized by him as "not material" to the determination of sole custody, care and control, or the relocation application, and were instead said to be matters for consideration at a later welfare stage if required. In those circumstances, it is neither surprising nor persuasive that the Father ultimately conceded those same allegations when confronted with them in the Mother's Scott Schedule. The Court considers that this prior categorization undermines any suggestion that the concessions were made inadvertently or without understanding. Rather, it supports the conclusion that the Father appreciated the nature of the allegations but sought to minimize their significance, a position which he was unable to maintain under cross-examination.
110. Furthermore, the Court observes that the only matters identified by the Father in his Scott Schedule as requiring determination at the fact-finding stage were limited in scope and did not meaningfully engage with the broader pattern of conduct alleged by the Mother. Those issues, while not irrelevant, were comparatively narrow and did not address the central themes of coercive and controlling behaviour or the alleged alienating conduct. As such, even when taken at their highest, they do not materially detract from or undermine the findings reached by the Court on the evidence as a whole. This reinforces the conclusion that the Father's approach to the Scott Schedule was selective and, at times, strategically framed in a manner that did not fully reflect the substance of the issues requiring determination.
111. The Court has also considered in some detail the Father's interpretation of the Consent Order, particularly as it relates to his immigration status following the expiry of his DNP. The Father asserted that, upon expiry of the DNP, he was effectively present in Bermuda "illegally," and that this had implications for his ability to remain on the island and maintain contact with M. The Court finds that this interpretation is both unreasonable and unsupported by the evidence. It reflects a misunderstanding of the legal position and, more importantly, demonstrates a willingness to adopt an interpretation which serves to advance his position without proper regard to its accuracy or consequences.

112. Of particular concern is the fact that the Father communicated this interpretation directly to M. By doing so, he introduced into her understanding a narrative that if she remained in Bermuda, she might no longer be able to see her father. This was not only inaccurate but was also likely to cause significant emotional distress to a child of her age. While this conduct may not fall squarely within the strict definition of parental alienation, it nevertheless constitutes a form of emotional manipulation. The Court is satisfied that such statements were made with the effect, if not the intention, of influencing M's perception of her circumstances and encouraging her to favour relocation.
113. In addition to this, the Court is concerned that the Father created and reinforced an expectation in M that the outcome of these proceedings would be determined by her expressed wishes. By repeatedly engaging her in discussions about where she wanted to live and suggesting that her views would be determinative, the Father placed her in an inappropriate and emotionally burdensome position. A child of M's age should not be led to believe that she bears responsibility for decisions of such magnitude. This creates a risk that she may feel either responsible for the outcome or conflicted in her loyalties, both of which are detrimental to her emotional wellbeing.
114. The Court places significant weight on the timeline advanced by the Mother, which demonstrates that concerns regarding the Father's conduct arose well before the execution of the MOA and the giving of the Court Undertaking. The evidence establishes that these concerns were raised as early as December 2024 and continued through January 2025, ultimately resulting in the MOA and, thereafter, the Court Undertaking. Despite these formal agreements, the Father's conduct did not materially change. Instead, the evidence demonstrates a continued pattern of behaviour which disregarded agreed boundaries and failed to respect the purpose of those arrangements. This persistence is indicative of a lack of insight into the impact of his actions.
115. That lack of insight is further illustrated by the Father's own correspondence, including his email of 7 December 2024, in which he advocated for M to have "a seat at the table" in decisions concerning her living arrangements. While the Court accepts that it is appropriate to consider a child's wishes and feelings in an age-appropriate manner, the position advanced by the Father goes significantly further and reflects a fundamental misunderstanding of the appropriate role of a child in such decision-making processes. It is not appropriate to place a child in a position where she is effectively participating in or influencing contested parental decisions of this nature.
116. The Father's evidence that M has, from a young age, expressed a desire to return to the United States must therefore be considered within this broader context. The Court does not accept that such expressions can be viewed in isolation from the influence exerted upon her or the manner in which discussions about relocation have been conducted. Where a child is repeatedly exposed

to discussions, suggestions, and expectations of this nature, it becomes difficult to disentangle genuine preference from influenced or shaped views.

117. The Court also takes into account the Father's response when reminded of his obligation not to discuss these proceedings in M's presence, including the need to avoid conversations which might be overheard. His reaction, namely that such restrictions would result in his "isolation," is revealing. It demonstrates a focus on his own circumstances rather than on the protective purpose of the restriction, which is to shield M from exposure to adult conflict. This again underscores a lack of appreciation of the impact of his behaviour on the child.
118. Further, the Father's conduct in unilaterally raising issues such as travel arrangements with M, particularly during periods when she was in the Mother's care, is illustrative of a broader pattern of behaviour. This conduct had the effect of creating situations in which M would perceive that opportunities were being offered to her by the Father but denied by the Mother, thereby fostering resentment and conflict. The Court is satisfied that this was not incidental but formed part of a recurring pattern in which circumstances were created or manipulated in a manner that cast the Mother in a negative light.
119. Having regard to the totality of the evidence, the Court is satisfied that the cumulative effect of the Father's conduct is properly characterised as parental alienation. This is not based on any single incident, but rather on a sustained pattern of behaviour which has influenced M's perception of the Mother and undermined their relationship over time. The Court is therefore satisfied that the threshold for such a finding has been met on the balance of probabilities.
120. The Court accepts the Mother's evidence that there has been a noticeable and significant change in M's behaviour towards her, including increased resistance, oppositional conduct, and at times hostility. These changes are consistent with the impact of the behaviours identified and are supported by the broader evidential picture. The Court is satisfied that this represents a departure from the previously warm and positive relationship described in the evidence.
121. While the Court accepts that children of M's age may exhibit a range of behaviours associated with developmental changes, it does not accept the Father's submission that such factors alone account for the changes observed in this case. The evidence demonstrates a clear and compelling link between the Father's conduct and the behavioural changes in M. To attribute those changes solely to developmental factors would be to overlook the substantial body of evidence pointing to an alternative explanation.
122. The Court also notes that the Father's own affidavit evidence contains admissions that he has discussed the potential move to the United States with M. These admissions are inconsistent with his broader position and further support the findings made by the Court in relation to his involvement of M in adult matters.

123. In relation to the Committal Motion, the Court finds that the Father has breached the Court Undertaking. The terms of that undertaking were clear and unambiguous, and the Father was fully aware of his obligations. The evidence establishes that he continued to involve M in adult matters and failed to adhere to agreed communication boundaries. These breaches cannot be characterised as inadvertent or trivial; rather, they were deliberate and formed part of an ongoing pattern of conduct.
124. In those circumstances, the Court is satisfied, to the requisite criminal standard, that the Father is in contempt of court. This finding is made having regard to the established principle that a breach of an undertaking given to the Court is to be treated as a breach of a court order, and that such breaches must be taken seriously in order to uphold the authority of the Court. The Court has carefully considered whether it can have confidence in the Father's ability to comply with future orders, particularly those relating to restrictions on discussions with M. Having regard to his conduct throughout these proceedings, including his tendency to reinterpret or rationalise obligations in a manner favourable to himself, the Court has no such confidence. This lack of confidence is a material factor in determining the appropriate protective measures.
125. In light of these findings, the restriction of the Father's contact with M to supervised audio-visual communication is both necessary and proportionate. This measure is not punitive in nature but is designed to protect M from further exposure to inappropriate discussions and behaviours. It seeks to preserve the relationship between Father and child while ensuring that such contact takes place within a controlled and safe environment.
126. Strict compliance with these orders is essential. The Court emphasizes that such compliance is not merely a matter of legal obligation but is fundamental to safeguarding M's welfare. In addition, the importance of therapeutic support is underscored, as M has been exposed to relational dynamics which require careful and professional intervention in order to mitigate their impact and support her emotional development.
127. Finally, as it relates to costs, the Court awarded the Mother her costs in relation to both the fact-finding hearing as well as the Committal Motion based on the Father's litigation conduct. In particular, the Father's concessions to a significant portion of the allegations which he denied in his affidavit evidence. Moreover, as it relates to the Committal Motion, the Court is clear that the Father did not deny the breaches, but rather attempted to justify those breaches in the various ways set out above.

CONCLUDING REMARKS

128. This case has required careful and measured consideration of serious allegations arising in the context of significant and entrenched conflict between the parties. That task has been

undertaken with appropriate caution, bearing in mind both the gravity of the findings made and their potential consequences for the child and the wider conduct of these proceedings.

129. It is not in dispute that both parents love M and wish to play a meaningful role in her life. However, the Court is required to look beyond expressions of intent and to examine the manner in which parental behaviour is experienced by the child and the effect it has on her emotional wellbeing and developmental stability.
130. Having assessed the totality of the evidence, the Court is satisfied that the Father's conduct has had a harmful impact upon M. That conduct includes patterns of coercive and controlling behaviour and the fostering of relational dynamics that have undermined and destabilized M's relationship with the Mother. These behaviours have placed M in an inappropriate position and have exposed her to emotional pressures that she is not equipped to manage.
131. In light of those findings, the Court has taken protective steps to safeguard M and to stabilize her circumstances. The orders made are interim in nature and are carefully calibrated to address immediate risks while preserving the opportunity for therapeutic intervention, professional assessment, and further evaluation of longer-term arrangements.
132. The Court emphasizes that these measures are protective, not punitive. They are directed solely to promoting M's welfare and to creating a framework in which her relationships may be supported and, where possible, repaired. The Court expects that all future conduct by the parties will be guided by insight into the impact of their actions on M and by a commitment to acting in her best interests.
133. The matter will return for further review, at which stage the Court will consider progress made, compliance with the existing orders, and whether additional steps are required. In the interim, the paramount consideration remains M's welfare, which must prevail over all other interests.

DATED this **20th** day of **April 2026**



ALEXANDRA WHEATLEY
ASSISTANT JUSTICE OF THE SUPREME COURT