

CASE STUDY FOR RELOCATION OF CHILDREN PANEL SESSION

You are consulted by the Mother ("M") of three children who are boys, A aged 14 and B aged 10, and a girl, C aged 7. M wishes to relocate from your jurisdiction with the children to Riyadh, Saudi Arabia. She and the Father ("F") separated 9 months ago and M has formed a new relationship with D, a former professional footballer, who has been offered a position as head coach of Saudi Pro League club Al-Nassr. M and D's relationship is moving at a fast pace and they have talked about getting engaged and married shortly afterwards.

M tells you that her marriage to F broke down following a series of incidents over the last year when F had drunk an excessive amount of alcohol and was verbally and physically abusive towards her. At least two of these were witnessed by the children. F had been struggling with depression after he had had to retire from his long career as a professional show jumper due to injury.

M and F's oldest son, A, is a promising footballer and is playing for an academy team at a local professional club whereas their younger son, B is a talented tennis player. C is following in F's footsteps and loves horse riding.

A and B have close relationships with F and whilst they were reluctant to stay with him initially after the separation, they are now spending time with him regularly. They stay with him on alternate weekends (Friday to Sunday) and for longer periods during the holidays but do not spend time with him during the week due to their school and sporting commitments. C is very attached to M and tells M that she is scared of F. She spends time with F during the day on either Saturday or Sunday on the alternate weekends when her brothers stay with him for the weekend provided that F's parents are with F but she refuses to spend any time on her own with F or stay overnight.

A and B are excited about the prospect of moving to Saudi Arabia. Some of their friends have moved to the UAE with their families in the last couple of years and A has shown B many photos he sees of their friends on Instagram playing and watching sports there in the sunshine and enjoying the beaches and sea. It is A's dream to play for Al-Nassr like his hero Cristiano Ronaldo. They will miss F but say that they don't see why he can't spend lots of time there or even move to Saudi Arabia too.

F opposes M's proposed relocation. He says that M has made up her allegations of domestic abuse to try to damage the children's relationships with him. He says that she is angry because she found out that he had had an affair before their separation and she wants to go to Saudi Arabia to spite him. He could have the children living with him in your jurisdiction but there is no way that he can move from your jurisdiction or even spend lots of time away from there.

Questions for the panel:

1. How will the courts in your jurisdiction deal with M's allegations of domestic abuse, particularly in this context of a proposed relocation?
2. Which proposed destination countries/areas do the courts in your jurisdiction treat as 'dangerous'/less favourable than others? What safeguards may be considered by the courts in your jurisdiction to protect against any perceived difficulties on a relocation to 1 PERS/435139251/1 Topic Presented by 9 of 10 the Relocation Committee one of those destination countries? How are the courts in your jurisdiction likely to deal with a proposed relocation to Saudi Arabia?
3. How will the voices (or wishes and feelings) of the children be taken into account by the courts in your jurisdiction?
4. What alternative methods would there be in your jurisdiction to resolve this dispute, other than by a court application? Are any of these alternatives mandatory? What would be the advantages and disadvantages of using the alternative methods?