

A father's fight for justice



I punched my ex-wife in the face. In front of our two sons, aged five and seven at the time. This ugly incident took place in a public park. As well as my own kids, there were another dozen or so families frolicking about in the balmy summer evening's extended daylight. My actions brought their enjoyment to an abrupt halt.

At this point I should make it clear that I'm not a serial wife-beater: this was a one-off incident. I had become too frustrated with my ex-wife's flat refusal to discuss my access to the children. Not even the fact that I'd given up my job to become their primary carer is enough to change the conclusion I reached some time ago, that I was deservedly punished through the courts for my stupidity. The question is, on top of the confusion I inflicted on them, should my young sons have been further punished for my actions? Those who think not might consider how the courts could have better handled my case.

It took two years from the point my ex-wife (let's call her N) stopped me having access to the children, to the court granting me reasonable contact time. I believe there were six hearings during this period, before the family court ordered what amounted to a reversal of my ex-wife's unilateral decision. N had re-

Should fathers who commit domestic violence be allowed access to their children? A father convicted of assault argues the courts are not always making decisions that put the best interest of children first

fused to discuss the matter before the assault and stopped communicating with me altogether following it.

No matter what I said in court, what I wrote in half a dozen lengthy position statements, the family court was unmoved by a father's appeals to have anything like reasonable access to his biological children. By default, the court also prevented two young boys from seeing the father they adored. Eventually – and only after months of plea-bargaining – I was granted minimum contact with my children. By minimum, I mean two hours per fortnight, maximum. The vast majority of this time with my children was spent in a contact centre.

Losing my mind

During those two years I felt like I was losing my mind. In fact, for the first time in my life, I was diagnosed as suffering from depression. We can only guess how the children felt. While it's not possible to say whether it was

the enforced separation from me that affected them so badly, it is possible to say they were very badly affected. Their education suffered and they began getting into trouble at school. Now that he is able to opt in to the meetings I have with his brother, my eldest son prefers to opt out altogether.

He attributes the loss of his friends at school to the school itself. For this reason, he is moving school. After six years at the only primary school he's ever attended, my eldest son will start the new academic year at a new school. This is the year before he has to move on to secondary school. Reluctant though I was to grant him permission to change schools at this stage, I eventually agreed so there was one reason fewer he could blame me for his sadness. Even more reluctantly, I also granted his younger brother – who was, by this point, happy and thriving at the original school – to transfer to the new school.

As said, I believe my ex-wife and I endured six hearings in the family court. This was punctuated by three hearings in the court to

settle financial matters. In terms of finances, it's fair to say that her very experienced lawyer got the better of me: my financial situation at the time meant I was forced to represent myself. I left the court with none of my ex-wife's assets, despite her having taken half of mine following the sale of the former family home.

Few will be surprised to read our five-year marriage was contentious. From my recollection, our arguments began while we were cohabiting, before we were married. We both wanted a family and were delighted when she fell pregnant with our first child. She suffered with postnatal depression and, in retrospect, I wasn't particularly supportive towards her. I had no experience of depression and, in all honesty, found it a burden. Around this time she started asking about marriage. No matter how clear I was that I was in no hurry to get married, she continued to ask until I conceded.

We even argued the day before we got married. By this point our eldest was two years old and N was pregnant with our second child when we exchanged rings.

Arguments

Despite the arguments, I thought the fundamentals were in place. Eight years later, I was astonished to read in her court papers that N had gone to see a divorce lawyer as soon as we returned from our honeymoon. The other statements she made to the court contained so much information, it's very hard to believe she wasn't advised by her lawyer to record every detail of every argument and every phone call we had during the whole of our marriage.

Unbeknown to me, N had tried to serve me divorce papers after we split up, when I'd returned to my hometown to be among my family for a while. This was a dreadful period for me, during which I only saw the children I adored roughly once a month. Despite having given N two addresses for correspondence purposes, between her and her legal representative, investigations as to my whereabouts led to the divorce papers being sent to a completely erroneous address.

Never having received the divorce papers, and having remained in contact with N during this period, I thought there was one final

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glimpse of a rekindling of the relationship. We decided to spend Christmas together for the sake of the children. We had what I thought was a lovely time together. We certainly weren't back to our happiest, but we messed around together with the children, there was lovely food and the festivities were as family-focused as I could remember them ever being. The fact that we slept together convinced me N really did want to try and work things out.

I left the Christmas warmth behind and headed out into the dark winter evening to catch my train back to my home town. I almost jumped out of my skin when a stranger stepped out of the shadows at the station and addressed me by name. The man in question was a court process server. He handed me what turned out to be the divorce papers and walked away without another word. I'll never know if this was the motive behind me being invited to spend Christmas with the children. In the months that followed I would be made to pay N's legal fees, which had escalated since she was corresponding with me at an erroneous address and, of course, that process server's time had to be paid for.

Legal representation

After two years the family court set two days aside to settle matters concerning my contact with the children. From the outset, it was clear that my ex-wife was not prepared to argue her case in court, as she'd done during the previous hearings, to keep me and the children apart.

There's little doubt legal representation helped me greatly during the final hearing. Having recently secured employment, I was able to commission a barrister for the first time. She won me even better access to the children than I had sought two years earlier, when my ex-wife flatly refused to discuss my contact arrangements. For the first time since

the hearings had begun, N's solicitor wasn't able to blind me with legalese.

In the latter stages of those two years, my two hours per fortnight contact with my youngest son allowed me to rekindle the deeply loving relationship I have with him. Meanwhile, his older brother, whose teacher is on record as saying that he "adored his dad", remains completely disengaged. He aligns himself strongly with his mother who, according to Cafcass, "he feels the need to protect".

The court order states that I will see my youngest, eight-year-old child, on alternate weekends, from 6pm Fridays until 6pm Sundays. And that, "mother and father agree that further consideration will be given to additional midweek contact in six months". My youngest son and I will also enjoy reasonable holiday time together during the school breaks. I will have him for an additional day before or after the half-term weekends.

My eldest son is allowed to opt in to the same meetings whenever he chooses. Unfor-



tunately, for the moment, he seems unlikely to agree to see me again. He's struggled badly since the separation and was seeing the school mentor for pastoral care at what is now his former school.

I fully accept the punishment I received for my inappropriate actions. I also consider as inappropriate my ex-wife's actions to severely limit my access to the children. The wonderful time I'm having with my youngest child since access was awarded in court suggests he is not suffering ongoing consequences from his parents' inappropriate actions.

Unfortunately, as he remains disengaged, I'm not able to say the same for my eldest son.

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