

ENGLAND AND WALES / JUDGMENT

IJ v KL

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Case No: LE25P00045 Neutral Citation Number: [2026] EWFC 45 (B). IN THE FAMILY COURT SITTING AT LEICESTER CHILDREN ACT 1989 Before DEPUTY UPPER TRIBUNAL JUDGE RICHARDS SITTING AS A JUDGE OF THE FAMILY COURT Between IJ, the Mother And KL, the Father Heard on 13 February 2026

JUDGMENT

Appellant Respondent This judgment was given in private and a reporting restrictions order is in force. The judge gives permission for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of this judgment the anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media and legal bloggers, must ensure that this condition is strictly complied with. Failure to do so may be a contempt of court.

1. This is the final judgment in a case that centres on whether or not the subject child should be permanently removed from this jurisdiction to Spain. It is an example of identifying and weighing the relevant factors to consider in a case like this. Page 1
2. This case concerns the welfare of GH (age 10), the daughter of the applicant Mother and respondent Father.
3. The Mother has applied to the court for a Child Arrangement Order for GH to live with her and spend time with her Father, and also for a Specific Issue Order to permanently remove GH from the jurisdiction of England and Wales to Spain.
4. This is the public judgment issued in this case following the final hearing that took place in Leicester on 13 February 2026. Various details such as names have been anonymised so as to preserve the anonymity (including by jigsaw identification) of GH. A private version without anonymisation has also been issued to the parties. The decision to issue a public judgment was made on the Court's own volition, and there were no objections made to it by the parties.
5. These proceedings are conducted under the Children Act 1989 and I have reminded myself that GH's welfare is the Court's paramount consideration; that I should have regard to the Welfare Checklist; and that I should not make any order unless I consider doing so would be better for GH than making no order at all.

6. This is the first set of Family Court proceedings involving GH, who has also not been previously subject to any intervention or assessment by Cafcass or Social Services.
7. Proceedings were issued on 21 January 2025 when an Assistant Justices' Clerk refused the Mother's application for an urgent hearing and also for a MIAM exemption and adjourned the case. A further Order by an Assistant Justices' Clerk dated 8 May 2025 listed the case before a District Judge on 26 June 2025.
8. At that hearing DDJ Vickers directed a Section 7 report from Cafcass, along with other interim directions including that the parties complete a Parenting Together for Children course. The recitals to that order include the Father's undertaking not to use cannabis when caring for GH.
9. A Dispute Resolution Appointment took place before DJ Jeffers on 15 October 2025 whereby the Court determined that QLRs (Qualified Legal Representatives) were not required for the final hearing, that the parents shall communicate regarding GH's welfare using a parenting app, and that the parents will provide each other with the details of GH's travel, accommodation, and any person who would be caring for GH overnight. DJ Jeffers also directed the author of the Section 7 report to attend to give evidence at the final hearing, and for the Court to prepare the bundle.
10. The case came before me today listed for a 1-day final hearing, whereby I considered the bundle of 159 pages and heard submissions from both parties, along with evidence of the author of the Section 7 report. The Mother was supported by a McKensie friend, and the Father had the benefit of an interpreter.
11. The submissions are recorded on the audio recording of the hearing and so I am not repeating there here.
12. In essence the view of the Mother is that GH's welfare would be best served by her moving to Spain permanently, and spending time with her Father in the school holidays, and on some weekends when she can travel back to the UK or her Father can travel to Spain. The Mother said that if the Court orders this, she will move to a new apartment closer to her workplace, secure a property where GH could have her own bedroom, buy a car to help with transport, enrol GH in a local Spanish school with wrap-around care, and provide her with additional tutoring in the Spanish language. She would also seek to bring GH back to the UK to see her Father one weekend a month. Page 2
13. The view of the Father is that GH's welfare would be best served by her remaining in the UK living with him and not moving to Spain. He thinks that GH should see her Mother when her Mother is able to visit the UK, and also to have extended time with her during the school holidays.

14. Both parents' view is that they can communicate via normal means, such as by telephone, and do not need to use a parenting app. They both state that they want GH to have a full and loving relationship with the other parent.
15. Firstly I think it is important for me to say that I recognise that both parties love GH very much.
16. That being said, they clearly have a fundamental disagreement about the long-term residence of GH. The crux of this case is which of two options the Court should decide. The Mother's preferred option is for GH to permanently move from living with her Father in England to living with her Mother in Spain. The Father's preferred option is for GH to remain living in England with him.
17. In my judgment it is better for GH for an order to be made today than for the Court to make no order. Both parents have a fundamental disagreement about which country GH should live in and GH requires the certainty of a decision, and I am satisfied that in this case it requires an order of the Family Court to provide this.
18. GH has had many positive experiences in her life to date and I was pleased to read and hear about many of these good things. She does not have any significant particular educational, physical, health, or emotional needs apart from those that are typical for a 10-year-old girl. She has lived all her life in the UK, and her parents are from two different non-UK European countries. She speaks English and two other European languages, although not Spanish. She is currently in the final year of her primary school education and thus is due to move to secondary school in September of this year.
19. Both parents and the Cafcass officer agree that if there is to be a move of country for GH, that it should take place this summer in preparation for the new school year in September.
20. It is accepted by both parents that each parent is capable of meeting the needs of GH, and each parent accept that it is important for GH to have the input and care of the other parent as much as is reasonably feasibly possible.
21. The Cafcass officer said in her report, and repeated in her evidence today, that she recommends that the Court make a Child Arrangement Order determining that GH lives with her Father in the UK and spends time with her Mother both in the UK and in Spain for visits.
22. I am not bound to follow the advice of Cafcass, I should however take it into account when making my decision, and if I do depart from its recommendations, I should give reasons for doing so. When assessing the weight I give to the Cafcass report, I take due notice of the fact that it is written by an independent specialist in child welfare who has had the benefit of meeting GH, and making a number of enquiries and interviews, prior to writing her report.

23. I find as fact, on the basis of the evidence of the Cafcass officer and witness statements of both parents, that GH has not expressed a consistent and stable view on which country she wants to live in. In any event, as a girl of 10 years of age, she has only limited insight into what is in her own best interests. She has however expressed a wish to be with both her parents as much as possible and values her relationship dearly with each parent.
24. I further find as fact that GH has experienced emotional harm when her Mother moved to Spain for several months in 2023, and again putatively permanently in March 2025. I accept that when the Mother moved to Spain for several months in 2023 she had thought that GH would move to Spain shortly after, but that thinking does not significantly negate the impact on the emotional Page 3 wellbeing of an 8-year old young girl who was physically separated from her Mother for much of that period of time.
25. At the time of this hearing, the Mother has now been living in Spain for 11 months. I find that this move resulting in the separation of Mother and daughter has caused emotional harm to GH that was avoidable. In making the decision to leave GH and move to Spain, in my judgment the Mother was not prioritising the welfare of GH. There were other options available to her that did not require this separation – such as applying for a Court order to remove GH to Spain whilst continuing to live in the UK and thus to be in her day-to-day life whilst Court proceedings were ongoing.
26. Despite the Mother having lived in Spain for the last 11 months, she has not been able to provide the Court with a firm plan for what GH's life would look like if the Court authorised her permanent relocation. The Mother accepts that she would need to relocate to a new property large enough for GH to have her own bedroom and to be closer to her workplace. But there are no potential properties identified, indeed no particular area of the city she currently lives near or the surrounding settlements have been identified. The Mother asserts that she would enrol her in a local school but has provided no details of which school she wants to enrol her in, and there is no confirmation from any such school that they would admit her. Similarly she asserts that she has made enquiries as to additional language tuition and wrap-around care that could be provided, but these too I find are lacking in particularisation and evidential support. A new larger apartment, car purchase, wrap-around care, and frequent trips back to the UK are all things that incur a financial cost, and whilst the Mother asserts that she can afford all of this, there is no supporting evidence to justify this assertion.
27. In Spain, the Mother has the support of her partner – an individual who has no particular childcare expertise not having children of his own – and also the support she says of friends and neighbours. There are witness statements in the bundle that accord with this. However this support has limitations. The girl of a similar age to GH who is said to get along well with her does not speak the same language as her, and given the Mother's proposal to move to a different neighbourhood, any existing neighbours will no longer be neighbours. The Mother does not have any family support of her own in Spain and the reality is, given that the Mother works effectively full-time albeit with an employer who can be flexible with timings,

that it will be difficult for the Mother to find childcare with people that GH knows and trusts in the short and medium term.

28. I accept that GH has above-average language acquisition skills, being currently trilingual, and I also accept that Spanish is a Romance language with similarities to one of the other languages which she already speaks. However it remains a fact that GH currently does not speak Spanish, and at the age of 10 it is likely that she can acquire new language skills easier than she would as an adult but harder than she would if she were starting at an earlier age. I further accept that if she was immersed in the Spanish language by living there, that she has the ability to acquire language skills over time.
29. However I find that language is a significant obstacle to GH relocating to Spain safely and well. For a period of time, potentially an extended period of time over the timeframe of years, she will not have a good or fluent grasp of the Spanish language. She will not easily be able to communicate with others in her school and neighbourhood, it will be challenging for her to navigate transport systems and enjoy entertainment and activities in the local language. Her education at school I find will be negatively impacted by the necessity of having to acquire another language to fully take part in school.
30. GH is a British citizen who has lived all her life in the UK. She does dual European heritage but has no existing Spanish heritage and a move there would be a significant cultural change as well as a change in other ways. Page 4
31. It is correct that I am concerned with GH's long-term as well as short-term welfare. It is also correct that over time if she moved to Spain, GH would likely be able to assimilate more than she would over a shorter time. In my judgment however, it would take a long time for this assimilation to happen, and it would also necessitate a great reduction in her ties with her friends and life in the UK, as well as a very significant reduction in the time she spends with her Father.
32. There have been assertions made today by Mother than GH moving to Spain would be safer for her than remaining in a city in the Midlands of England. I reject these assertions on the basis that she has not provided evidence of the safety she says is present in Spain, and whilst she asserts there is danger in the city in the Midlands of England, the evidence before me is that GH has not experienced significant adverse safety incidents in the UK, and the evidence of the Cafcass officer is that GH is safe and well living with her Father.
33. Although the precise facts are disputed between the parties, the incident that took place in the summer of 2025 when GH woke up in Spain and thought she was alone, was scared and responded by calling her Father in the UK is illustrative both of the risks that may exist in Spain with regard to childcare (and it is of note that GH told the Cafcass officer that she did not know the name of the man that was supposed to be looking after her), and also of how she responds when scared – i.e. by phoning her Father, from which I deduce that she sees him as a source of safety and comfort.

34. In my judgment I also put weight on the evidence gathered from the school, which essentially says that GH is doing well and they have no concerns about her. This in my judgment is good evidence of the standard of parenting that is currently being offered to GH by her Father. If the Mother's assertions were true, for example with regard to GH's personal hygiene and lateness to school, I would expect these to be reflected in the evidence from the school. They are not, and thus I find that the Father is meeting GH's health and educational needs well.
35. It is clear to me that these Court proceedings have been destabilising to GH and have caused her emotional harm. I find that it has put her in a difficult position where she has felt torn between the views of her two parents and under pressure to keep happy each parent as she loves them both. I accept that neither of you intended this harm to occur, nevertheless it has. And the longer the uncertainty continues, the longer the harm will go on and it has the potential to have a greater negative cumulative impact on GH over time.
36. In the next few years GH will go through a lot of changes and challenges that are purely a result of her age. For her to navigate these well and develop a strong and stable platform for her emerging adulthood and independence, she will need consistent harmonious and loving parenting. Her needs require the uncertainty of her living arrangements to stop.
37. I have paid anxious scrutiny to the evidence and submissions of both parties. I have also weighed carefully the evidence of the Cafcass officer and have not accepted it merely as a default position. However I am in no doubt that the primary recommendation of the Cafcass officer is correct. It is in GH's best interests, both short and long term, to remain living here in the UK and not to relocate to Spain.
38. Whilst I appreciate that this decision is not what the Mother wanted to hear, it is nevertheless the one that I must come to on the basis of the evidence before me.
39. I find that GH would struggle to relocate to Spain, to an unspecified apartment in an unspecified location, to go to a school where she knows no-one and doesn't speak the language, and to lose so many of her existing important ties, not least to her Father. Page 5
40. I therefore make a final order today that is a Child Arrangement Order stating that GH will live with her Father here in the UK, and refuse the Specific Issue Order application from Mother.
41. The Order also allows the Mother to take GH to a country subject to the Hague Convention (which includes both Spain and the Mother's country of origin) for a period of up to 42 days.
42. The Order does not record specific times and durations for contact between GH and her Mother because both parties have said that they are able to negotiate and communicate these between themselves. It is the expectation of the Court that GH will have a substantial amount of contact with her Mother, as circumstances allow, as that is in GH's best interests.

43. I am recording on the Order that both parents do not need to communicate via a parenting app and I am discharging paragraph 6 of the Order of DJ Jeffers of 15 October 2025 in relation to the parenting app.
44. Paragraph 5 of that order remains in force and is repeated in today's Order, namely that the parents shall each ensure they provide the other with all travel and accommodation details when GH moves between countries, including the details of any people who will be caring for GH overnight.
45. Now that this decision has been made, GH really needs both of you parents to help make it work so she can have as full a relationship as possible with both parents. This includes both of you improving your communication with each other so you can ensure that GH spends significant quality time with her Mother – whether that is in the UK or Spain – and also via electronic communication such as video calls. She needs both of you to navigate the rest of her childhood and ensure it is filled with as much joy and goodness as possible. These formative years are crucial for her wellbeing not just now, but extending long into her adult life. You have both told me today that you love her and are committed to her wellbeing. One day when she is older, GH may well read this judgment and the commitments to her that you are giving. I hope that she will be able to reflect on her tween and teenage years with much satisfaction at the life she has been able to have with each of you. This is the end of my judgment, and it is for you now to make it work in GH's best interests. Page 6
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