

Hannah's story

Family background:

This case study involves the mother Hannah and father Jeremy and child Natalie. Hannah is dual nationality British/Australian and Jeremy is British. Natalie is British/Australian and was born in the U.K in 2012. The parents met in 2011 in Wales when Hannah arrived from Australia.

Before the initial move:

Before the move to the U.K Hannah did not know about the law on habitual residence, relocation and abduction. Hannah said "I knew absolutely nothing concerning the law - I would have just assumed that as my child was British/Australian then of course [the child] could live in Australia as long as the dad agreed"

About the relationship breakdown:

The parent's relationship began to breakdown in 2012. Hannah described there being, "lots and lots of abuse from the beginning but I stayed because I was pregnant." In December, Hannah left the family home and went to Women's Aid.

From 2011 Hannah described incidents of domestic abuse perpetrated by Jeremy involving: financial, psychological abuse and coercive control. Actions included bringing dangerous people into the house (some of his friends were registered sex offenders). In one incident in December Hannah asked Jeremy for help when Natalie was 8 weeks old. Jeremy proceeded to punch himself in the head, punched a wall and lunged at Natalie in her baby carrier.

Hannah did not go to the Police but she told the Midwife about her ordeal.

Hannah said she felt 'very very isolated' Hannah details how her midwife was her only port of call. The midwife reassured Hannah and insisted that she herself would ring Women's Aid on Hannah's behalf. Hannah ran away to London from Cardiff where she gave birth to her daughter (Natalie).

After the relationship breakdown

After the relationship breakdown, in 2012, Hannah wanted to go back to the state she considers her home country (Australia) to live with her child Natalie. Hannah was granted two-months holiday to Australia by the court (September-November 2013). Another 6 weeks holiday was granted in October- November 2015. Following which Hannah 'voluntarily returned' to Wales with Natalie after she had retained Natalie in Australia. In the following years the abuse and drinking by father got worse

and by 2013 Hannah had decided that she wished to return to Australia permanently. Hannah and her daughter fled to Australia in October 2016.

The reason she wanted to return to 'home country' was a result of the worsening behaviour of the father and the financial stability offered by better job prospects in Australia. Furthermore, Hannah felt increasingly isolated and wished for the support of her family (all of whom lived in Australia). Hannah told the interviewer that Natalie had been much happier and settled when they had been in Australia. Upon returning, the child would tell Hannah that her 'head hurt' when she spent time with her father, she did not eat much and was prone to screaming which was uncharacteristic behaviour.

Hannah was eligible for social welfare support in the country of the child's habitual residence. However, as she 'ran-away' for 7 months the authorities told Hannah she was not 'habitually resident' in the U.K. It seemed to Hannah therefore, that one part of the English apparatus did not deem her to be habitually resident in the U.K. Whilst the Family Court used this habitual residence to prevent her return to Australia. Hannah explains that the dissonance between the two authorities was frustrating.

After the relationship breakdown the mother's residence / immigration status was settled as Hannah is a dual-citizen.

Relocation / Leave to Remove:

After the Voluntary Return from Australia, Hannah did apply for a relocation/leave to remove order three times.

Hannah was not permitted to have legal aid - the cost to Hannah are upwards of £60,000. Each time the relocation process took a year and a half. Hannah told the interviewer that, 'we have been in Court since my daughter was 8 months old and the last court date was September 2018 so she was almost 6, so we've been in Court basically non-stop for 6 years almost.'

Mediation was insisted on twice, both times Hannah concurs that she did not attend. Hannah explains that she did not feel it was appropriate. One of the mediation sessions was organised a short distance from Hannah's work and the other was to be conducted when Natalie was very young and Hannah would have had to take her to the session. On accounts of father's behaviour Hannah deemed this to be entirely unsafe and did not attend.

Jeremy was eligible for legal aid whilst Hannah was not. None of Hannah's accrued evidence from Women's Aid and her daughter's disclosure of abuse at the hands of Jeremy were used to adduce that Hannah's case presented one of domestic abuse.

Longer term outcomes? None of these relocation applications were successful. The impact on Hannah and her Child is the following; Hannah tells us that she cannot leave the country for more than 2 weeks without the Court's permission and without



GlobalARRK

Global Action on Relocation and Return with Kids

UK Registered Charity Number 1170455

disclosing a full-itinerary to former partner Jeremy. Hannah explains that both her and Natalie's passports were held for long periods of time - 1.5 years.

Hague Convention Experience:

The mother 'took' the child to Australia in October 2016.

She said she left with the child because

- Despite disclosure of abuse to the Court it was insisted upon that Natalie was to have unsupervised and have stay-in contact with her father. The first time Natalie came back from one of these visits she told her mother that her father had hurt her.
- After this occasion, Hannah called up NSPCC and they said there was little that could be done. Natalie would need to keep visiting her father as per the Court Order.
- Hannah did not call the Police as the Judge had warned her that if she made further complaints there would be heavy sanctions and she may go to prison.
- In October Natalie and Hannah left for an approved holiday to Australia (6 weeks). It was during this time that Natalie disclosed further details of the abuse which were of such a nature that *Hannah* made the decision that she would not return to the U.K with Natalie.

In taking the child Hannah was partially aware of the relevant laws governing the removal of children. Hannah remembers that the Judge had spoken of Article 13(b) and Domestic Abuse. Furthermore, Hannah was under the impression that as Jeremy had not made contact with them for a few months that he had acquiesced to their moving abroad.

The father made a Hague application (unknown which one specifically) to the central authority in U.K country in April 2017.

The mother did not have access to legal aid in Australia.

The mother did not mount any defences not to return on account of the advice of her legal representative. Hannah did say she would willingly return if some recognition was made as regards the domestic and child abuse, the Court did alert the U.K authorities. Hannah voluntarily returned with Natalie and proceedings ended in March 2018.

No undertakings were made.

About the return:

On 31st May 2017 the child returned with Hannah to England.

When they returned, Hannah and Natalie were homeless. Hannah had approximately £1,000. Speaking of her return Hannah details that,

"we were stuck in a one bedroom motel...just stuck there and it had nothing, we had one bag of stuff. I had to try to do it all again and I had run out of fight by then."



GlobalARRK

Global Action on Relocation and Return with Kids

UK Registered Charity Number 1170455

Hannah took the initiative to call every single charity she could for help (Victim Support, Action for Children, Women's Aid). Hannah hailed the support and advice of these charities and suggested that a list of charities should be provided to all mothers who find themselves in a difficult situation upon return.

Hannah was not subject to criminal proceedings in the country of habitual residence (England).

There was no maintenance being paid by Jeremy. The child was made a ward of court a week after return.

The long-term effects for mother and child: Hannah speaks of the emotional effects that the Hague proceeding have had on both herself and Natalie. From a financial perspective Hannah would not have been able to cope without the financial help of friends in Australia. Hannah is now in massive financial debt.

Hannah lives with Natalie in a counsel house, she cannot work proper hours because of childcare and is therefore reliant on universal credit. Hannah tells the interviewer that she cannot go out of the country, and that both herself and her daughter still have to see *Jeremy* which is 'traumatising my daughter.'