



In The Supreme Court of Bermuda

CIVIL JURISDICTION

2024: No. 8

IN THE MATTER OF SECTIONS 12 AND 22 OF THE MINORS ACT 1950
AND IN THE MATTER OF Z (A MINOR)

BETWEEN:

FATHER

Applicant/Father

-and-

MOTHER

Respondent/Mother

RULING

Before: Hon. Alexandra Wheatley, Acting Justice

Appearances: Sarah Bailey-Munroe of Richards Limited, for the Applicant/Father
Victoria Stephens of Marshall Diel & Myers Limited, for the Respondent/Mother

Dates of Hearing: 3 and 4 June 2025

Date Submissions Filed: 6 June 2025

Date Draft Ruling Circulated: 18 July 2025

Date of Ruling: 22 July 2025

RULING of Hon. Alexandra Wheatley, Acting Justice

INTRODUCTION

1. The Father of the six-year-old child (hereinafter referred to as **Z**) in this case filed an originating application on 12 January 2024 (**the Father's Application**), *inter alia*, seeking the following relief:
 - (i) Joint custody of Z who was born on 16 September 2018.
 - (ii) Shared care and control of Z alternating on a weekly basis with handovers on Mondays.
 - (iii) Z be prohibited from being removed from Bermuda.
2. On 14 March 2024 the Mother filed her own application (**the Mother's Relocation Application**) in relation to Z seeking orders for sole custody and sole care and control as well as leave to remove Z from Bermuda to reside with her in the UK. Subsequently, the Mother's Application was adjourned *sine die* in relation to permission to relocate Z overseas to reside with her and thereafter was reinstated. At the hearing, the Mother confirmed that she was now agreeable for there to be joint custody of Z, therefore, she would no longer be seeking an order for sole custody.
3. The Father's Application and the Mother's Relocation Application were consolidated by way of a consent order dated 15 April 2024. These applications shall hereinafter be collectively referred to as the **Care Applications**.
4. The issue of interim access was heard by the Court on 4 September 2024 with the decision being handed down on 10 September 2024 (**Interim Ruling**).
5. The evidence adduced and relied on by the parties for this hearing is as follows:
 - (i) The Father's affidavit sworn on 11 March 2024 (**Father's First Affidavit**).
 - (ii) The Mother's affidavit sworn on 29 April 2024 (**Mother's First Affidavit**).
 - (iii) The Father's affidavit sworn on 24 June 2024 (**Father's Second Affidavit**).

- (iv) The Mother's affidavit sworn on 7 October 2024 (**Mother's Second Affidavit**).
 - (v) The Father's affidavit sworn on 28 November 2024 (**Father's Third Affidavit**).
 - (vi) The Mother's affidavit sworn on 20 January 2025 (**Mother's Third Affidavit**).
 - (vii) A Social Inquiry Report dated 17 May 2024 (**2024 SIR**).
 - (viii) A Social Inquiry Report dated 11 February 2025 (**2025 SIR**) which was specifically completed for the purpose of addressing the issue of Z being permanently being removed from the jurisdiction.
6. Both parties attended the hearing and provided *viva voce* updating evidence and were each cross-examined by opposing counsel. The Court Appointed Social Worker, Mr Sijan Caisey (**CASW**), also attended and was cross-examined by both Counsel.

INDEPENDENT EVIDENCE

7. The CASW gave the following observations and recommendations in relation to the custody of Z in the 2025 SIR:

Custody

The significant co-parenting and communication difficulties persist. Despite recommendations being made to assist and alleviate these difficulties, no attempt or effort has been made on either side to mitigate the present issues.

Neither parent has presented a threat to the best interest of the child. However, there does appear to be a distraction from the well-being of [Z] and a focus on their parental (support system) conflict instead.

Notwithstanding, both parents have indicated that they wish to maintain Joint Custody. Therefore, this office makes no recommendation to alter the present arrangement."

8. The 2025 SIR makes the following recommendations in relation to Z's care and control and in respect of the Mother's Relocation Application:

Care & Control

Regarding Care & Control, there have reportedly been no changes, both parents and their respective households have reportedly maintained all of the necessities required to care for [Z].

As per the SIR dated 17 May 2024,

“The main challenge appears to stem from several years of diminishing positive communication and increasing tension between the parents and their supports. To mitigate this, this writer has spoken in-depth with the parents about the importance of positive communication and has suggested alternatives when encountering hiccups or stumbling blocks. The importance of individual counselling was further discussed with the parents as a therapeutic space to express their feelings and concerns when they become overwhelmed. This, along with the opportunity to attend Co-Parenting and Mediation, it is believed will significantly benefit the parents in their co-parenting journey.”

Removal From Jurisdiction

Without the benefit of additional professional, objective feedback regarding,

1. The state of the co-parenting relationship,
2. Whether alternatives to co-parenting are more viable at this time;
3. Whether the mental/emotional state of the child can cope with being severed/removed from a caregiver long-term;
4. Whether the parents can work together effectively and responsibly without Court/legal intervention.

This office maintains that it cannot justify making recommendations regarding the application to remove.

For avoidance of doubt, this Office does not support disrupting [Z]'s academic school year, so close to the end of the academic term, for the purpose of non-essential relocation. There are emotional impact implications, such as resistance to change and adjustment time period to consider; Social considerations like friendships and new social/cultural dynamics; and Academic considerations like curriculum differences or changes in extracurricular activities to consider.

At best, should the Court grant the application to remove, it is suggested that [Z] complete the remainder of the school year/term to avoid potential disruption, as described above.

Support Systems

As per the SIR dated 17 May 2024,

'While the relationship tensions and difficulties between the parents may decrease or be resolved over time with the assistance of therapeutic intervention, it cannot be assumed that external parties to the matter will reach the same resolution at the same time, if ever. As a source of seemingly great tension, the tenuous relationship between [the Father] and [the Mother]'s partner poses to undermine any therapeutic progress made. Unfortunately, this office cannot justifiably offer recommendations for extraneous parties to seek therapeutic intervention. However, both parents are not just encouraged, but empowered to seek support in navigating

difficult relationships with individuals who have intimate knowledge of their relationship dynamics.

With their commitment and cooperation alongside their respective support systems, the therapeutic interventions below are anticipated to satisfy [Z]'s best interest and well-being. [Emphasis added]

9. In addition to the above, therapeutic interventions were also recommended for the family which are summarized as follows:
- (i) Z should receive individual counselling to address the present family dynamics. It is also encouraged for Z to participate in Family Therapy (Parent/Child Therapy).
 - (ii) Both parents should obtain individual counselling which should specifically be focused on the “present discord/dynamics” as well as how best to support Z.
 - (iii) In the event that Z relocates with the Mother, the parents should obtain advice from a therapeutic agency on how best to facilitate and maintain her long-distance relationships prior to her removal.

THE LAW

10. This Court derives its jurisdiction pursuant to section 12 of the Minors Act 1950 (**the Act**), the Court has the power to grant orders in relation to access as the court may think fit. In making its decision, the court must have “*regard to the welfare of the minor and to the conduct and to the wishes or representations of either parent*”. Section 6 of the Act provides that the court must “*regard the welfare of the minor as the first and paramount consideration*”.
11. In the UK, there is also a statutory obligation set out in section 1 of the Children Act 1989 for the child’s welfare to be “*the court’s paramount consideration*”. Section 1(3) of the UK Act provides a ‘welfare checklist’ requiring the court to consider those factors in deciding with the minor’s welfare being paramount (**UK Welfare Checklist**). Section 1(3) of the UK Act provides as follows:

“In the circumstances mentioned in subsection (4), a court shall have regard in particular to:

- (a) the ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding);*
- (b) his physical, emotional and educational needs;*

- (c) *the likely effect on him of any change in his circumstances;*
- (d) *his age, sex, background and any characteristics of his which the court considers relevant;*
- (e) *any harm which he has suffered or is at risk of suffering;*
- (f) *how capable each of his parents, and any other person in relation to whom the court considers the question to be relevant, is of meeting his needs;*
- (g) *the range of powers available to the court under this Act in the proceedings in question.”*

12. It is now trite law in Bermuda that whilst not bound to follow the UK Welfare Checklist, it has been deemed by the Courts to be a useful tool to apply in child cases. This is accepted by both Counsel.

THE PARTIES' POSITIONS

The Father

13. The Father's proposal is that Z should remain in his care in Bermuda. It is submitted that if Z remains in the jurisdiction, then so will the Mother. In those circumstances, the Father would propose that her time is divided equally between the households as proposed by Mr. Caisey.
14. In the event that the Mother relocates without Z, the Father proposes that Z remain in his care, with generous contact to the Mother. As a minimum, the Father would ensure that Z is available to travel to visit the Mother during all school holidays, with Christmas being divided equally in Bermuda or alternated. The access proposals are as follows:
- (a) Daily virtual access.
 - (b) One week of access per two-week visit when the Mother returns to Bermuda.
 - (c) Christmas – either sharing Christmas Day if in Bermuda, or alternating Christmases to enable Z to travel to the UK for Christmas.
 - (d) Easter break – The Mother can have the entire break with Z if the Mother travels to Bermuda or Z can travel to the UK for the break subject to Z returning to Bermuda two days prior to school commencing to adjust to the time difference.
 - (e) Summer break – Z can visit the Mother in the UK or if the Mother is in Bermuda,

Z can reside with the Mother and have alternating weekend access with the Father.

The Mother

15. The Mother's position is that she seeks permission from the Court to relocate Z back to the UK. She has indicated that the motivation behind this proposal is rooted in what she believes, as Z's primary carer, are her daughter's best interests. Cognizant that the move would result in a change of access for the Father, she would promote the following access to the Father to ensure that any disruption to Z's relationship with him is as minimal as possible:

- (a) One day of Cup Match through August 27th 2025 for summer 2025 access (with the invitation to the Father to fly to the UK with Z to attend her first day of school to assist with the transition)
- (b) October half term
- (c) Christmas breaks be alternated with the Father having Christmas 2025
- (d) February half term
- (e) Easter half term
- (f) May mid-term break
- (g) Summer break (from when school breaks out in July until the start of the fall school term).
- (h) Virtual access for a minimum of four times each week.
- (i) In the event the Father wishes to travel to the UK, the Mother will facilitate additional access for the Father outside of the proposed schedule subject to the Father providing the Mother with notice of the intended trip.

THE PARTIES' EVIDENCE

16. On behalf of the Mother, it was submitted that her application to relocate is not motivated by any improper purpose, nor is it intended to obstruct or frustrate Z's relationship with her father. Counsel contended that Z was born in the UK and spent a meaningful portion of her early life there; the move would therefore represent a return to a familiar environment. The relocation would also reinforce Z's maternal family ties and preserve her bond with her half-siblings—relationships described as among the most enduring in a child's life. It was further submitted

that the Mother's proposal preserves the essence of the status quo by allowing the Father to maintain a significant role in Z's life during extended holiday periods. This approach, it was argued, would avoid the more disruptive alternative of Z being placed in the Father's primary care.

17. In contrast, Ms Bailey-Munroe, on behalf of the Father, argued that the Mother's application lacks both genuine motivation and proper planning. The proposed move to Pudsey was described as speculative, given that the Mother has never visited the area and intends to resume academic studies that have been deferred for several years. It was submitted that the relocation plan did not stem from a longstanding intention to return to the UK but rather appeared reactionary—prompted by the Father's efforts to assert his parental rights and secure consistent contact. Counsel for the Father contended that the timing of the application strongly suggests it was designed to circumvent his involvement in important decisions regarding Z.
18. Counsel for the Father submitted that, should Z remain in Bermuda, she would benefit from the comparatively longer summer holidays offered by the Bermuda school system, thereby facilitating extended and meaningful contact with the Mother during school breaks. It was further noted that the Mother is not currently employed and has no imminent plans to return to work, allowing her significant flexibility to travel and spend time with Z both during term time and holidays. Additionally, the Mother has a history of returning to Bermuda to visit extended family, which would naturally support additional in-person contact with Z, which the Father expressed willingness to accommodate.
19. It was submitted on behalf of the Father that his proposal involves the least amount of disruption to Z's current circumstances. Although it would require a shift in primary residence, Z already spends substantial time in her father's care. She would remain in one of her established homes, continue attending her current school, and retain access to her existing support network. Counsel acknowledged the potential for an adjustment period but argued that such a transition would occur regardless of which parent is granted primary care. Any short-term disruption, it was contended, would be outweighed by the long-term benefits of preserving Z's relationship with both parents.
20. Each of the factors of the UK Welfare Checklist will be addressed individually below.

The ascertainable wishes and feelings of Z (considered in the light of Z's age and understanding)

21. Ms Stephens reminds the Court that when the CASW spoke to Z in February 2025 the six-year-old "*did not voice any opposition*" to the Leeds relocation; instead, she was animated about a *new bedroom*, being near her maternal grandmother and keeping her two baby brothers with her. The Mother points out that the child has successfully used FaceTime with her Father

since toddlerhood, so plentiful virtual contact will preserve the bond. Weight is limited by age, yet the absence of resistance—and her stated wish that both parents “*live happy not angry*” together—supports continuity under the primary carer.

22. Ms Bailey-Munroe relies on the *earlier* May 2024 interview, in which Z emphatically preferred to “*stay in Bermuda and see Daddy more*”. The CASW recorded those wishes as “genuine” and uncoached. Counsel argues that the subsequent hesitation tracks a period when the child was exposed to adult dispute and gifts promised for England (e.g. “pink bunk-bed and desk”), suggesting a conflicted rather than a free choice. She urges the Court to treat the first account as the more reliable expression of the child’s autonomous wishes, especially bearing in mind her stated fear that “*Daddy will be sad*” if she leaves.

Z’s physical, emotional and educational needs

23. Counsel for the Mother cited *H and B v S (Relocation) [2024] EWHC 730 (Fam)* and related authorities to remind the Court that judicial discretion must prevail over professional recommendations where those recommendations lack balance. It was submitted that both the 2024 SIR and the 2025 SIR was neither comprehensive nor impartial, particularly in its failure to address the Mother’s care plan.
24. For the Mother, Ms Stephens sketches a “wrap-around” package: a newly built five-bedroom house in Pudsey—each child has a private room and garden space—plus NHS healthcare, a counsellor embedded in Greenhill Primary (OFSTED “Good”) and a pre-arranged staggered entry so Z can attend the last two weeks of the UK summer term to make friends before September. Financially, the move is under-pinned by £96 000 in fiancé and family savings and a confirmed £30 000 vehicle sale; Mother will resume her suspended business-management degree once the youngest child enters nursery, improving long-term income.
25. The Father’s case centres on emotional security. Ms Bailey-Munroe highlights the CASW’s “high concern” that Z has already been exposed to adult hostility and may be at risk of *alienation* in the Mother’s household. Local therapy at Solstice has been approved and can be covered under Father’s major medical insurance policy; dismantling that therapeutic plan, removing Z from St David’s Primary (where she is “*thriving socially and academically*”) and imposing a time-zone gap will jeopardise progress. Counsel also stresses practicalities: the Father’s flexible civil-service post allows daily school runs and homework supervision, whereas Mother’s plan rests on future studies, finite savings and potential UK counselling wait-lists.

The likely effect on Z of any change in Z’s circumstances

26. Ms Stephens frames relocation as the *least radical* course: the caregiving unit (Mother, step-father, two half-siblings, maternal grandparents) remains intact and Father’s relationship

is preserved through a holiday regime, four weekly video calls and a cost-sharing clause that obliges the Mother to purchase half of all flights. To refuse leave, she argues, would impose the child's first enforced, long-term separation from her primary attachment figures and siblings, a change the CASW accepted could be "*detrimental for any child of this age.*"

27. Ms Bailey-Munroe characterises the Mother's plan as a "layer-upon-layer upheaval"—country, school, medical system, peer group, daily paternal contact, six-hour flight and four-hour time difference—without professional evidence that such cumulative stress is safe. The Father's fall-back offers either fifty/fifty shared-care in Bermuda or residence with him if Mother departs, preserving schooling, friendships and the newly-forged Bermudian extended-family network. He has twenty days' annual leave; a week-on/week-off regime limits disruption and obviates the cost, carbon footprint and fatigue of trans-Atlantic shuttling.

Any harm Z has suffered or is at risk of suffering

28. Ms Stephens submits there is no evidence of actual harm in the Mother's care. Relying on the Family Justice Council's Guidance on parent alienation, there is a three-limb test for alienation is unmet because the child has *never* refused contact with her Father. She has already initiated a Solstice referral and commits to co-parenting therapy; relocation, she says, "*will not embolden alienation but will be monitored through joint custody and direct digital contact.*"
29. Ms Bailey-Munroe catalogues cumulative indicators: the child encouraged to call the step-father "*Daddy,*" the Father omitted from school forms, and step-father attending "*Dad-exclusive*" events—behaviour the CASW said, taken together, "*paints a worrying picture.*"
30. The CASW expressed concern that Z's relationship with her Father could be severed in the event of relocation, and further identified a risk of alienation should she remain in the Mother's care. Although he acknowledged that he was not equipped to fully assess the impact of such a risk without further expert evaluation, he nonetheless emphasised that the loss of a parental relationship is detrimental to any child, irrespective of age. It was noted that the Mother has not alleged that Z has suffered, or is at risk of suffering, any harm in the care of the Father.
31. The Mother gave candid evidence acknowledging her "*ill feelings*" towards the Father due to what she says was lack of support from him during Z's infancy, requiring her to shoulder parental responsibilities alone. When asked if Z had benefited from the consistent access she has enjoyed with the Father throughout these proceedings, the Mother was at pains to avoid answering in the affirmative, stating that she could not say.

Z's age, sex, background and any characteristics of Z which the Court considers relevant

32. Ms Stephen’s submission stresses that Z is a dual-national Bermudian-British child who spent her first two years in West Yorkshire; Pudsey is “twenty minutes from her birth hospital.” Going back there brings her closer to her culture, connects her with her mother’s side of the family, and keeps the siblings together while they grow up.
33. The Father underlines a contrasting narrative: by age five the child had lived in four UK homes and undertaken two lengthy Bermuda stints—moves “driven by the Mother’s unilateral decisions.” He says the last eighteen months in Bermuda represent the only period of stability, during which Z has developed friendships and a sense of community. Continued residence will cement both maternal and paternal island-family links and avoid “re-activating the instability she already internalises.”

How capable each of Z’s parents (and any other person in relation to whom the court considers the question to be relevant) are of meeting Z’s needs

34. No concerns were raised about either parent’s ability to meet Z’s needs, save for the Mother’s potential failure to protect her from alienation. Whilst the Mother raised concerns about the sleeping arrangements at the Father’s property, it was noted that there was space to create a third bedroom if necessary. The CASW was clear in his view that the risk of Z’s relationship breaking down was not offset by the benefit of having her own room.
35. Counsel for the Mother emphasises six years of uninterrupted primary care, a permanent home already secured, confirmed school places, and an offer to contribute at least fifty percent of all travel. She notes that Father’s two-bedroom house is shared with his partner’s ten-year-old son; a third bedroom remains a laundry room/den. Additionally, the Mother’s evidence is that Z reports arriving at school flustered on Father’s handover mornings, which Mother says reflects a less structured routine.
36. Counsel for the Father depicts a different capability matrix: he owns a rental property yielding \$3,000 per month, has a secure government salary of approximately \$6,000 to \$7,000 plus health-insurance benefits that will cover Z, and a work-flexibility record of daily pick-ups despite occasional travel duties. He questions the sustainability of Mother’s plan given the step-father has no confirmed employment in the UK and there is such a heavy reliance on savings.

The range of powers available to the court under this Act in the proceedings in question

37. There is a wide discretion available to the Court which is not disputed by Counsel.

FINDINGS AND ANALYSIS

38. Overall, I found the Father to be genuine and truthful in his evidence. He undoubtedly has Z's well-being at the forefront of his mind. In comparison, the Mother was standoffish in her presentation which was undoubtedly fueled by her "*ill feelings*" towards the Father. The Mother was not being untruthful in her evidence, but her evidence ultimately was constrained and short-sighted by her negative perception of the Father.
39. Each element of the UK Welfare Checklist are addressed individually below.

The ascertainable wishes and feelings of Z (considered in the light of Z's age and understanding)

40. In May 2024, Z gave a clear and spontaneous account to the CASW that she wished to remain in Bermuda and see more of her Father. The CASW regarded this as a genuine and independently expressed preference. I share the CASW's concerns about the change in Z's presentation between the completion of the 2024 SIR and the 2025 SIR.
41. While the Mother has submitted that Eniya later expressed openness or excitement about the move to England, these statements were made in a context where the child had been repeatedly exposed to adult discussions about the relocation, and promises had been made to her regarding gifts, bedrooms, and life in the UK. My view is that it is more likely than not that these later expressions reflect a degree of compliance or influence rather than a settled preference.
42. In all the circumstances, I give conservative weight to the child's clearly expressed wish to remain in Bermuda and maintain her relationship with her Father.

Z's physical, emotional and educational needs

43. There is no doubt that both parents can meet Z's physical and educational needs. However, it is emotional security that lies at the heart of this case. The CASW's findings of concern regarding the Mother's care—particularly Z's exposure to adult conflict—raise serious questions about the Mother's ability to promote Z's emotional wellbeing.
44. The Father, by contrast, has demonstrated a consistent and stabilising presence since late 2023, offering appropriate routines, reliable school attendance, and child-focused interactions. The Court notes that therapeutic support has already been arranged in Bermuda and can be immediately accessed with the Father's major medical insurance coverage.

45. Z is settled and thriving at her current school in Bermuda. Uprooting her from this environment, while also severing regular paternal contact, risks undermining her emotional stability at a formative time.
46. Accordingly, I find that the child's emotional and educational needs are better met by remaining in Bermuda, under a primary care arrangement with the Father.

The likely effect on Z of any change in Z's circumstances

47. The proposed relocation to the UK would introduce simultaneous and significant changes in nearly every aspect of the Z's life: country, home, school, healthcare system, routine, and—crucially—her relationship with her Father.
48. Although the Mother has offered a structured contact plan and assurances of digital contact and holiday visits, I am not persuaded that this would mitigate the depth of change or the risk of emotional harm. Indeed, the CASW was unable to support the relocation without further expert assessment and warned of a real risk that Father-child contact could deteriorate if Z moved overseas.
49. On the other hand, if the child remains in Bermuda, either within a shared-care arrangement or primarily with the Father, continuity is preserved: her education, friendships, therapeutic support, and close developing bond with her paternal family would all remain intact.
50. The negative impact of relocation would be significant and likely harmful, and that maintaining the current geographical status quo would better protect Z's welfare.

Z's age, sex, background and any characteristics of Z which the Court considers relevant

51. Z is a six-year-old girl with cultural and familial roots in both Bermuda and the UK. However, the Court places weight on the reality that, despite her UK birth, the most stable and consistent period in her life has been the past eighteen months in Bermuda.
52. During this time, Z has developed a meaningful relationship with her Father and his extended family, attended school consistently, and is soon to begin (if not already done so) therapy—all of which are important to her developing identity and sense of security.
53. The Mother's plan would return the child to her cultural roots in the UK and embed her in the maternal kinship network, but this would come at the cost of severing daily, in-person contact with her Father and destabilising the environment she now regards as home.

54. Given the importance of stability, identity formation and continuity, I find that this factor weighs in favour of the Father’s position.

Any harm which Z has suffered or is at risk of suffering

55. The CASW’s report raises troubling concerns about the child’s exposure to adult conflict, the blurring of familial boundaries, and potential alienation in the Mother’s care. While the threshold for “parental alienation” may not have been definitively reached, the pattern of behaviours—encouraging the child to refer to her stepfather as “Daddy,” excluding the Father from school forms, and undermining his role at public events—suggest a sustained minimisation of the Father’s importance.
56. The CASW expressly warned of the possibility of emotional harm through the erosion of the Father–child bond if relocation were permitted. Such a loss would, in the Court’s view, amount to significant harm given the centrality of that relationship to the child’s wellbeing, particularly in light of the Mother’s clear inability to put her “ill-feelings” of the Father aside for Z’s benefit.
57. In contrast, the Father has never been the subject of such concerns. He has facilitated contact, proposed co-parenting support, and participated in child-focused care since assuming greater responsibility in Bermuda.

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

58. The Father has demonstrated considerable parental capacity in the last eighteen months. He maintains stable employment with flexible hours, secured appropriate housing, and shown commitment to daily school routines and parenting. His financial circumstances are sustainable, bolstered by rental income and medical insurance that covers the child. He has made arrangements for therapy and has involved extended family in a manner that supports, rather than replaces, his parental role.
59. While the Mother’s historical caregiving role is acknowledged, her proposed plan relies heavily on savings and speculative academic plans, and introduces housing, school, and employment transitions with no confirmed timeline for financial independence. Although she has proposed generous contact arrangements, the Court is not satisfied that she would promote the Father–child relationship effectively once abroad, given past conduct and strained communication.
60. I conclude that the Father has demonstrated greater reliability and capacity to meet the child’s current and long-term needs.

The range of powers available to the court under this Act in the proceedings in question

61. It is accepted that there is a wide discretion available to the Court which must be exercised based on Z's welfare being the paramount consideration.

CONCLUSION

62. It has been well established that applications for the permanent relocation of children are some of the most difficult decisions a judge faces. As with all child cases there is no "*winner*". In the instant case, Z's parents will be thousands of miles apart so Z will not have the benefit of having direct access to both of her parents for possibly the remainder of her life.

63. In reaching my decision, I have considered all the evidence before the court, including the oral evidence, the affidavits, the LG Report, the 2024 SIR and the 2025 SIR as well as the submissions made on behalf of the parties. I am mindful of the need to determine matters in accordance with Y's welfare as the most paramount consideration. Whilst not every point raised is referred to expressly in this decision, that does not mean it has not been taken into account. I have had regard to all relevant matters in arriving at my conclusions.

Custody

64. The parties shall retain joint custody and the parties are reminded of their respective responsibilities to share with each other the pertinent information of any services providers engaged to assist in promoting Z's welfare. Both parties are also strongly encouraged to individually engage with the various service providers entrusted in Z's development.

Care and control

65. Having regard to each of the welfare checklist elements individually and collectively, I find that the child's best interests require her to remain in Bermuda. The Father's proposal—whether on a shared-care basis or with him as the primary carer—better meets her emotional needs, provides continuity and stability, and safeguards her relationship with both parents to the greatest extent possible.

66. Accordingly, the Mother shall have access to Z as follows:

- (a) Each school half term holiday.
- (b) One week of each Easter break.
- (c) Six weeks during each summer holiday. The dates of which shall be agreed between the parties by the last day of March in the relevant year.

- (d) The access referenced above shall be facilitated in either the UK or in Bermuda. Two of the access periods shall occur in the UK and two shall occur in Bermuda.
- (e) The parties shall be equally responsible for Z's travel costs which are incurred for the purpose of exercising access with the Mother in the UK. This shall include equal contribution to the cost of the adult's airfare who will be required to accompany Z.
- (f) The Father shall provide Z with an electronic device so that virtual access can be facilitated with the Mother. Virtual access shall be arranged between the parties to take place each Monday, Wednesday, Friday and Sunday at a time convenient for both parties given the time difference.
- (g) Z shall not be restricted from contacting whichever parent she is not in the care of when she wishes.

67. As it relates to therapeutic interventions, I agree with the CASW that such interventions play a critical role in creating and maintaining a positive and thriving environment for Z with both of her parents. As such, it is essential that Z receive individual counseling which had been recommended by the CASW in the 2024 SIR. This therapy should focus on the current discord between her parents' respective households; however, the professional should also address the changes that will directly impact Z when the Mother relocates. The parents must be involved in this process to the extent that they are properly equipped to support Z in this transition period. It is also critical that the parties obtain individual counselling to address the conflict between the households.

68. In relation to costs, I see no reason why the Court should deviate from the starting point in children cases that there should be no order as to costs. In my view, neither party has acted in a way which amounts to unreasonable litigation conduct. For the avoidance of doubt, this includes the costs of the interim access hearing which were reserved to be determined in this substantive determination.

DATED this **22nd** day of **July 2025**



ACTING JUSTICE ALEXANDRA WHEATLEY