



Australian Advocacy Institute

Case Study

WOOD v SIMPSON

EXPARTE INJUNCTION

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INSTRUCTIONS TO PARTICIPANTS

You are instructed to appear on behalf of the wife and are to make an ex parte application to the duty list of the Family Court to obtain an injunction restraining Azim (Adam) Wood from removing the child Thomas from the jurisdiction.

You are briefed with the following documents:

- Instructions from Patricia Simpson, the wife.
- A copy of the consent orders made two years ago.

There has not been time to prepare a summons or affidavits.

Please assume that there is no rule of practice or procedure which would prevent this application being made orally before a judge.

The AAI acknowledges that this case is factually based in Sydney. This does not materially affect any aspect of the advocacy skills demonstrated in presenting this case.

AZIM (ADAM) WOOD “THE HUSBAND”

v

PATRICIA SIMPSON “THE WIFE”

You are sitting in your room at 3:30pm on a Friday afternoon. Patricia Simpson arrives in your office indicating she wishes to change solicitors and needs urgent action taken to prevent her husband from leaving Sydney by plane at 6:00pm today with their child, who she is concerned he intends to abduct from Cairns, North Queensland, to Malaysia on his 30m yacht “Enlightenment”.

Patricia Simpson gives you the following instructions:

I live in Sydney and was married to Azim (a.k.a. Adam) Wood ten years ago. We separated five years ago and a Decree Nisi was granted four years ago. There is one child of our marriage, Thomas Azim Wood, who is eight years old.

I am 32 years old. Adam Wood is 33 years old.

We were granted joint long-term responsibility of Thomas and I was granted sole residence and day-to-day responsibility. At that time Adam was granted contact each Sunday from 9.00am until 5.00pm as Thomas was then only 2. We gradually increased the contact by agreement and then two years ago, as a result of proceedings instituted by him for further contact, consent orders were made (enclosed). Essentially they allow Adam to have alternate weekends and half of the school holidays. These arrangements coincided with Thomas commencing school.

Although nothing was said in the orders, Adam agreed with me that he would not take Thomas away anywhere for the first period of holidays, which occurred in the Easter school holidays.

We agreed that he could take him away for his part of the holidays thereafter.

When I first met Adam he was studying engineering at University. His father is Malaysian. His mother is Australian and he told me that he had been brought up by his mother in Australia and had very little contact with his father during his childhood. He said that his mother had insisted he use her maiden name Wood as his surname and would never let him go to see his father. He had only made contact with his father and his family when he travelled to Malaysia just before I met him.

Shortly before our marriage he made another trip to Malaysia and after our marriage he became increasingly bitter and angry about his mother having prevented him from having contact with his father and his family as a child.

He progressively increased his contact with his father’s family. He made several trips to Malaysia during our marriage and I accompanied him on two of these trips.

Part of the reason we separated was that he became obsessed with the Malaysian culture and wanted to pursue closer ties with his father. He became distant and talked about how important it would be if Thomas was immersed in Malay culture. I was unhappy about this change in him. We had many arguments about Thomas and the way we would bring him up. I wanted to remain in Australia. Adam had what he called “grander plans” of a life for us all in Malaysia.

When I first met Adam he was a keen sailor and had owned a number of small yachts. He and a friend started building a large yacht, which they completed five years ago. He used that yacht to sail on the north coast of Australia. Later he and two other people purchased a 30m yacht for the purpose of cruising further afield.

He told me that ultimately they wanted to sail the yacht to the Mediterranean where they could spend holidays there on it. Since then his holidays have been spent cruising on the yacht off the North Queensland coast.

I do not know where the yacht is at present. At one stage it was at a marina near Caloundra, but at another time he told me they kept it at Cairns in North Queensland.

Adam’s contact with Thomas was to commence after school this afternoon.

We had agreed that he would collect Thomas directly from school and have him for the first week of the school holidays. Now I look back on it he was a bit evasive about where he was going but he told me that they were going to drive to Canberra so he could show Thomas the National Capital. I asked him where they were staying. He told me that they would just stay in motels depending on where they got to. He promised to ring me so I could speak to Thomas at least a couple of times during the week.

This afternoon at about 1.00pm I got a phone call from Thomas’ teacher to confirm with me that it had been all right for Adam to pick Thomas up at lunch time because she did not have a note from me. Apparently Adam had gone to the school and told her that we had agreed that he would pick Thomas up at lunchtime rather than after school. I told her that there had been no such agreement and suggested that I come down to the school to talk to her. I arrived at the school at 1.15pm and she told me that Adam had rung her in the morning to say that he would be picking Thomas up early and that I had agreed Thomas should leave school at lunch time. When she had asked for a note he said that it had been arranged that I would give her a note and had been surprised that I had not done so. She told me that he suggested she ring me to sort it out and as it all seemed all right she said that she would do so. He picked Thomas up at 12.30pm.

While I was talking to her one of the other mothers came early to pick up her child who is a good friend of Thomas’.

She came and spoke to me and said that Thomas must be very excited that he was going on a long trip with his father on the boat. He had also told his friend Peter he was excited about taking his first plane trip. The teacher who heard this conversation told me that I had nothing to worry about as the boys often talked about trips on boats and planes. She said that Thomas used to boast about

his father's boat and trips on it. On hearing this I became extremely distressed and I telephoned my brother. We arranged to meet at Adam's house, which we did at about 2.30pm.

We went around the back of the house and there was no one there. In fact it looked all shut up. My brother found a window that was slightly loose and we got into the house. We found some papers on Adam's desk. They included his business and social diary which had noted in it details of a Qantas flight leaving Sydney at 6.00pm today.

I telephoned the airline and discovered that the flight goes to Cairns. They would not tell me if Adam and Thomas were on the flight. My brother and I also found some letters from Adam's father and the other family members written to him about a month ago. I have the letters with me. They say: "We are looking forward to seeing you soon. Your family will welcome you". There were lots of photographs of his relatives.

I telephoned one of the friends with whom he owns the boat. He told me he did not know anything about Adam's plans but the arrangement they had allowed Adam to use the boat for school holidays if he paid the expenses. He thought Adam was planning a longish trip around the north of Australia at some stage but did not know when it was. He told me the boat was well fitted out and could easily cruise as far as Malaysia.

Adam regularly employed two young men who did not otherwise work and who were experienced sailors to cruise with him. He expected that if Adam was planning a long trip he would take them with him to do the crewing. He said it would be a comfortable boat for three adults to manage.

I am extremely concerned that Adam is now going to abduct Thomas and take him to Malaysia. If he leaves Australia with Thomas and is not located he could get to Indonesia or Malaysia. From what I have read, neither of those countries are parties to the Hague Convention and I know that it would be difficult to get Thomas back. I don't know how we can do this but I want him stopped from taking Thomas from Sydney. If he gets to Cairns he can just take him straight onto the boat and leave almost immediately.

I am sure that unless he is stopped I will never see my child again.

IN THE FAMILY COURT OF AUSTRALIA

BETWEEN:

WOOD, Adam Husband

- and -

SIMPSON, PATRICIA Wife

CONSENT ORDERS

BY CONSENT IT IS ORDERED THAT:

- 1 The previous order so far as it defined the husband's contact with the child, Thomas Azim Wood be discharged.
- 2 The husband have contact with the said child as follows:
 - (a) each alternate weekend from 5.00pm Friday until 6.00pm Sunday, such contact to extend to 6.00pm Monday in the even that contact falls on a long weekend.
 - (b) For one half of each of the school term holidays and the Christmas holidays at such times as the parties agree;
 - (c) The contact in order 2(a) hereof be suspended during the school holiday contact period;
 - (d) The husband have further contact with the said child on Father's Day (if it does not fall on a contact day) and for three hours on each of the child's birthday and the husband's birthday (provided they are not otherwise contact days);
 - (e) In the even that contact falls on the wife's birthday and/or Mother's Day, the wife is to have the child in her care on Mother's Day and for at least three hours on the child's birthday.
- 3 This year and each alternate year thereafter, the husband have contact with the said child from 5.00pm on the 24th December until 10.00am on the 25th December and next year and each alternate year thereafter, the husband have contact from 11.00am until 5.00pm on the 25th December.
- 4 That all other applications otherwise be dismissed.

IT IS CERTIFIED

- 5 That this was a matter proper for the attendance of Counsel.



AUSTRALIAN ADVOCACY INSTITUTE

DAVIES v RIVERSIDE GRAMMAR SCHOOL

INJUNCTION APPLICATION

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INSTRUCTIONS TO WORKSHOP ADVOCATES

As per your TASK allocation in the Workshop TIMETABLE, workshop advocates are instructed to present argument for either:

- the applicant - JOHN DAVIES, PAULA DAVIES and JASON DAVIES (Plaintiffs)
- or the respondent - RIVERSIDE GRAMMAR SCHOOL LIMITED and DAVID GRIBBON (Defendants)

in the following interlocutory application.

You are summoned to attend before the Judge for the hearing of an application on behalf of the Plaintiffs for the following orders:

An order that until the hearing and determination of the proceeding, or further order, the Defendants by themselves, their servants or agents or howsoever otherwise be restrained from:

- (a) Preventing the Third Plaintiff from attending and using the facilities of Riverside Grammar School.
- (b) Taking any steps to expel the Third Plaintiff from Riverside Grammar School.
- (c) Taking any steps to enforce the purported expulsion of the Third Plaintiff from Riverside Grammar School.

IN THE SUPREME COURT

BETWEEN: JOHN DAVIES, PAULA DAVIES and JASON DAVIES
Plaintiffs

-and-

RIVERSIDE GRAMMAR SCHOOL LIMITED
And
DAVID GRIBBON

Defendants

CLAIM

1. The First and Second Plaintiffs are the parents of the Third Plaintiff.
2. The Third Plaintiff is a student at Riverside Grammar School.
3. The First Defendant is a company.
4. The First Defendant conducts a secondary school known as Riverside Grammar School.
5. The Second Defendant conducts a secondary school known as Riverside Grammar School.
6. By a contract made between the First and Second Plaintiffs and the school on 1st April, Year 8, the school agreed to educate the Third Plaintiff up to and including Year 12.
7. Wrongfully and in breach of the agreement, the Defendants purported to terminate the agreement on 1st October, Year 12 and expelled the Third Plaintiff from the School.
8. The Plaintiffs do not accept the Defendant's repudiation of the agreement.
9. By reason of the Defendant's breach of contract, the Plaintiffs have suffered and will continue to suffer loss and damage.
10. The Defendants threaten and intend unless restrained to deny the Third Plaintiff access to the staff and the facilities of the school.

AND THE PLAINTIFFS CLAIM:

- A. A declaration that the contract between the school and the Plaintiffs is still in force.
- B. A declaration that the Third Plaintiff is entitled to continue attending the school.
- C. Injunctions, both interlocutory and permanent, restraining the Defendants from excluding the Third Plaintiff from the school.

AFFIDAVIT

I, **JOHN DAVIES** of 21 Smith Street, Riverside **MAKE OATH AND SAY:**

1. I am the First Plaintiff. The Second Plaintiff and I are the parents of the Third Plaintiff (“Jason”).
2. The First Defendant conducts a school at Riverside. The Second Defendant is the Headmaster of the school.
3. On the 1st April, Year 8, my wife and I enrolled Jason at the school. We signed an enrolment form. I no longer have a copy of that form.
4. Since Year 8, Jason has attended the school. He is now in Year 12 and is about to complete his Final Exams. I have punctually paid all accounts for school fees. I recently paid the school fees for the final term of this year.
5. About three weeks ago, Jason came home very distressed. He told us that the Headmaster had expelled him from the school.
6. I immediately rang the Headmaster and asked him what was happening. He said that Jason had been a constant source of trouble at the school. He said Jason was the ringleader of a disruptive group who had caused trouble since the start of the year. This was the first I had heard of any trouble at all involving Jason.
7. I asked the Headmaster what Jason had done. He said Jason had breached the school’s code of conduct and he wanted to make an example of him.
8. If Jason is expelled from the school, it will have a serious effect on his results in the Final Exams and therefore on his future. He needs access to the library, the computer facilities and the teachers in the lead up to the Final Exams.
9. Jason wishes to study law at University. I am concerned that if he is prevented from using the school facilities between now and the end of his Finals Year, his chances of obtaining the best possible results will be impaired, with the possible consequence that he will not achieve a place at a law faculty.

AFFIDAVIT

I, **DAVID GRIBBON** of 12 Didact Avenue, Riverside **MAKE OATH AND SAY:**

1. I am the Second Defendant. I am employed by the First Defendant (“the School”).
2. Now produced and shown to me marked “DG1” is the enrolment form signed by the First and Second Plaintiffs on enrolling the Third Plaintiff (“Jason”). Jason performed well at school until this year. He was also good at sport particularly football. Others looked up to him as a leader.
3. I refer to a paragraph 7 of the Affidavit of John Davies and deny that the conversation between Mr. Davies and me was as there set out. In particular, I say that Jason has been involved in numerous incidents, including the following:
 - (a) I am informed by Hillary Chappell, the history teacher and I believe, that early in the year, the Final Exam students went on excursion to Sovereign Hill. Seven of the boys including Jason were noisy and unruly in the bus on the way to Sovereign Hill, to the extent that the driver had to stop the bus and order them to be quiet. On arriving at Sovereign Hill, Ms. Chappell remonstrated with the boys and Jason in particular. When Ms Chappell addressed Jason, he initially laughed and then spat in her direction.
 - (b) I am further informed by Hillary Chappell and believe that overnight at Sovereign Hill, six boys in the group were found smoking and drinking with three of the girls in the group. I understand Jason was found with a packet of cigarettes.
 - (c) I am informed by Joseph Cicero, the Latin teacher and believe, that three weeks ago a group of boys including Jason, were found in the Year 12 common room. The waste paper basket was on fire and graffiti had been written on the walls in chalk. The words written were very insulting comments about me. I later inspected the graffiti and formed the view that the graffiti was written by Jason. I called Jason to my study and warned him that if he made any more trouble at the school, he would be expelled. I asked my secretary to write to the First and Second Plaintiffs conveying that warning to them.
 - (d) Two weeks ago I was told by Mr. John Curve, the economics teacher, that Jason had missed three economics lessons and was absent from class that morning. I later went around the school grounds and found Jason with one of the female students in the girl’s changing rooms. I said what are you doing here and the female student said “I didn’t ask him to come in, he just followed me”. Jason said nothing. I expelled him on the spot.
4. In my opinion, Jason has now become a disruptive influence at the school. I am concerned about the effect of his behaviour on the performance of all other students. His performance has been unsatisfactory and he has broken various school rules including the following:
 - (i) Rule 12: “No student shall have in his or her possession any drug, tobacco or alcoholic drink”.
 - (ii) Rule 17: “No student shall engage in conduct which is disrespectful of or insulting to, any member of the teaching staff”.
 - (iii) Rule 20: “No student shall enter the changing rooms of the opposite sex”.
 - (iv) Rule 28: “No student shall damage or deface any property of the school”.

EXHIBIT NOTE

“DG1”

ENROLMENT FORM

I request that our son Jason Davies be admitted as a pupil to Riverside Grammar School. We have read and noted the fees and conditions of acceptance and we agree to be bound by these or any rule of the school which may from time to time be in force. We understand that the acceptance of this application implies that our son will complete his school life at Riverside Grammar School unless unforeseen circumstances arise.

A condition of entry to the school is that the student, the parents and guardians agree to abide by the school rules. The Headmaster reserves the right to expel or suspend any boy from the school on the grounds of unsatisfactory conduct or performance or failure to obey the rules of the school or for other reasons.

(signed) John Davies

Paula Davies

AFFIDAVIT

I, **JASON DAVIES** of 21 Smith Street, Riverside **MAKE OATH AND SAY:**

1. I am the Third Plaintiff. I have read the affidavits of my father and Mr. Gribbon.
2. This year I decided to give up football so I can concentrate on my studies. I was under pressure to get good marks to get into law. Mr. Gribbon wanted me to play but I refused. His attitude to me changed especially after the school lost in the combined schools football final.
3. I agree Mr. Gribbon called me into his study one day, as he says in his affidavit. He seemed angry and warned me about my behaviour but did not say what I had done wrong. He just said I had been very difficult. I asked him what had I done and he told me not to be smart and answer back.
4. As to paragraph 3 of his affidavit, I say:
 - (a) Ms Chappell encouraged us to sing on the bus and sang with us. The driver got upset and stopped the bus. I accept that we were being noisy and rowdy but we were just having fun. When we arrived at Sovereign Hill we got off the bus and we were still laughing and pushing and shoving one another. Ms Chappel was angry with all of us but with me in particular. I was still laughing as she was remonstrating with me, saying I was the ringleader. I opened my mouth to say that I was not the only person involved and an insect flew into my mouth. I was startled and, without thinking, I spat. I may have spat in Ms Chappel's direction but I did not spit at her. I just wanted to spit the insect out.
 - (b) The cigarettes were not mine. I have never smoked anyway.
 - (c) I heard about the incident in the common room, but I was not even there that day. I heard the writing on the blackboard was in capitals so I don't know how Mr. Gribbon can say it was my writing. I was in the library when Mr. Cicero went into the common room. I think I was doing research on the internet, and there should be a record of that in the computer log.
 - (d) I did miss a couple of economics classes but that was my best subject and so I used the time to work on other subjects. It's true that Mr. Gribbon found me in the girls change room. He didn't ask what I was doing there, but just yelled 'I've had enough of you' and told me I was expelled. The reason I went there was that as I left the library I noticed Mary Costar sitting on the steps, bent over looking upset. I asked her what was wrong and she said 'It's just too much. I know I'm going to fail my exams'. She said she would go inside for a while and went into the girls change room. There was no one else there as it was class time, so I followed her in and put my arms around her to comfort her. That's when Mr. Gibbon came in.
5. It was a great shock to me and my parents that I had been expelled. All I want to do is get ready for my Final Exams so I can get into university. I need access to the library, and to the teachers for some help during the final swot period.



AUSTRALIAN ADVOCACY INSTITUTE

Wilson

v

Wilson

[Family Law]

WORKSHOP NOTE: case study “Wilson v Wilson”:

For this workshop, the evidence-in-chief of the witnesses is not on affidavit and their evidence will be adduced orally. (You can assume no procedural or judicial impediment to this).

Participants may assume that the witnesses in both Evidence in Chief and Cross Examination will give evidence in accordance with the instructions contained in the brief.

Participants may assume that both Dr Foster and Dr Gloucester are qualified child and family psychiatrists.

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IN THE FAMILY COURT OF AUSTRALIA

B E T W E E N:

GEOFFREY AND MARGARET WILSON

Applicant

-and-

JULIE MARGARET WILSON

Respondent

BRIEF TO COUNSEL

Counsel will see that these are essentially residence proceedings initiated by the maternal grandparents of Ashley Jude Wilson, who is 6 years of age. Her mother is the Respondent, hereafter “Julie”. Ashley’s father has died. The mother lives in Spalding, which is a small town close to Seaford, the large town where the grandparents live and where the mother grew up.

Ashley first came to the attention of child welfare authorities towards the end of last year in circumstances which are fully set out in Counsel’s instructions. Since that time, Ashley has been in the subject of an interim order made in care proceedings placing her in the care of the grandparents. The Department, on the basis that the matter will now be fully litigated in the Family Court, wishes to take no further part in the proceedings and has withdrawn the care proceedings after interim orders were made in the Family Court in similar terms.

The mother has (realistically) now accepted that the criterion for the making of the original care order in this case, namely whether Ashley was at risk of suffering significant harm in her care, was established at the relevant time.

HER CASE NOW is that things have changed for the better and that Ashley should now be in her care.

The Court has appointed an expert, Dr. Julia Foster, an experienced consultant child and adolescent psychiatrist at the Children’s Hospital to consider the following questions:-

1. Should Ashley remain with her grandparents, or should she return to the care of her mother?
2. Are you able to discern Ashley’s true wishes in this matter? (They are relevant but obviously not determinative.)
3. Has Ashley suffered any psychiatric or emotional harm in the care of her mother?
4. Is the mother able to provide Ashley with reliable, safe care should she return home?
5. What is your assessment of the relationships between Ashley and her mother and Ashley and her grandparents?

6. “Why should Ashley go home when she is perfectly happy where she is?” (This question has been included at the specific request of the grandparents.)
7. Do you consider that any work needs to be done with Ashley and/or the mother and/or the grandparents prior to any return home taking place? Would you envisage a packet of support measures being in place prior to return and, if so, what sort of support would you envisage?
8. In the event that you consider that Ashley should remain in the care of her grandparents what is the appropriate level of contact between her and her mother?
9. Are there any other issues of relevance that the court should consider in reaching a final decision in this matter?

Dr. Foster has carried out her enquiries. She has interviewed the adult parties albeit she has not seen Ashley with her grandparents. At Dr. Foster’s specific request, she observed a 2-hour period of contact between Ashley and her mother at a local contact centre. Dr. Foster observed a close attachment between Ashley and her mother. Ashley was delighted to see her, although Dr. Foster observed that her behaviour at times was quite regressive. She clung to her mother when it was time to leave which upset Julie considerably. Counsel will note that Dr. Foster was not terribly impressed by Julie’s offering the reassurance to Ashley that she would soon be living at home with her.

Counsel will please note that the final hearing has been listed with an estimate of 2/3 days.

Dr. Foster’s report is dated a month ago. She has indicated her view that at the end of the day Ashley’s best interests may well be served by a placement away from her family with long-term foster carers and, possibly, with a view to adoption. Dr. Foster has concluded that both Julie and Mr. and Mrs. Wilson have put Ashley under enormous emotional pressure to align with their respective positions. She takes the view that neither Julie nor Mr and Mrs Wilson will be able to offer proper full-time care to Ashley and that the best placement for her is with long-term foster carers. It is not clear whether she actually proposes an adoptive placement or not.

Unsurprisingly, this plan is opposed by both Julie and Mr. and Mrs. Wilson. Because of the serious and unexpected nature of the recommendations of Dr Foster, the Court has taken the unusual step of allowing a second expert opinion to be obtained from Dr Kenneth Gloucester.

The position would appear to be as follows:

Julie

Ideally, she asks the court to make a residence order in her favour such that Ashley is returned to her care forthwith. If this is not possible, she would support Ashley’s remaining with her parents whilst she undergoes a programme designed to rehabilitate Ashley to her care. She is of the view that it is premature to decide Ashley’s future now. She is supported in this by Dr Kenneth Gloucester. Counsel will note the contents of his report.

Mr. and Mrs. Wilson

They ask the court to make a residence order in their favour and to make an order that they have the sole parental responsibility for Ashley. If this is rejected, they would rather see Ashley placed with foster carers than returned to Julie. We understand that Julie is furious at their stance.

The Independent Children’s Lawyer

The ICL, faced with 2 competing expert opinions, has not expressed a view.

At the time of preparation of this Brief the matter is listed for final hearing before a Family Court Judge.

Counsel will see that the papers in this case are voluminous and we apologise for the fact that they have been sent at such short notice.

[WORKSHOP NOTE: for the purposes of this exercise, you will not have anything besides the brief and the expert reports. Information in it is to be treated as accurate. You can assume that the parties have filed affidavit material in accordance with the material in the brief and that material has been produced on subpoena.]

To assist Counsel in terms of preparation, Instructing Solicitors have prepared the following résumé, which hopefully sets out the position in detail.

Julie is 21 years old. She was adopted by Geoff and Margaret Wilson when she was four years old. They are now aged 58 and 54 years respectively.

Julie's mother suffered bouts of severe depressive illness following her birth and Julie spent much of her early life in and out of care.

Nothing has been heard of Julie's mother since Julie was 14 years old when all indirect contact via the Department post-box ceased. A letter was received from her indicating that she was intending to move to Perth to make a new life for herself and that she would contact Julie again when she was 18.

Julie was devastated by this rejection and Mr and Mrs Wilson began to experience problems at home. Julie herself has acknowledged that she became very difficult, albeit not to the extent that has been reported in the papers.

Julie was certainly truanting from school and associating late into the evening with older teenagers. On more than one occasion she was returned home by the police the worse for wear through drink. Just short of her fifteenth birthday, she was permanently excluded from school.

A few months after Julie was expelled, Mrs Wilson took her to the GP, Dr Anne Roberts. She was concerned that Julie had been off-colour for some time. A pregnancy test was positive, and scans confirmed that Julie was some 4 months pregnant. In due course she gave birth to Ashley.

Julie left home with Ashley when Ashley was about eight months old to live in a hostel for young mothers with small children. Since then, she has lived independently in a variety of different locations in and around her home town. Two years ago, she moved to her present address at 4 Grossmont Crescent, Spalding, a two-bedroom townhouse rented from the public housing authority.

There were no reported concerns about her care of Ashley and no involvement on the part of social services.

At the beginning of last year, Ashley was enrolled as a kindergarten pupil at St Joseph's Primary School in Spalding. She attended 5 days a week from 9.00am until 3.00pm. The school records have been produced under subpoena. The staff reported that Ashley settled well in her new class and made friends very quickly. She was described as a delightful little girl, always anxious to please her class teacher (Miss Betts) and, apart from the occasional absence from school, a regular and punctual attendee.

After the beginning of Term 2 last year, Miss Betts noticed a dramatic change in Ashley.

In summary:

- Ashley's attendance became erratic and there were frequent unexplained absences;
- Her appearance became unkempt and there were occasions when she was teased by her classmates because she was smelly;

- Head-lice remained untreated despite several letters home drawing Julie's attention to the problem. On one occasion Miss Betts actually washed her hair with Malathion shampoo because the child was in such obvious discomfort;
- On two occasions during gym sessions (for which Ashley was reluctant to undress) she was seen to have scratch marks on her upper limbs and greenish-brown bruising on her lower left buttock. Ashley volunteered that the family dog (a boisterous Boxer) had jumped up at her causing the scratch marks. Ashley explained that she had fallen off her tricycle onto her bottom, thereby sustaining the bruise marks.

Miss Betts, it will be observed from the papers, was not entirely convinced by these explanations.

On five separate occasions Ashley arrived late for school with no packed lunch. She explained that her mother had forgotten to set the alarm-clock and that they had overslept. Staff provided Ashley with sandwiches and a drink at lunchtime.

The Headmistress, Mrs Abberley, attempted to make contact with Julie on three occasions by letter to discuss these concerns. Appointments offered were not kept. Messages left on the mother's mobile telephone went unanswered.

Matters came to a head towards the end of last year when the police received an anonymous telephone call from a neighbour reporting a domestic disturbance at Julie's address. The report stated that a young child could be heard screaming in the background amidst the sound of furniture being thrown around the room and glass breaking. Constable Green attended with Sergeant Mitchell shortly after 9.30am. They found Julie with two black eyes, smelling strongly of drink and with slurred speech.

The room was littered with empty wine bottles and broken furniture. Several pictures were lying smashed on the floor.

Ashley was quickly located. She was sobbing behind the dressing table in her bedroom. There was no one else in the house.

The officers called an ambulance to take Julie to hospital and Mr and Mrs Wilson arrived to take Ashley to their home. Ashley required a great deal of comforting and reassurance that her mother was all right and not badly hurt. The police records have been produced under subpoena.

The Department was contacted by the police and an application for an interim care order was sought and obtained at 4.15pm that afternoon while the situation was further investigated. Julie had discharged herself from hospital and was threatening to attend at her parents' home to take Ashley.

Care proceedings were instituted. Shortly after, and following discussions with the Department, the Applicants commenced the proceedings in the Family Court. Ashley has remained with Mr and Mrs Wilson.

The Mother

Julie has explained that shortly after her move to Spalding she met and became friendly with a man called Tony Dixon. He is 30 years of age and is known to have numerous convictions for offences of drink-related violent behaviour. He is now currently serving a term of 2 years imprisonment for an offence of malicious wounding, entirely separate to this incident.

Julie has acknowledged that her care of Ashley became neglectful and that she was drinking far too much. The row, she explained, came about after a prolonged drinking session the night before and her refusal to part with benefit monies the following morning to permit Dixon to purchase more alcohol. She does not accept that she had been drinking prior to the police being called.

She very much wants to resume the care of her daughter after this hearing. She has assured the Court expert that her liaison with Dixon was a disastrous mistake and that she will have nothing more to do with him upon his eventual release from prison. Counsel should note that his earliest release date post-dates the final hearing in this case.

Arrangements were made for Julie to travel to Seaford three times a week to see Ashley, being Wednesday after school from 5.00pm to 7.00pm and on Saturdays and Sundays between the hours of 10.00am and 3.00pm.

All visits have taken place in or around the home of Mr and Mrs Wilson and have not been formally supervised as such.

For some months now, Julie's visits have been sporadic. Visits have been cancelled at short notice and on at least 3 occasions Mr and Mrs Wilson have refused to allow Julie into their home because she was (reportedly) unsteady on her feet and smelling strongly of alcohol.

Julie admits that there have been occasions when she has had to cancel visits because she could not afford the fares. She denies that there have ever been occasions when she has arrived the worse for wear through drink. On several occasions she has turned up only to find that her parents have been out for the day. These reports of drunkenness are, she says, nothing short of malicious.

The relationship between Julie and her parents is at a low ebb, now further exacerbated by Dr. Foster's report and their respective positions. The situation is very much "up in the air".

The Grandparents

Geoff and Margaret Wilson have looked after Ashley since late last year. They do not believe that Ashley should ever be returned to the care of her mother. They want to provide her with a permanent home throughout her childhood and adolescence. However, Ashley's sudden arrival has placed them under some degree of stress including financial stress and their home was not set up for a small child.

Mr Wilson took early retirement about 6 months ago on the grounds of ill-health. He suffered from attacks of angina although these now appear to be largely under control. He drives Ashley to and from St Joseph's Primary School (a journey of some 20 kilometres in either direction) where a place remains open for her. They would prefer Ashley to attend a local school.

Mrs Wilson gave up her part-time job as a clerical assistant at the Seaford Retirement Home when Ashley came to live with them, in order to devote more time to Ashley. Mrs Wilson suffers from rheumatoid arthritis which, although controlled by medication, severely restricts her mobility.

Money appears to be "tight".

Julie's GP, Dr Anne Roberts has looked after Julie since she was a child and has taken a very "hands on" role. She is also Ashley's doctor and has continued to see Ashley while she has been in the care of the grandparents. Her notes have been produced under subpoena. In summary:

- She was concerned that at a home visit to Julie early this year, (unannounced) Julie introduced her to Shaun Dixon, (Tony Dixon's younger brother), as her new boyfriend. Dr Roberts formed the impression that the couple had been drinking (the visit took place at 9.30am). Julie refused Dr Roberts access to the kitchen stating that it was untidy.
- Julie has steadfastly refused to attend her local surgery to provide random samples for testing, claiming that there is no need. She denies ever having had a serious drink problem.
- Ashley has frequently asked Dr Roberts when she can go home. She misses Bingo (the Boxer dog) badly. Mr and Mrs Wilson will not have the animal in the house. He stays behind in Spalding on contact visits.

Mr and Mrs Wilson were surprised to learn that Ashley has said that she wants to go home. They report that Ashley is very happy where she is and has asked if she can stay with her Nanny and Gramps forever.

It does appear to Instructing Solicitors that regrettably Ashley is being pulled in several directions.

Julie is devastated by the contents of Dr Foster's report. Dr Gloucester's report is more in her favour. Ideally, Julie would like to have Ashley home now. If she cannot convince the Court to do that, she wants to adjourn the final hearing and seek an interim order that Ashley remain with her parents while she "gets her act together".

The grandparents want final arrangements to be made for Ashley's care. They want a residence and sole parental responsibility order in their favour and they believe that the time Ashley spends with her mother can then be arranged by negotiation between them. They will decide how often Ashley sees her mother and that will depend on how the mother is getting along with her problems.

Counsel is instructed accordingly.

Court Report

Ashley Jude Wilson

1.0 Introduction

1.1 This report is prepared on joint instruction of the parties as set out in the letter of instruction of Chambers Solicitors and Co, a copy of which is attached. I am a member of the Royal Australian and New Zealand College of Psychiatrists and have had fifteen years of experience as a consultant in Child and Adolescent Psychiatry.

2.0 Sources of Information

Reading: Bundle of documents that are listed in the letter of instruction.

Interviews: The mother Ms Wilson and the maternal grandparents Mr and Mrs Wilson.

Observation of contact: Between mother and her daughter Ashley.

2.1 I will not repeat the background to this case as it is clearly summarised in affidavit material. My report will focus on the interviews that I carried out and my answers to the questions detailed in the letter of instruction.

3.0 Interview with Ms Julie Wilson

3.1 Ms Wilson attended the interview promptly at the required time. Whilst she was courteous and answered the questions I put to her she was, at times, noticeably vague in her answers, particularly about her history of alcohol use.

3.2 She appeared to be of average intelligence and had a reasonable understanding about the current proceedings.

3.3 Ms Wilson said "I accept that I got into a mess after meeting Tony and that Ashley was caught in the middle". She continued to say that she accepted that Ashley that had suffered "significant hurt" at that time but insisted that she'd learnt her lesson and "for Ashley's sake" would never put herself back in a similar situation.

3.4 Ms Wilson told me that Ashley missed her and would cling onto her and cry at the end of contact sessions. She said that she felt the same feelings towards her daughter.

4.0 Personal History

4.1 Ms Wilson said that she'd regretted that she had never had the chance to meet her biological mother as she wanted to know what she was like. She said that her adoptive parents, Mr and Mrs Wilson had "tricked her" into believing that the person from whom she would receive a

card with a brief note and a present three times a year, at Christmas, Easter and on her birthday was being sent by an aunt rather than her true mother.

4.2 She said that she had been shocked and confused when during a row with her adoptive parents the truth slipped out. Ms Wilson said that from this point in time she had wanted to make direct contact with her biological mother and two years later was devastated when she received a letter from her mother saying she was going to move to Perth and she would not make contact again for a four-year period. This did not happen and she has now lost all contact with her mother.

4.3 When asked about her behaviour at home at this time Ms Wilson acknowledged that she became “difficult”. She did however say that her bad behaviour did not reach the extent that she said she had read outlined in the statement of the social worker which was filed in the care proceedings.

4.4 Ms Wilson described her adoptive parents as having been “more concerned about what the neighbours thought than anything else”. She said that when she was living with them she had always felt that there was something wrong with her. She said that her parents appeared to prefer her two older siblings whom she later found out were their biological children.

4.5 Ms Wilson said that it was only after she left home and lived independently with Ashley in a hostel for young mothers with small children that she came to realise that her adoptive parents had never been emotionally close to her. She also implied that her adoptive parents had, to a lesser extent treated their own biological children in a similar way and that there was now no contact between them.

4.6 When questioned about her early development, Ms Wilson said that she assumed that her mother’s pregnancy with her and her early development had been normal. She said that apart from being told that her mother was unable to look after her as mother had suffered bouts of depressive illness and periods when she drank too much alcohol, she had never been told anything about her mother.

4.7 Ms Wilson’s description of her educational history up to her third year in secondary school was unremarkable. She appears to have progressed well in primary school having been a popular girl with good relationships with both teachers and peers. She placed her academic progress in the upper half of her class in all subjects. Ms Wilson appeared to cope with the transition from primary to secondary school well and said that she received good end of year reports up to year 9 when “I became interested in older boys, started having rows at home and would bunk off school”.

4.8 She said that on looking back she now thought that she had been rebelling against her parents who had been overprotective, insisting that she return home by 8pm. She said she

had on a few occasions stayed away until the early hours of the morning drinking with her friends. She said that she had been permanently expelled from school as she and two of her friends had been found drinking Vodka on school premises.

- 4.9 Ms Wilson said that she had recommenced studying on a part time basis after she had secured a day care placement for Ashley but that her studies had come to an abrupt end after commencing her relationship with Tony Dixon as he had made his disapproval of her studying clear.
- 4.10 Ms Wilson had held one job for two and a half years as a part time check-out operator at Coles. This also ended after commencing her relationship with Tony Dixon.

5.0 Relationships

- 5.1 Ms Wilson reported that her periods started relatively early, when she was ten years of age and that her physical development was also advanced for her age. She said that her first serious (sexual) relationship involved a twenty-eight year old married man, Kevin and that their relationship ended after she discovered she was pregnant and she had she insisted on continuing with the pregnancy against his wishes.
- 5.2 She said that she had not disclosed his true identity to her parents at the time as she had not wanted to “get him into trouble”. She had no contact with him since he moved out of the area when Ashley was six months of age. He has since died.
- 5.3 She reported having two further brief relationships before meeting Tony Dixon whom she described as being initially charming, “he made me feel special”, leading her to think that he would be “the man of my life”. She claimed that “apart from knowing that he enjoyed an occasional drink” she knew nothing of his criminal past. She said he suddenly “switched”, became jealous and controlling of her and began to hit her. She described a growing pattern involving rows and violence against her and “making up involving us both drinking”.
- 5.4 Ms Wilson said her relationship with Tony Dixon ended following an assault against her that resulted in Ashley being taken from her and said that she was not contemplating starting another relationship for the time being.

6.0 Substance Use and Forensic History

- 6.1 Ms Wilson reported that she first started drinking alcohol with her peers when she was fourteen years of age and admits on a few occasions drinking to the point of intoxication. She said that she had stopped drinking completely when she found out she was pregnant with Ashley and said she rarely drunk alcohol, and never to the point of intoxication, before commencing her relationship with Tony Dixon.
- 6.2 Ms Wilson said that she then started to drink on a regular basis over a three-month period. She was vague about the quantity but admitted to experiencing blackouts “once or twice”.

She denied any craving for alcohol or drinking in the morning. Ms Wilson was vague about her current pattern of drinking but was quick to deny that she had ever been drinking before attending contact sessions with Ashley as has been alleged by Mr and Mrs Wilson.

6.3 Ms Wilson denied any other drug use, either now or in the past but admitted that Tony had, on occasions, snorted cocaine.

6.4 In terms of forensic history, Ms Wilson was arrested and questioned by the police about her treatment of Ashley on the day the police removed Ashley from her care. It is my understanding the police investigation is now closed and there are no outstanding charges against Ms Wilson. Ms Wilson does not have a criminal record.

7.0 Ashley

7.1 Ms Wilson said that whilst Ashley had not been a planned pregnancy and she had not been using contraception at the time Ashley was conceived, she had never felt ambivalent about continuing her pregnancy. She admits that she had not fully appreciated what the impact of having a child at that age would have on her by restricting her social life and educational opportunities.

7.2 She described her pregnancy with Ashley and the birth as having been uneventful. She did not suffer from postnatal depression. By her account, Ashley appears to have been an easy and responsive infant who reached all the developmental milestones within normal time periods. Ms Wilson reported that after returning home following the birth, she initially relied, to some extent on her parents in helping her care for Ashley and that as her confidence as a mother developed, she took over all major parenting responsibilities herself.

7.3 Ms Wilson said that she felt that she had become a “guest”, and as an unmarried mother an “embarrassment” in her parent’s house and she longed to leave home as the relationship between her parents and herself became more distant and tense. The subsequent relationship with her parents was not close, after moving out to live by herself she and Ashley would meet up with her parents for Sunday lunch no more than three to four times a year.

7.4 When asked how she saw Ashley’s future, Ms Wilson said that she accepted she had “let Ashley down” by not having walked out on Tony Dixon when the domestic violence and heavy drinking had commenced. I noted that during this part of the interview Ms Wilson avoided eye contact and that her answers became vague and I formed the impression that she was not being completely frank with me.

7.5 Ms Wilson said, “I have had time to sort my life out and I believe that Ashley should now return to my care. She is my daughter and I love her and can give her what she needs” with some prompting, Ms Wilson identified that these needs included the need for Ashley to be

protected from witnessing domestic violence and neglect by her mother through excess alcohol use.

8.0 Observation of Contact

8.1 I observed a two-hour period of contact between Ashley and her mother at the contact centre in Spalding.

8.2 Ms Wilson arrived early for the contact bringing with her an early-stages reading book, an age-appropriate puzzle so that they could play together and a new dress that she had brought as a present for her daughter. On meeting, Ashley showed no hesitation before running and hugging her mother and her delight of being in her mother's presence was apparent. Ms Wilson was child centred and appropriate throughout the two-hour period of contact.

8.3 Although Ashley presented as a child whose development was appropriate for her age, there were periods when Ashley's behaviour, in particular her interactions with her mother presented as being markedly regressive, for example, Ashley putting her head on her mothers' lap and sucking her thumb and talking in baby language.

8.4 At the end of the contact session, Ms Wilson warned Ashley that she would have to leave in ten minutes time. Ashley then clung to her mother telling her that she wanted her mother to "stay with me forever". Ms Wilson became notably tearful and whilst stroking Ashley on the back, told her not to worry as they would soon be living at home together again.

9.0 Interview with Mr and Mrs Wilson

9.1 I interviewed Mr and Mrs Wilson at their home during the daytime when Ashley was at school.

9.2 I was told that both grandparents were at home as Mr Wilson retired early as he had started to suffer attacks of angina. Mrs Wilson gave up her part time job as a clerical assistant in order to devote more time to Ashley. Her mobility is severely restricted as a result of rheumatoid arthritis affecting her legs and requires a stair lift to reach the upper floor of the house.

9.3 Mrs Wilson informed me that they decided to foster and then adopt Ashley's mother Julie when she was four years of age. They were already experienced parents as they had a son and daughter of their own who were two and four years older than Julie. Mrs Wilson reported that Julie had settled into the family very quickly and to their relief not shown significant emotional or behavioural problems until her early adolescence.

9.4 Mr Wilson said that Julie had to some extent followed in the footsteps of her older brother and sister, both of whom had become challenging and defiant in their behaviour as adolescents, to such an extent that both children left home when they were sixteen years of

age which was much earlier than the parents would have preferred. Apparently both children started using illicit drugs, eventually cutting off all contact with their natural parents.

- 9.5 Mr and Mrs Wilson reported their adoptive daughter Julie becoming increasingly difficult and challenging in her behaviour from the age of thirteen years after, according to her mother, she started hanging around with “the wrong crowd”, a group of young people, 3-4 years older than her.
- 9.6 They reported that Julie’s behaviour deteriorated further after receiving a letter from her biological mother telling her that she was going to move to Perth and to make a new life for herself and would not contact Julie for the next four years. Mr and Mrs Wilson described Julie becoming involved in anti-social behaviour, truanting from school associating with an older peer group, drinking to the point of intoxication and being excluded from school just before her fifteenth birthday. Mr and Mrs Wilson said that “Julie’s personality appeared to change” and their relationship appeared to have become “distant and business like”.
- 9.7 Mr and Mrs Wilson said that they were shocked and dismayed when they discovered that Julie was pregnant. She refused to tell them who the father was. In view of her young age they had advised her to seek termination but Julie had been steadfast in her determination to have a child despite their advice. Mrs Wilson said that she was surprised how well Julie had coped with the pregnancy with her daughter saying “she was a good mother when she was under our roof”. Mr Wilson then commented that they had always said that Julie would not make it without their help.
- 9.8 It was apparent that Mr and Mrs Wilson’ contact with both their adoptive daughter and granddaughter was limited to visits to their house a few times a year. When asked whether they helped out by for example occasionally baby-sitting, Mr Wilson said “Ashley’s mother did not ask and so we did not offer”. It appears that the grandparents had no idea of the difficulties Ms Wilson was having in her relationship with Tony Dixon or the neglect that Ashley was evidently experiencing until they received a call from the police requesting that they take Ashley home with them.
- 9.9 Mr Wilson said he was outraged to see that the squalor in the flat when they arrived to pick up Ashley and was also appalled that Julie had decided to live with a man who was “known to be a violent criminal” and that her actions had put the “family name into disrepute”.
- 9.10 Mr Wilson said that he was in no doubt that it was in Ashley’s best interest for her to remain living with her grandparents as her mother’s actions clearly show that she was “not fit to be a parent”. He commented that Julie needed to apologise to them about them about her actions and thank them for the sacrifices that they had made in order to look after Ashley.

9.11 When asked about Ashley's needs Mr and Mrs Wilson said that they did not believe that Ashley should ever be returned to the care of her mother and that they would provide Ashley with a permanent home throughout her childhood and adolescence. They said that they had spoken with Ashley and reassured her that they would continue to look after her to care and love her until she was old enough to look after herself.

10.0 Opinion

Q1 Should Ashley remain with her grandparents or should she return to the care of her mother in Spalding?

10.1 I'm concerned that both Ms Wilson, the child's mother, and the grandparents Mr and Mrs Wilson have put Ashley under enormous pressure to align with their respective positions. I observed at the end of the contact session Ms Wilson inappropriately tell Ashley that she would be returning home soon. Likewise, Mr and Mrs Wilson informed me that they had told Ashley that she could remain living with them until she was old enough to live independently.

10.2 Whilst there is some evidence that Ms Wilson acted as "a good enough mother" when Ashley was younger and it would appear that Ashley has a strong attachment relationship with her mother, there is clear evidence that Ashley suffered significant harm as a result of her mother failing to meet her needs.

10.3 Ms Wilson failed to protect Ashley from being exposed to directly observing severe domestic violence, as is clearly documented by Miss Betts. Despite letters from the school, she neglected her daughter's educational needs as evidenced by Ashley's erratic school attendance, sending her to school with poor personal hygiene and failing to provide food. There is also evidence that Ashley was subject to physical harm such as scratch marks on her upper limbs and bruising on her buttock. Ashley's explanations for the cause of these injuries do not sound entirely convincing thus raising the possibility of physical abuse.

10.4 There is a strong suspicion amongst professionals involved in this case that Ms Wilson continues to drink alcohol and in view of her refusal to provide urine samples for testing, there must be a strong suspicion that Ms Wilson continues to deny the ongoing nature and severity of her problem drinking.

Q2 Are you able to discern Ashley's true wishes in this matter?

10.5 I have not interviewed Ashley in order to determine her wishes in this matter but in view of the pressure applied by both mother and grandparents I suspect that Ashley is likely to be confused about this.

Q3 Has Ashley suffered any psychiatric or emotional harm in the care of her mother?

10.6 The results of the strengths and difficulties questionnaires (SDQ) completed by Ashley's schoolteacher and grandparents indicate that she is not currently displaying any significant symptoms of a psychiatric disorder. There is however, no doubt that Ashley did suffer significant emotional harm as a consequence of her mother failing to adequately care for her during the period leading up to her removal from her mother.

Q4 Is her mother able to provide Ashley with reliable, safe care should she return home?

10.7 I find no evidence that her mother has taken any realistic practical steps to resolve the problems that resulted in her parenting failure. There is a high suspicion that she continues to drink alcohol inappropriately. I also note that the social worker raises the suspicion that morning drinking may be a feature of her new relationship with Tony's brother, a relationship that Ms Wilson failed to inform me about.

Q5 What is your assessment of the relationships between Ashley and her mother and Ashley and her grandparents?

10.8 I was impressed that Ashley has strong attachments to her mother. I shall not comment on the relationship between Ashley and her grandparents as I have not had the opportunity to observe this.

Q6 Why should Ashley go home when she is perfectly happy where she is?

10.9 I note that this question has been included by specific request of the grandparents. As I have already indicated above I'm concerned that Mr and Mrs Wilson have put Ashley under enormous pressure to align with their position and it is possible that this lead to the grandparents perceiving Ashley's wishes incorrectly.

Q7 Do you consider any work needs to be done with Ashley and/or the mother and/or the grandparents prior to any return home taking place? Would you envisage a package of support measures being in place prior to return and, if so, what sort of support would you envisage?

10.10 In my opinion I think it is unlikely that either the mother or the grandparents will, in the long term, be able to meet Ashley's needs. I do not consider that either party has the motivational capacity to change adequately so that they could meet Ashley's needs in the future.

Q8 In the event that you consider that Ashley should remain in the care of the grandparents what is the appropriate level of contact between her and her mother? Is staying in contact appropriate?

10.11 Please see response to question 7 above

Q9 Other issues of relevance to the court to consider in reaching a final decision.

10.12 If the court forms the view that Ashley's best interests will be served by a permanent placement away from her family, I recommend that supervised visiting contact be planned between Ashley and her mother and grandparents. The frequency of this contact should reduce over time and once Ashley has settled in a placement of permanence contact should involve a maximum of 3 direct contact sessions and 3 indirect contacts (letters/small gifts) per year.

J. Foster

Dr Julia Foster

Dated: ...

Dr Kenneth Gloucester

Seaford Child and Adolescent Mental Health Service

Report

Name: Ashley Jude Wilson

Introduction

This court report is prepared on joint instruction of the solicitors representing the mother and grandparents with the agreement of the court in order to provide a further opinion about the future needs of Ashley Wilson. I am a member of the Royal College of Psychiatrists and Consultant in Child and Adolescent Psychiatry. I've been asked to consider and highlight any differences in opinion to the questions addressed by Dr Julia Foster in her report and to address whether the mother Julie Wilson suffer from a psychiatric disorder and if so the relevance to her ability to function as a responsible parent.

The court has given leave for me to meet with Ashley.

1.0 Sources of Information

I have read the bundle of court papers and the psychiatric court report of Dr Foster. I interviewed the mother Julie Wilson for a period of one and half hours and interviewed Ashley Wilson for three quarters of an hour.

For the sake of brevity I shall not repeat information gained at interview which is not either new or significantly different to that previously reported in Dr Foster's report.

2.0 Interview with Julie Wilson, the mother

2.1 Ms Wilson attended the interview on time and quickly developed a good rapport. There were times during the interview when she was obviously distressed and was tearful.

She came to the interview carrying a notebook that she said she may wish to refer to. She continued to say that over the last few weeks she had been re-reading the documents, in particular the report of Dr Foster. She said: "I've started to see things differently and can now see better where I went wrong".

2.2 When asked if she could elaborate further Ms Wilson said: "I think I've been sticking my head in the sand about the alcohol – something I couldn't face up to". Ms Wilson said that she had "come to my senses" after a drinking session with her new boyfriend Shaun that ended with Shaun hitting her when he heard her speaking to another male friend on the telephone. She said that whilst she was not badly physically hurt the incident brought back images of Ashley cowering behind the armchair in fear and running to protect her when Tony had been threatening and abusive to her. She admitted that these types of intrusive images had been troubling her over a long period of time but she had tried blocking them out of her mind and had thus avoided talking about this.

2.3 Ms Wilson said that immediately following this incident she left the flat where she had been living with Shaun and gained a place in a refuge for battered women. She said that she recognised some of her own problems in the stories she'd heard from the other women at the refuge and realised that alcohol was a common theme for many of them. She said she had asked to see the drug and alcohol counsellor who attended the refuge and had now met with her on three occasions.

2.4 Ms Wilson looked at her notebook and said that Ashley's welfare was her prime concern and that all her maternal instincts told her that her daughter needed her as, up to the point when she had started her relationship with Tony and had started to drink, she and Ashley had had an extremely

close relationship. She said that she did not blame her parents as it was she who was responsible for failing her daughter. Prior to this she had been a good mother and Ashley had been a happy child with an extremely close relationship with her mother and above all she wanted the best for Ashley.

2.5 Ms Wilson talked in some detail about her relationship with Tony, describing how she felt increasingly controlled, fearful, powerless and unable to escape from this relationship.

Ms Wilson also described experiencing marked depressive symptoms, low mood, tearfulness, suicidal ideas and a sense of hopelessness that accompanied her increasingly harmful pattern of alcohol use. She described experiencing intrusive thoughts and images of Sean's violence towards her.

2.6 She said: "It was like a big black cloud, on one hand I could see how unhappy Ashley was and realised how worried the school were about her, but on the other hand it seemed unreal and I felt powerless to do anything about it". Ms Wilson repeatedly said that what she wanted first and foremost was for Ashley to get the best care and love that she could get.

2.7 In terms of Ashley's future, Ms Wilson said that she thought that for the short-term Ashley should remain living with her grandparents until she found appropriate accommodation for both Ashley and herself, and when she had shown that she would no longer resort to drinking when feeling down and depressed.

3.0 Interview with Ashley

3.1 Ashley presented as a self-confident, attractive and happy child whose development was commensurate for her age. She told me that both her mother and her grandmother had already told her that I would ask her about whom she wanted to live with.

3.2 Ashley looked me straight in the eyes and said: "I love my Mummy. I love Nanny and Gramps. I want to go back to how it was, me living with mummy and Nanny and Gramps having time with me and mummy".

3.3 Ashley then spontaneously said: "and I don't want to see Tony ever again. Nanny says he's in prison because he has been very naughty".

4.0 Opinion

1. It is my opinion that Ashley's mother Julie Wilson suffered significant symptoms of **depression** and **post traumatic stress disorder** and developed a pattern of **harmful alcohol misuse**. These problems appear to have been associated with and may have been triggered by the highly dysfunctional relationship that she had engaged in with Tony Dixon.

It appears that prior to the onset of her relationship with Tony Dixon, no concerns about her parenting ability had been raised and accounts suggest that Ashley a happy thriving child who was developing normally.

It therefore seems likely that the trauma and associated mental health and drinking problems that Ms Wilson experienced were significant factors relating to Ms Wilson's part in Ashley suffering the neglect and abuse that occurred prior to her removal from her mother. Prior to this period, there is good evidence that Ms Wilson acted as a responsible parent and that Ashley flourished whilst in her care. The resilience that Ashley currently demonstrates is evidence to her healthy development and having received appropriate parenting as a younger child.

2. In my opinion Ashley would ideally remain with her grandparents until such time that her mother is once more able to provide care and adequate protection for Ashley. I advise that the mother receives appropriate therapeutic help to deal with her depressive and post traumatic symptoms and consolidates strategies for avoiding alcohol.

3. Despite Ashley's young age, Ashley is able to give a clear account of her wish to be cared for primarily by her mother and being appropriately protected and continuing meaningful contact with her grandparents.
4. In the longer term I believe that it is likely that the mother will be able to provide Ashley with reliable, safe care. As noted above, rehabilitation will require a care plan which provides adequate protection to safeguard Ashley from potential harm. The court may wish to consider what would be the best legal framework to support Ashley's needs for adequate protection during the period of rehabilitation.

Kenneth Gloucester

Dr Kenneth Gloucester

Dated: ...