

## FAMILY ROLEPLAY CANDIDATE BRIEF

You are sitting today as a Recorder at Boltchester County Court.

Listed before you at 10.30am are two cases. The first matter is listed as “**Janning v Janning**”; the second appears in the list as “**Re a Minor**”. There is also a contested Family Law Act injunction application listed for not before 11.15am (with an estimated length of hearing of 4 hours) which you are told will be effective. This has already been adjourned once for lack of court time and thus must be heard today.

Consideration of both court files for **Janning** and **Re a Minor** reveals that the cases are linked. A Deputy District Judge has given a “box work” direction that both cases should be heard together in chambers

The files show:-

- Edward & Caroline Janning married on 13 March 2003; they had been living together since January 2000
- There are 2 children of the family; Alan (dob 13.11.97) and Ben (dob 08.02.02)
- Caroline is the mother of both children
- Edward is Ben’s father; the father of Alan is not identified
- In 2001 Edward & Caroline established a successful limited company; majority of shares were vested in Caroline for “tax reasons”; both were working directors
- The matrimonial home was purchased in 2002 in joint names; the mortgage was paid off in December 2006
- The Jannings separated on number of occasions between 2005 & 2008; they finally separate on 13 June 2008 when Edward leaves the matrimonial home and goes to live in a 3 bedroom flat 15 miles away
- Initially Edward exercises contact with both children, including staying contact, by agreement
- On 1 August 2008 Caroline issued a divorce petition based on Edward’s “unreasonable behaviour”—there are allegations of physical violence, during the marriage, to Caroline, witnessed by Alan and of occasional physical violence to Alan
- Edward files an acknowledgment of service 21 August 2008 stating that he denies the allegations in the petition but accepts that the marriage is at an end and will therefore not oppose grant of divorce
- Edward’s “friend” Esther Summers moves in to the flat on 22 August 2008
- On September 1 2008, following an argument about “financial matters”, Edward is removed from Board & dismissed as an employee
- Children stay with Edward over the weekend of 29 August 2008 to 31 August 2008; next contact was due on the weekend of 12 September 2008
- 8 September 2008—Caroline applies, ex parte:
  - for an occupation order (excluding Edward from approaching within 100 metres of the former matrimonial home);
  - and a non-molestation order (not to use violence or threaten violence and not to contact or communicate with Caroline in any way whatsoever nor with her solicitors for any purpose other than a purpose directly connected with the necessary conduct of the proceedings).
- In her affidavit in support it is alleged that Edward had attended at the former matrimonial home drunk after 11pm on each evening between 1 and 3

September 2008 when he threatened and abused Caroline (and had woken both children who witnessed each occasion) and on 4 and 5 September had made repeated, offensive and purposeless telephone calls to Caroline's solicitors

- The application was granted—returnable 15 September 2008
- 10 September 2008—order served on Edward—Edward informed by Caroline's solicitors that he will not be allowed further contact because of "the history of violence"
- 15 September 2008—Edward fails to attend hearing—orders continued until 14 September 2009—order served 22 September 2008
- September 15 2008—Caroline issues an application for ancillary relief—claiming transfer of Edward's interest in former matrimonial home and his shares in the company and for maintenance. The application was served on 22 September 2008. The first appointment has been listed for 5 January 2009
- 21 October 2008—Edward, through a solicitor Fabian King, issues applications for residence and contact in respect of both children and applies for an order for interim contact. It is alleged that Caroline, without any justification whatsoever, has deprived Edward of contact with the children who, it is said, have sent him text and e-mail messages saying that they wished to see him and were missing him. Reference is made to allegations by Caroline of "domestic violence" which, it is said, are lies
- The application is listed for hearing today. It is served on Caroline on 23 October 2008
- 28 October 2008—Caroline issues a notice to show cause, supported by her affidavit alleging that:
  - on 29 September 2008 Edward had telephoned her 15 times during the course of the evening shouting abuse and threats;
  - on 3 October 2008 Edward telephoned her 10 times during the course of the afternoon and that ,once again, he threatened violence;
  - and on the evening of 20 October 2008 he attended at the former matrimonial home and forced entry by kicking down the door; that he was abusive and was violent to Caroline (witnessed by the children) and threatened Alan when he attempted to intervene. It is said that the police attended.
- The notice to show cause is listed for hearing today
- Fax from Edward dated yesterday timed 3.15pm stating that he would be acting in person

It is 10.40am. The usher informs you that the court is ready for you and that present are the father in person, **A. Tulvert** (who is the solicitor for **Caroline**), **Esther Summers** and the CAFCASS officer **R. Carson**

The usher will lead you into court.