

FOR APPROVAL BY

HHJM.

CASE NO: HB10C00055

**NOTE OF HEARING OF THE 01 MARCH 2011
AT BRIGHTON COUNTY COURT
BEFORE HIS HONOUR JUDGE HOLLIS**

Re: EMILY NEWBOLD-SMITH AND LAUREN PETERS (AKA SMITH)

Mr Tregoning Counsel for the Applicant

Mr Newbold in person

Ms Webber Counsel for the children

Mr Tregoning

Your Honour will have seen the documents from the Newry Police. This matter has been returned to Court to allow Mr Newbold to address the Court on any issues arising out of the same.

The Local Authority's position is that nothing has materially changed. There will be a discussion with Ms Keenan about this material and the Social Worker will visit Ms Keenan prior to the 3 April 2011 when it is proposed that Ms Keenan will come to England for the intensive period of introductions. The Local Authority does not propose to change the Interim Care plan you approved on 17th February 2011. There will be an exploration of the charges. The trial is on the 28 March 2011 and we do know not the outcome.

HHJH

We have not seen Ms Keenan's Statement or those possibly of her witnesses. Ms Keenan has always admitted that something happened.

Mr Tregoning

The Local Authority does not want to be seen to interfere with the criminal trial. There is provision in the Order for Ms Stirling to provide an updating Statement and for Mr Newbold to provide an updated Statement in response to the Local Authority's evidence.

We need to bring to the Court's attention that Miss Beveridge is leaving CAFCAS and a new Guardian will be required. You would note that the Order provides that CAFCAS shall have confirmed who is appointed by the 8 April 2011.

Mr Newbold

I ask you to rescind or stay the Order for 17 February 2011 because it is again proven that the Local Authority evidence is inaccurate. I have been through the paperwork relied on and provided by way of report put into Court & referred to on 17 February 2011 by Helen Warren. Can I go through that with you? There are issues.

HHJH

I did read that again before I came into Court. It is at page 112 of the Bundle.

Mr Newbold

Issues I need to raise to you today are the manner in which the Authority has acted with my daughter. She was told on Saturday that she is moving to Ireland. I understood this was a trial. How can you tell a four year old that she will be going to Ireland. Emily came to contact very distressed. This was handled very badly and caused emotional harm. It would have been better if the Local Authority had told her

she was going on a holiday. She has no concept of Ireland. I have contacted my MP and my MEP who had some input into this new material coming to light. I am very unhappy at the process. I am told I have 24 hours to provide another family member to be assessed. I have already said my family supports me, but they won't come forward because of the way I have been treated. I was also told that the Threshold Criteria having been made, the Local Authority no longer has to work with me.

Helen Warren's Report - at the first page. List of documents. Doesn't indicate that she read the Statement. If you go forward it seems as if she has read the Statement. Pays no attention to the CCP Report 2004. Would have had a better background to the family. This goes back to 2004. Look at the Report. How it discussed the Keenan family. Talks about the family in a very nice relaxed way. Very different in the approach to me. Confrontational. Only negative information brought into Court. No information to say that I have had good contact with my daughter. Information is wrongly recorded. I am appalled at page 5, the mother's beaten so badly. Is it not the case as told by the Local Authority and Parenting Groups that family members often show and act out abuse they have suffered. Not a good situation. Indicates over time she is likely to be aggressive to her own children. Repeat what you see as a family. I am told that I am strict. Miss Keenan was taught by nuns. The convent was strict about homework. Collette Keenan's father was friends with Republican prisoners. That is my understanding from what Catherine told me. New information. Slightly different from what put before you. Kevin Keenan died at the hands of the IRA. Not what is put here. All a history of violence. Kevin shot in an accident. Catherine told me he was killed by the IRA. I cannot tell you if this is true. Collette's mother admitted to St Luke's. Psychiatric situations often reproduced in families.

Talk of depression and other problems suggest a possibility this could happen. Page 10. Collette stunned when she was pregnant with Chantelle. Hardly suggests secure family unit coming together to have children.

HHJH

Much of what you say is going over the report, before me at the previous hearing. We are dealing today with the further information that has come to light. Clarifies and expands on to a limited extent of information that was before me. Happy to hear to what you have to say about this information. Puts into context other matters that came out in Helen Warren's report.

Mr Newbold

That report was fairly useless to the Court.

HHJH

I don't agree.

Mr Newbold

Collette Keenan states that she has mafia links. She means IRA links.

HHJH

These are allegations not proven.

Mr Newbold

I have been asked today to make a decision. The Local Authority said they knew what was going on and that Emily would be safe, that this was what you needed to do.

HHJH

That is a misrepresentation. Not the first misrepresentation. I am not going to engage in a discussion with you.

Mr Newbold

I asked you to rescind the Order of the 17 February, to have contact re-established and to reserve execution so the matter can be addressed fully. The information from the Local Authority is not very good. Came from the MEP. I have written to my MEP and to the Houses of Parliament. I have handed up a newspaper article about other fathers' experiences of this situation. This is very distressing for my family. The Local Authority will not work with me because they said the Threshold Criteria are met. They are placing the children in jeopardy. Telling my child she is going to Ireland when in jeopardy. This is the tip of iceberg. Lots of other problems. And I have a lot of other problems going on. None of that came out either.

I am doing the best I can do. This is a very difficult situation. My child loves me. Contact stopped. Not happy about that.

Ms Webber

The Guardian has read the information. It does not change or alter her recommendations which are before the Court. Clearly needs further investigation. Could and should include The Guardian is pleased that the Local Authority is to visit Ms K at least once before the 3 April to discuss the information. Puts some context on the information. Only part of the information. Don't have Collette Keenan's Statement. Simply confirms the charges the Court was aware of.

The Guardian is leaving CAFCAS on the 8 April 2011 and there is a Direction for a Guardian to be appointed by the 8 April 2011, sooner rather than later. In terms of Emily being told, this was done in an entirely appropriate way by Mrs Stirling. Rather than being emotionally harmed both girls were excited.

Mrs Stirling did not give Mr Newbold an ultimatum but yet again asked Mr Newbold as previously if there were any alternative family members who wished to be assessed to let Mrs Stirling know sooner rather than later. Continuation of the process. Discussion about threshold with Mr Newbold asking why the children couldn't return to his care. Mrs Stirling explained that the Threshold Criteria we met and Mr Newbold ruled out, that the Social Worker accepted this & needs to look at alternatives.

HHJH

The trial is this month. Nothing is happening until had the trial. That being the case, is it the Guardian's view that should we look again at this matter when we know the outcome of the hearing. If acquitted we know where we are. If not we will get some idea of the nature and seriousness of the consequences. It may not be too serious for Ms K. Could be very serious for Lauren and Emily.

Ms Webber

The Guardian notes that the Local Authority is filing a Statement. May have confirmation by the 28 March of what happened. If she has any concerns then we can bring the matter back to Court.

HHJH

This should come back before the children go back to Ireland on the 11 April 2011 and will pencil in a hearing. When do we otherwise come back?

Mr Tregoning

11 and 12 July 2011 for a Final Hearing.

HHJH

We will come back and take stock.

Mr Newbold

The Guardian is ill-informed. My mother was asking about the situation not me, why my mother could not have the children as well as myself. There is a lot of confusion here. My daughter should have contact whilst this is sorted. It is good contact stripped down for no reason other than the children may go to Ireland. Contact should be reinstated.

HHJH

We will come back. When does Miss Keenan come to the UK?

Mr Tregoning

Miss Keenan comes over on the 3 April for an intensive period of introductions and on 11 April returns to Ireland with the children and Mrs Stirling.

HHJH

We will bring forward the timetable. Hearing 10.00am, 6 April 2011 at Hastings County Court. Mr Newbold would you prefer to put in a Statement or come along and tell me on the day?

Mr Newbold

I am trying to put information before you constantly and don't think has been heard.

HHJH

Should the Statement be referred back to Ms Warren? That's not much help until we get the full picture. Mr Newbold, I share your concerns about these matters, about the children being taken to Northern Ireland when this part of the jigsaw is still unclear. May be at the next Hearing we should consider whether to put some stay on the Interim Care Orders, By then the children will not have crossed the rubicon of the Irish Sea. If matters look bleaker for Ms K then led to believe at the last Hearing. Under those circumstances it is important for Ms Warren to have the opportunity to comment on the Newry proceedings, in the context of her recommendations in her report. Do a further piece of work if necessary. What contact is happening?

Mr Tregoning

In line with the Care Plan. Nothing has changed, it is exactly as the Schedule attached to the Order of the 17 February 2011.

HHJH

We will look again at this on 6 April 2011.