

SHERIFFDOM OF SOUTH STRATHCLYDE, DUMFRIES AND GALLOWAY

AT HAMILTON

[2025] SC HAM 61

HAM F544-21

JUDGMENT OF SHERIFF MUNGO BOVEY KC

in the cause

P K

Pursuer

against

S K

Defender

Act: Norris

Alt: Carey

Hamilton 12 August 2025

The Sheriff, having resumed consideration of the cause varies the decree granted on 21 June 2024 by reducing to nil the pursuer and respondent's contact with the parties' child, LK born 26 January, 2018 in terms of Section 11(2)(c) of the Children (Scotland) Act 1995; reserves meantime the expenses of the minute procedure.

[1] This is the latest chapter in the dispute between the parents of LK. L is 7 and his parents have been actively at odds since he was 2. The current instalment is an application by L's mother to reverse a contact order made as recently as 21 June 2024 in light of events in August that year.

[2] The case called before me for proof on 24 June 2025 and I heard evidence that day and on 25 and 26 June and submissions on 27 June 2025. Although the proof was on a minute by the defender and she led her evidence first, it is convenient to refer to the parties by their principal designations.

Findings in Fact

- a. The parties are spouses who separated in May 2020.
- b. There is one child of the marriage, LK who was born in January 2018 ("L").
- c. The pursuer is 42 years old and now living with CG and their 2 year old son R. Ms G's daughter M who is 8 lives half time with them. The pursuer is employed as a joiner. The defender is 37 and a primary school teacher who lives alone half a dozen miles away with L.
- d. Contact between L and the pursuer took place in terms of an interlocutor of 28 October 2022 up to the date of proof before Sheriff Speir in 2024. On an occasion when L was 5 years old, the pursuer's father and his wife went to the defender's house to collect L for contact. The defender said he did not want to go. Mr K's wife went into the house and came out with L. Before they got to the car, L found five pence on the ground. He turned round to give it to his mum but she had already shut the door and L started crying. When contact took place, the defender wanted to speak with L by phone every night.
- e. On 21 June 2024, after proof, Sheriff Speir made an order in favour of the pursuer for residential contact with L on a 4 week cycle, every fortnight from the end of the school day on Friday until Monday at 9:00 am, L to be collected from and returned to school by the pursuer. Sheriff Speir made detailed supplementary provisions to this basic arrangement.

- f. These arrangements operated until August 2024; the pursuer last saw L on 28 July after which the defender took him on holiday. Contact was successful on 28 July 2024. Some of the texts the pursuer sent to the defender about contact contained bad language and aggression.
- g. On Sunday 11 August 2024 the pursuer presented at the door of the defender's home at 9 am. The pursuer demanded the contact that had been arranged for that day and was angry and shouting. There was a physical interaction between the parties and the defender forced the door shut. The pursuer then struck the door, breaking the outer glass. L witnessed the scene from the top of the stairs and was upset.
- h. On 21 August 2024 L said to his teacher: "Can I tell you something? Dad smashed mum's door in and hurt her arm."
- i. On 7 September 2024 L ran off when his grandfather waved and took a photograph of him and his cousin J when they were playing in the same game. L now barely interacts with J at football matches;
- j. By interlocutor dated 3 October 2024 Sheriff Speir suspended the contact order of 21 June 2024, appointed a member of the local bar as child welfare reporter to seek and report the views of the child and assigned 6 January 2025 as an evidential hearing in respect of the defender's minute to vary and pursuer's answers.
- k. On 5 March 2025 the pursuer pled guilty to a contravention of section 38 of the Criminal Justice and Licensing (Scotland) Act 2016 on 11 August 2024 of behaving in a threatening or abusive manner by repeatedly striking the door of the defender's home, repeatedly shouting towards the defender and punching the door there causing damage to it and struggling with the defender all in the presence of his son L, this offence being aggravated by involving abuse of his partner or ex-partner. Sentence was deferred to 7 July

2025 for him to be of good behaviour. A non-harassment order was made for a 2-year period. He was previously of good character.

l. The child welfare reporter interviewed L and found him articulating his own views when he said he did not want to see the pursuer "...for the rest of my life because I'm just too frightened." He told the reporter that Daddy tried to push his way in and he heard him say bad words to Mummy and he heard the glass smash:

"He was watching from the top of the stairs. This made him feel sad and frightened. Daddy hurt Mummy's arm. Mummy phoned the police. ... She was sad. She was crying and ran to get her phone from her bedroom. She sat next to him, and he saw she was sad because she was crying, and she phoned the police. When asked how this made him feel L told me he felt 'sad'"

m. L had a good relationship with his siblings R and M and his paternal grandparents. They have not seen him since July 2024 and miss him.

n. The defender is implacably opposed to contact and her attitude adversely affects L's attitude to it. The views of the child, his mother and grandmother constitute an insuperable barrier to a resumption of contact with the pursuer or other members of the K family.

o. The parties are at present unable to co-operate in relation to contact or any other aspect of L's welfare.

p. The pursuer is prevented from direct contact with the defender by the non-harassment order and there is no suitable go-between currently in a position to facilitate contact by the pursuer.

The evidence

The defender

[3] Mrs K adopted her affidavit of 9 June 2025. The defender had complied with Sheriff Speir's order even though she did not agree with it.

[4] The defender had taken L on holiday for 11 nights from 30 July 2024. This was provided for in Sheriff Speir's order but the pursuer had not realised that she would not be back until the Saturday of "... what he thought was his weekend." He had responded with abusive messages and, while she was on holiday, it had been arranged between their lawyers that the pursuer would have contact on Sunday. However, the flight was delayed and, on landing in Edinburgh, just before midnight on the Saturday night, she had messaged the pursuer to say that and that she would message him when L woke in the morning. They got home at about 2.30 am.

[5] At 9 00am that morning she was awoken by a loud, persistent banging on her front door and the doorbell ringing. The pursuer was at the door, very angry, shouting and swearing at her. He was telling her to get his "fucking son now". He had started to push the door more open and grabbed her right wrist to push his way into her house. She was terrified. L was on the stairs behind her and the pursuer was screaming at him to get down the stairs. She used all her strength to push the door shut and lock it. The pursuer punched the glass door causing the outside pane to smash to the ground.

[6] At that point she had heard L scream and cry and realised that he had seen the incident from the top of the stairs. She went and comforted him. Her wrist was really sore after the incident and she had a burning sensation going up her arm. She went to hospital that night and her wrist was x-rayed. The doctor gave her a support to wear and suggested that a nerve had been damaged.

[7] L has not seen the pursuer since then; she did not take him to school on the Fridays when the pursuer was due to have contact between that date and the recall of the order on 3 October 2024. This was because her son was beside himself and too upset to go to school. On 21 August 2024 he said to his teacher: "Can I tell you something? Dad smashed mum's door in and hurt her arm."

[8] On 7 September 2024 L was so upset by the sight of the pursuer's father at a football game in which L was playing that he ran from the pitch crying and so distressed that they had to leave. He said was afraid his grandfather was there to take him to his dad.

[9] At the beginning of February 2025 L saw his father's van driving past them as they were approaching the place where he was to play football. He immediately began to cry and wanted to go home. She required to calm him and persuade him to go in and play. He reverted to having to be able to see her at all times whilst playing. The defender tried to get him referred to a mental health service.

[10] L is much changed by the incident in August. Initially he was terrified to go to school. He is scared when anyone knocks on the door and scared that something is going to happen to her. He has bitten his nails and wet the bed.

[11] Since the start of 2025, however, his behaviour has gradually improved; He is more confident going to school, attending clubs and feeling secure enough to be apart from the defender. The defender attributed this to the time since contact and wanted no further contact. She regularly asks him if he wants to see his dad or paternal grandparents but he never does. Nor does he mention his half-brother or the child of Mr K's new partner though she has not asked if he wants to see them.

[12] The defender lives alone with L though her brother and two sisters live locally. None of her wider family could facilitate contact and she does not think her father and

step-mother want to. Contact in a contact centre would not be in L's interest because of the distress it would cause him. He is traumatised to say the least; terrified and does not want to go. He was so anxious she had to take him to the doctor and is only now getting back to what he was.

[13] The defender narrated transactions between herself and the pursuer since contact had been ordered, anxious to convey to me that the pursuer was aggressive and demanding and she reasonable and flexible. She seemed particularly pleased that she never responded to his abusive messages. She seemed to regard the pursuer's requests for minor changes in arrangements to fit in with his employment as simple matters of his convenience and his desire for her to confirm agreements in writing as a further sign of his unreasonableness.

F G

[14] The defender's mother is 62 years old and a dispenser in a pharmacy. She adopted an affidavit dated 9 June 2025.

[15] Ms G had been on holiday with the defender and L in August. She confirmed that they had got back to Edinburgh Airport around midnight on the Saturday and that the defender would have got home about 2.30 am. The defender had phoned her about 9.30 am to say that the police were at the house and could she come and sit with L. On arrival she found the defender very shaken and L upset too. She sat with him while the police took a statement from her daughter in the other room. He told her that his dad was banging the door and shouting and woke them up and that he smashed the door and hurt his mummy. L was scared and did not want to be away from his mum.

[16] In March 2025, when things were getting a wee bit better, L thought he saw his dad's van as she was taking him to school. The witness thought he was mistaken but what a state

he was in; she had to go to the headmaster. A piece of work produced by L that month included the preprinted wording “THINGS I WORRY ABOUT:” which L had completed “I worry about my dad picking me up.”

[17] Since the start of 2025 L’s confidence has returned and his behaviour has improved compared to when he was being forced to spend time with his father and following the incident in August 2024. He now loves school and skips in. There have been no questions about dad for 6 or 7 weeks.

[18] Ms G did not favour contact with the pursuer's parents – we’ve been down that road. As regards L’s siblings, he did not want to be in his father’s house. She was not willing to assist with any of this.

[19] Asked in cross-examination whether she had ever spoken positively to L about his father, she said she had when he was younger and that L does not speak a lot about his dad. She has never bad-mouthed his dad. She denied that L would be scared to tell her and the defender that he had had a good time at contact. She denied that he would pick up their anxieties; they never speak about the pursuer and L did not know they were in court today.

[20] Before the August incident, L had been reluctant to go for contact; every Friday “I don’t want to go to dad”. There should be no contact, she was not saying not ever but not now. It should start when L is ready. Her daughter will ask him.

P K

[21] The pursuer adopted his affidavit of 18 June 2025. He is 42 years old and now living in Motherwell with CG and their 2 year old son R and Ms G’s daughter M who is 8. Mr K is employed as a joiner.

[22] The pursuer last saw L on 28 July 2024 before he was going on holiday with his mother. This was a successful contact. As the holiday came closer, it became apparent that it would impact on his time with L. It was agreed that he could see L after his holiday, on Sunday 11 August from 9.00am to 6.00pm. He and CG planned to take all three children to St Andrews for the day; they packed the car the night before and prepared a picnic. In the morning he found a text from the defender that her flight had been delayed and she would call him later when he was up. He indicated that L could sleep in the car on the way to St Andrews.

[23] When he arrived at the defender's house, the blinds were down and there was no answer to the doorbell. The defender answered the door in her pyjamas and told him that L was still sleeping. He shouted to L to encourage him to come with him. When he put his head forward, the defender punched him on the head. He stepped back from the doorway. She then slammed the door in his face. In frustration he kicked the bottom of the door and smashed the window in the door.

[24] On 5 March 2025 the pursuer pled guilty to a contravention of section 38 of the Criminal Justice and Licensing (Scotland) Act 2016 on 11 August 2024 of behaving in a threatening or abusive manner by repeatedly striking the door of the defender's home, repeatedly shouting towards the defender and punching the door there causing damage to it and struggling with the defender all in the presence of his son L, the said offence being aggravated by involving abuse of his partner or ex-partner. Sentence was deferred to 7 July 2025 for him to be of good behaviour. A non-harassment order was made for a two-year period. He was previously of good character.

[25] The pursuer had been frustrated at not getting to see his son again; there have been numerous occasions when he called to collect L from the defender's house and he has not been made available.

[26] L had a good relationship with his siblings R and M and his paternal grandparents. They have not seen him since July 2024 and miss him.

[27] Asked about the recent bar report that L said he did not want to see the pursuer "...for the rest of my life because I'm just too frightened." the pursuer said he did not believe it represented his real attitudes. He had been coached by his mother or grandmother.

[28] Various exchanges of texts between the parties were put to the pursuer some of which contained bad language and aggression which the pursuer attributed to his frustration at the way in which contact had been working. He said the defender was "quite fly" and sent cheeky messages which were deleted; all the productions were his messages.

C G

[29] Ms G is a nursery teacher on a career break since her son R was born two years ago. She and the pursuer have been together for 4 years.

[30] Social work put contact in place because of difficulties when they had to pick L up from Mrs K's. Ms G's 8 year old daughter stays half time with her and half with M's father C. M had introduced L to the other children in the street and they had had an absolute ball. She was able to arrange with C for M mostly to be present when L was with them; they would change C's weekend. She and R both miss L massively.

[31] Ms G thinks L needs a dad in his life.

[32] Ms G would collect L from his mother's house provided that Mrs K did not start any dramas. She was not very optimistic about this, going by the defender's past. So many

times she had said he was not ready and when he came down he said he did not want to go with his dad. Clear directions from the court would be appreciated. The midnight email in August was an example of what the defender always does; puts it off to suit herself.

[33] The only time Ms G has not been fully involved in L's time with his dad was after Mrs K made an unfounded allegation that she had slapped L in August 2022. After the social work cleared her, the defender had complained about the social worker. Ms G's son was still in post-natal oxygen at home; she could not believe how evil someone would be to put a person who had just had a baby through that.

[34] In cross-examination Ms G denied thinking that all the problems were the defender's fault; the two of them need to learn to co-parent but she throws every obstacle in his way and makes personal attacks on her, M and the pursuer's sister and father.

[35] As regards the incident in August 24, she thought they had both behaved in a terrible manner; the defender wound the pursuer up and he acted as he should not have. More than 4 years of going to her house to get his son would wind anyone up. She denied that the pursuer has a short fuse.

P K senior

[36] The pursuer's father is 67 and a railway maintenance fitter. He adopted an affidavit dated 18 June 2025.

[37] Mr K recalled an occasion when he and his wife had gone to the defender's house to collect L (then 5 years old) for contact. The defender had said he did not want to go. Mr K's wife had gone into the house and come back with L. Before they got to the car, L found five pence on the ground. He turned round to give it to his mum but she had already shut the door and L started crying.

[38] Mr K spoke warmly of the relationship his son has with L. He spoke of the activities that the pursuer took L to. He thinks that L is being frightened by his mum putting things into his head.

[39] On 7 September 2024 L ran off when his grandfather waved and took a photograph of him and his cousin J when they were playing in the same game. L now barely interacts with J at football matches.

[40] It was a nightmare when he had to deal with the defender. He regarded the defender's wish to receive a phone call from L when he was with his dad as being to upset him so he could ask to come home. She is not a decent mother, keeping him from his dad.

L K

[41] On the afternoon of 26 June I met L in my chambers. I found him articulate and determined. Asked if he knew any baldies other than myself, he referred to the pursuer. Asked if he had any siblings, his demeanour changed and I moved away. When this topic was raised again, he again appeared to battle with his emotions though he in fact retained his composure throughout. He told me he did not want to see his siblings or paternal grandparents under reference to the pursuer. Even if the pursuer were taken out of the picture, he did not want to see them. He did not want to see his dad because he had hurt his mum and damaged the door, something he had seen from the top of the stairs. He had with him a doll of Mbappe in white kit. He had got this in Madrid when he had been to a football game with Real Madrid.

Submissions

Children (Scotland) Act 1995

[42] During the proof, I issued to the parties' agents a checklist in relation to contact under the Act that I had prepared in relation to another case:

- I. The court may make such order as it thinks fit; it is not limited to those listed in the section or those sought by the parties (Section 11(2));
- II. The court must regard the welfare of the child concerned as its paramount consideration (section 11(7)(a));
- III. The court is not to make any order unless it considers that it would be better for the child that the order be made than that none should be made at all (section 11(7)(a));
- IV. In deciding whether to make an order the court must, so far as reasonably practical and taking account of the child's age and maturity, give the child an opportunity to express his or her view and take account of any such views. (section 11(7)(b)). A child 12 years of age or more is presumed to be of sufficient age and maturity to form a view for these purposes (section 11(10));
- V. The court must consider whether it would be appropriate to make an order that requires the parents to co-operate in relation to the child (section 11(7D));
- VI. The court must have regard to the need to protect the child from abuse that may affect him or her (section 11(7B)(a) & (b)). Abuse extends to any conduct likely to give rise to physical or mental injury, fear, alarm or distress of any person including presence in a specified place or area (section 11(7C));
- VII. The court must have regard to the ability of a person who has carried out abuse which affects or might affect the child or who might carry out such abuse, to care for, or otherwise meet the needs of, the child (section 11(7B)(c)).

[43] The agents were content to accept it as an accurate summary of the relevant provisions and to use it as the structure for their respective submissions which I found helpful.

I Court can make any order

[44] This issue had arisen when I suggested making an order for sibling contact or contact with the paternal grandparents. Ms Carey accepted that either of these could be done but pointed to the lack of any specific application and that such an order had not been fully tested in evidence. The pursuer's father had said that it had been a nightmare when he had to deal with the defender.

[45] Ms Norris said that L was very much missed by the K family who found it upsetting not to see him. The Ks are different from the defender and her mother; their extended family makes a busier household. Sheriff Speir's findings in fact made it clear that L has a deep bond with the K family. Is the mistake the pursuer made enough to break that bond in its entirety? If not, Ms Norris invited me to make an order for contact with his siblings and grandparents.

II welfare of child pre-eminent

[46] Ms Carey acknowledged this principle and dealt with the detail behind it under other headings. In response to Ms Norris's comment as to the lack of a male role model in L's life, she said that he sees his maternal grandfather and his wife who live 7½ miles away.

[47] Ms Norris submitted that it would be wrong for L to have no father figure in his life. The evidence showed very little interaction between the defender and L about his siblings.

L now barely interacts with his cousin J at football matches; he ran off when his grandfather waved and took a photograph of him and J when they were playing in the same game.

III order not to be made unless better than no order

[48] Ms Carey said there should be no order for contact with the pursuer. There had been conflict all along the line and a high level of conflict at that. As Sheriff Speir had found (FIF 22) the defender had obtempered the orders of the court even though she did not agree with them. I could be satisfied that she did not disparage the pursuer's family to L. The child was loved by his mother and grandmother and not well-disposed towards the pursuer or his family. They were ill-disposed to the defender as evidenced by the text messages and everything they had said about her in evidence.

[49] The events of 11 August 2024 had been appalling. The 2 year non-harassment order and deferred sentence until 7 July 2025 were a proportionate response by the criminal court. His conduct on the day was an escalation of the behaviour demonstrated by the texts and made the defender fear about how he treats the child. The defender is dignified and the child is her world; his world is his mum.

[50] Ms Norris accepted that the event on 11 August 2024 created a change of circumstances and, accepting that L had been frightened by the incident, meant that the pursuer would have to start from scratch. She accepted that the order should be varied so that L was comfortable and not distressed. She suggested contact in a contact centre or supervised, perhaps in McDonalds or at a park where he was practising football.

IV the views of the child

[51] Ms Carey accepted that the views of a 7-year-old cannot be determinative but urged me not to disregard them. The views reported by the reporter and myself were not learned memory but a trauma response. L lives in a calm, supportive environment and had been traumatised even if it might be an overreaction. Even it is, it is his reaction. How it can be overcome without therapeutic intervention is a complicated issue. He is frightened of his dad and in the queue for child psychology. This is not all about 11 August; there was robustness and aggression from the pursuer during and after the marriage. The defender is not saying that he will actively harm the child but shouting is not the environment he wants. Three nights with the Ks was too much for the wee boy. The pursuer is so blinded by his hatred of the defender that he puts his own interests ahead of the child's. The defender is alert to the danger of later resentment by the child if there is no contact.

[52] Ms Norris did not accept that the reporter's account of the child being afraid of his father truly represents how he feels. If he was afraid of his father, that still was not a reason to cut ties with his half brother R and his step sister M.

V parental co-operation

[53] Ms Norris pointed out that there had been no acknowledgement in the evidence given by the defender and her mother that the pursuer loves his son. Not one positive thing had escaped their lips. She accepted that the pursuer's conduct had been poor but did swearing in texts mean that he should not see his son? He agreed that he cannot co-parent with her and this was evident from the defender's evidence. The NHO does not apply to contact with L. His views always align with with his mother. Is that healthy? Contact had

worked smoothly when handover did not involve the defender's presence. Mr K senior was willing to become involved.

VI *Abuse*

[54] Ms Carey maintained that the pursuer had been abusive on 11 August. She was concerned that contact in the K household may undermine L's relationship with his mother.

VII *ability of abuser to meet the needs of the child*

[55] Ms Carey maintained that the K household is not one L has not warmed to previously.

[56] Ms Norris said that the pursuer had expressed regret for the incident on 11 August. She asked me to view it in the context of the defender having on a number of occasions made contact difficult and he had become frustrated. I had heard from the Ks that L had enjoyed his time with his father.

Discussion and Decision

[57] Most of the conflict in the evidence lies in interpretation of the situation and matters of opinion in respect of which it will be apparent that I prefer the evidence of the pursuer and his witnesses to that of the defender and her mother.

[58] It is a matter of great concern that the parties have been in conflict about this 7 year old boy since he was two and that detailed arrangements made after proof in the middle of last year collapsed within a couple of months.

[59] The result of the success of the defender is that, for the foreseeable future the child will live alone with his mother and will have:

- a. no male role model;
- b. no second parent;
- c. no contact with his siblings;
- d. no contact with his paternal grandparents;
- e. no contact with the wider K family.

[60] As regards contact with members of the K family other than the pursuer, as Ms Norris acknowledged, the Ks are different from the defender and her mother and their extended family makes a busier household. The parties' families may have little in common but both are part of L. I refrained from reading Sheriff Speir's conclusions from 21 June 2024 until I had formulated my own but, having done so, I note that he observed:

"I do not consider the current state of affairs whereby there is absolutely no rapport or even casual association between the two family units that L has to be either healthy or in his best interests. I am concerned for his well-being should that continue."

I consider this situation grossly detrimental to L's welfare.

[61] The circumstances in which I am allowing this to happen are as follows:

[62] The defender continues to be relentlessly opposed to contact. She understands how to provoke the pursuer – she was positively pleased that her texts are all moderate. The pursuer, however, allows the defender to provoke him and seems incapable of the necessary moderation. The toxicity of the relationship continues in full force.

[63] There is at present no suitable go-between available for handover: Ms G used the word evil in relation to the defender while P K senior said it was a nightmare when he had to deal with the defender: "She is not a decent mother."

[64] The basis on which the defender seeks to reduce contact to nil is the views of the child, particularly his fear of the pursuer after the incident on 11 August 2024.

[65] Ms Carey recognised that his reported attitude might be an over-reaction and I consider that it is. The tussle at the front door viewed from the top of the stairs does not justify the response of the defender or the child even with the breaking of the outer glass.

[66] I do not accept that L is the tender flower Ms Carey represented him to be. He attends a mainstream local authority primary school where he is said to be doing well. He plays and enjoys football. He seemed quite robust to me. I note that Sheriff Speir did not accept that L was fearful while with the pursuer or in the family environment he has with Ms G.

[67] When I saw him, L did not want to see his dad because he had hurt his mum and damaged the door. In other words, his concern was not for himself but for the defender. As early as October 2024, he told the reporter that Daddy tried to push his way in and he heard him say bad words to Mummy and he heard the glass smash:

“... This made him feel sad and frightened. Daddy hurt Mummy’s arm. Mummy phoned the police. ... She was sad. She was crying and ran to get her phone from her bedroom. She sat next to him, and he saw she was sad because she was crying, and she phoned the police. When asked how this made him feel L told me he felt ‘sad’”

[68] The defender told me that L is scared that something is going to happen to her while Ms Carey was concerned that contact in the K household may undermine L’s relationship with his mother.

[69] It will not be lost on L that he lives alone with his mother. When contact took place she wanted to speak by phone every night. Ms Carey’s submission that the child is her world hits the nail on the head.

[70] I was very struck by the account Mr K senior gave of the an occasion when he and his wife had gone to the defender's house to collect L (then 5 years old) for contact. The defender had said he did not want to go. Mr K's wife had gone into the house and come back with L. Before they got to the car, L found five pence on the ground. He turned round to give it to his mum but she had already shut the door and L started crying.

[71] The defender is entirely unsympathetic to contact with the Ks. I am ready to infer that any suggestion that L goes for contact or, worse still, enjoys it to any extent is met with a withdrawal of affection. In one sense, L faces the prospect of losing both parents.

[72] Against this background, I think one need look no further for an explanation of L's negative attitude to contact and what is accepted to be L's disproportionate response to the event on 11 August. The abusive behaviour of the pursuer on 11 August 2024 has played its part in the continuing debacle but the fundamental cause is the implacable opposition of the defender.

[73] I am sure that if the defender were to suggest to L that it would be convenient for him to go to his dad's while she was engaging in some activity involving other people, he would need little persuasion. This would resolve both his fear of losing her affections by going to contact and any concerns about leaving her alone.

[74] But absent such conduct on her part, the views of the child and his mother in my view constitute an insuperable barrier to a resumption of contact with the pursuer or other members of the K family.

[75] In the circumstances, I have granted the defender's wish to reduce contact to nil.

[76] I regard the conduct of the defender as principally responsible for this disastrous state of affairs. I conclude that this conduct is properly characterised as abusive. I consider

that if it continues, the issue of whether it continues to be in the child's best interests to reside in the defender's care may arise.

[77] I have therefore stopped contact against the background that I expect the defender to take steps for the restoration of informal contact by persuading L that she wishes it. I suggest a period of 6 months for her to achieve this. If she has not achieved it in that time, it would, in my view be open to the pursuer to ask the court to review the residence arrangements for the child. I make no order in this regard at this stage and no doubt the parties will want to digest this judgment before any further procedure.