SHERIFFDOM OF TAYSIDE, CENTRAL AND FIFE AT STIRLING

[2026] SC STI 112

STI-F75-25

JUDGMENT OF SHERIFF O'MAHONY

in the cause

KT

Pursuer

against

KK

Defender

Act: Party Litigant, with the assistance of an interpreter
Alt: Ritchie, solicitor

Stirling, 18 August 2026

The sheriff, having heard evidence, considered the productions, affidavits, written submissions and having resumed consideration of the cause:

FINDS IN FACT

1. The pursuer is KT. The defender is KK. They are the parents of AK, born on 4 June 2021. Parties were married in India on 23 August 2018 and separated on or around the 11 February 2024.

2. AK has resided with the defender since the parties separated. The defender has been his principal carer since separation, and for a substantial period before separation, carried the greater part of his day-to-day care.

3. The pursuer has not had contact with AK since the separation. By the date of proof, the period without contact was approximately two and a half years.

4. AK has significant additional support needs. He has marked speech and communication delay, sensory difficulties, feeding and food texture difficulties, a strong need for routine and predictability, and difficulty with unfamiliar people and environments. The evidence before the court is consistent with autism and the child has been the subject of professional assessment and support in that connection.

5. The defender has engaged consistently and appropriately with health and nursery services. She has acquired detailed knowledge of AK's communication and routine needs and is attuned and responsive to them.

6. AK has made progress while in the defender's care. He has been settled at nursery and has developed his communication and other skills notwithstanding his limitations. He has benefited from a structured and predictable environment and from coordinated professional support.

7. AK is due to commence primary school in August 2026. This will be a substantial transition for him, particularly considering his additional support needs and dependence upon routine.

8. The pursuer was involved in AK's care when he was a baby, particularly during the defender's recovery from caesarean section. The pursuer and his family remember affectionate interactions between the pursuer and child pre-separation.

9. The pursuer's brother KT1, and cousin SK, observed positive interactions between the pursuer and child prior to February 2024. Their evidence did not impact upon the child's present needs, nor did it offer insight into the potential effect upon the child of reintroducing contact after such a prolonged absence.

10. The pursuer has been genuinely distressed by the loss of his relationship with the child and has sought through legal proceedings to re-establish contact.

11. The pursuer completed an online course, described as an "Understanding Autism, ADHD and Childcare Level 3 diploma", awarded in January 2026.

12. At proof the pursuer maintained that autism could be cured or healed and confirmed he had previously questioned whether the child's autistic presentation was genuine or was being advanced tactically in opposition to contact.

13. The pursuer did not demonstrate an adequate appreciation of the significance of AK's sensory, communication and feeding needs, nor of the degree of consistency required from a caregiver to such a child.

14. Any safe reintroduction of direct contact after an absence of approximately two and a half years would require to be cautious, incremental, carefully planned, primarily informed by AK's particular needs and capable of considerable flexibility. Any adult providing care to AK needs to be closely attuned to his facial expression and body language. Failure to observe these needs carries a significant risk of dysregulation and disruption to his developmental needs.

15. The pursuer did not advance in evidence any sufficiently well-developed plan to meet the above requirements. The pursuer substantively maintained that contact should occur because he is AK's father and because of the relationship which existed prior to separation.

16. Prior to and after separation the defender made allegations of physical, emotional, verbal and financial abuse by the pursuer. Those reports were not first made for the purposes of this litigation.

17. The parties' relationship was at times characterised by serious conflict. The police attended the family home on more than one occasion. The pursuer accepted that the parties argued and that the police had attended.

18. The defender's decision to leave the family home in February 2024 was not impulsive. Before doing so she had sought advice and support over a substantial period and had planned with professional agencies concerning her and her son's safety.

19. The defender has a genuine and continuing fear that the pursuer or members of his family will seek to locate her and remove the child from her care. That anxiety was materially exacerbated by an event in March 2025 when she believed members of the pursuer's family were in the vicinity of the child's nursery.

20. AK has not yet had a British passport issued in his name.

21. The defender has indefinite leave to remain in the United Kingdom and has applied for British citizenship. The United Kingdom is the settled home of the defender and the child. There is no sufficient evidential basis to conclude that she intends permanently to remove the child from the United Kingdom.

22. The defender has family abroad. She seeks authority to take the child to visit family abroad for periods not exceeding 8 weeks in any given calendar year. Any travel will require to be sensitive to the child's needs at that time.

23. It is in the child's best interests that he has the legal certainty of a residence order made in favour of the defender. It is better for him that such an order be made than no order be made.

24. It is not presently in AK's best interests that direct contact with the pursuer be reintroduced. The combination of the prolonged absence of contact, his significant additional needs, the pursuer's inadequate understanding of those needs, the imminent

transition to primary school, the absence of a suitable incremental plan, and the very likely inability of parties to work together in furtherance of any contact plan, makes the welfare risk of contact significantly greater than any benefit to be derived.

25. The pursuer's applications to interdict the defender from removing the child furth of Scotland and to prohibit application for a British passport in the name of the child are not necessary or proportionate on the evidence.

26. The defender's apprehension that the pursuer may seek to remove the child from her care is reasonable. An interdict preventing such removal is necessary and appropriate. The pursuer has previously behaved in an abusive manner towards the defender. The defender has established a reasonable apprehension of further molestation, threats, fear or alarm should the pursuer locate or approach her. An interdict for her protection is necessary and appropriate. Considering the history of the parties' relationship, the defender's continuing fear, and the need to protect her from a risk of abuse, it is necessary to attach a power of arrest to the interdict.

27. It is in AK's best interests that the defender be authorised by specific issue order to take him out with the United Kingdom for holidays and family visits for periods not exceeding 8 weeks in total in any year, subject always to his welfare and any other subsisting orders of the court.

FINDS IN FACT AND LAW

1. It is better for AK that a residence order be made than no such order be made.

2. It is in AK's best interests that he resides with the defender and that a residence order be made in her favour in terms of section 11(2)(c) of the Children (Scotland) Act 1995.

3. It is not in AK's best interests at the present time that a contact order be made in favour of the pursuer in terms of section 11(2)(c) of the Children (Scotland) Act 1995.

4. The pursuer has not established a sufficient basis for interdicting the defender from removing or attempting to remove the child furth of Scotland, or prohibiting her from applying for a United Kingdom passport for the child.

5. The defender is reasonably apprehensive that, unless prohibited by court order, the pursuer may remove or attempt to remove the child from her care, and interdict is necessary and appropriate.

6. The defender is reasonably apprehensive of molestation, assault, threat, fear or alarm by the pursuer and interdict is necessary and appropriate for her protection.

7. Attachment of a power of arrest to the interdict is necessary to protect the defender from a risk of abuse in breach of that interdict.

8. It is in the child's best interests that a specific issue order authorising the defender to take him out with the United Kingdom for holidays and family visits for periods not exceeding 8 weeks in total in any year be granted.

THEREFORE

Recalls the cause from Avizandum; *ex proprio motu* in terms of section 11 of the Children (Scotland) Act 1995, finds that it is in the best interests of the child AK, born 4 June 2021, to reside with the defender and makes a residence order in favour of the defender in terms of section 11(2)(c) of the aforesaid act; Repels the first, second, third, fourth, fifth, sixth and seventh pleas-in-law for the pursuer; Sustains the first, second, third, fourth, fifth, sixth and seventh pleas-in-law for the defender; Interdicts the pursuer from removing or attempting to remove the child AK, born 4 June 2021, from the care of the defender; Interdicts the

pursuer from molesting the defender, assaulting her, threatening her or otherwise causing her fear or alarm; Attaches, in terms of section 1 of the Protection from Abuse (Scotland) Act 2001, a power of arrest to the said interdict, the court being satisfied that attachment is necessary to protect the defender from a risk of abuse in breach of the interdict, such power of arrest to have effect upon service in accordance with the law and to expire 3 years after the date upon which it takes effect unless earlier recalled or lawfully extended; makes a specific issue order in terms of section 11(2)(e) of the Children (Scotland) Act 1995 authorising the defender to take AK out with the United Kingdom for holidays and visits to family for periods not exceeding 8 weeks in total in any calendar year, without requiring the further consent of the pursuer, subject to any further order of the court and to the defender continuing to exercise her parental responsibilities and rights in accordance with AK's welfare; Authorises the defender, insofar as authority of the court is required, to apply for and obtain a United Kingdom passport for AK for the purpose of giving practical effect to the preceding specific issue order; and reserves meantime all question of expenses.

NOTE

Introduction

[1] This is a family action concerning AK, born on 4 June 2021. The pursuer is his father, and the defender is his mother. The pursuer seeks a contact order in terms of section 11(2)(d) of the Children (Scotland) Act 1995 ("the Act"). He also seeks interdicts designed to prevent the defender from removing the child from Scotland or obtaining a United Kingdom passport for him, together with an *esto* crave for delivery of any passport already obtained.

[2] The defender opposes contact of any kind. She seeks interdict preventing the pursuer from removing AK from her care, a personally protective interdict against molestation, assault, threats, fear and alarm, with an attached power of arrest, and a specific issue order permitting her to take AK out with the United Kingdom for holidays and family visits for up to 8 weeks in any given year.

[3] Neither party's formal craves sought a residence order. At the conclusion of proof I indicated that the child's circumstances required legal certainty as to residence and that I would consider making such an order even absent such a crave. Section 11 permits the court, in appropriate family proceedings, to make such an order where the statutory welfare and no-order tests are met. Both parties were afforded an opportunity to address all matters including residence in written submissions.

[4] The proof took place on the 30 July 2026. The pursuer was unrepresented and participated in proceedings with the assistance of an interpreter. The defender was represented by Mr Ritchie, solicitor. Following evidence, I gave the parties a period of around 2 weeks to provide written submissions, both of which did so. The pursuer's written submissions mirrored much of his position at proof - significant emphasis was placed on the previous bond which he had with his son, his continuing wish to be involved, the fact that a number of professional witnesses had not observed him parenting the child and were therefore, in his view, not able to offer authoritative comment, and his position that contact could safely rebuild the father-son relationship. The defender’s submissions invited the court to prefer the evidence presented on her behalf and to refuse contact because of the child's additional needs, the length of separation, the pursuer's lack of understanding of the child's needs and the risk of regression.

[5] I heard evidence from both the pursuer and the defender. I also heard evidence from

- SG, the defender's friend and former lecturer;
- JB, a domestic abuse advocate with Women's Aid;
- VJ, the child's health visitor;
- AB, Manager at Homes Start, Stirling;
- LF, Head Teacher at the child's nursery;
- KT1, the pursuer's brother;
- SK, the pursuer's cousin.

[6] Evidence in chief was mainly taken in the form of either affidavit or statement. Cross-examination and re-examination followed in the normal way. Cross-examination of the defender was done through the court by way of interrogatories. I also had the benefit of the child welfare report prepared by Alan Rodger, solicitor, dated the 11 December 2025. Mr Rodger had met each party, visited the child at nursery, spoken with several professionals and family members and otherwise considered the pleadings and productions. I found his report to be a careful and thoughtful analysis of the various issues.

[7] I also considered the parties' pleadings and the productions. These included correspondence and records from Women's Aid, health and social care services, Home-Start and other support services; medical and mental health material relating to the defender; numerous documents from professionals relating to the child's development and care; photographs; correspondence concerning attempts to obtain contact and the pursuer's certificate in relation to an online course.

[8] The pursuer's photographs and the evidence of his relatives support the proposition that before separation he and the child interacted affectionately and that the wider paternal family socialised with parties. The photographs tended to show moments of joy and

affection between the pursuer and the child. I accept that the pursuer has a deeply held affection for the child and has been greatly upset by the loss of contact.

[9] Photographs are snapshots. They do not establish what occurred out with the photographed occasion and, far more importantly, they do not answer the question of how the child would now respond to the pursuer after a prolonged absence and with the additional needs which have become much clearer since separation.

[10] The professional material lodged is significant because the defender's allegations of control, financial restriction and abuse were not first articulated after this litigation began. She had sought help from professionals during the relationship and before leaving the family home. That does not mean that every allegation is proved merely because it was reported, but it materially answers the pursuer's proposition that the entire account was manufactured only to defeat contact.

The critical issues

[11] The critical issues are: (i) whether it is better for AK that a residence order be made and, if so, with whom he should reside, (ii) whether any direct contact with the pursuer is presently in the child's best interests, (iii) whether the pursuer's craves concerning removal from Scotland and a passport are necessary and justified, (iv) whether the defender has established the basis for her own interdicts and a power of arrest, and (v) whether the specific issue order sought for foreign travel should be granted.

[12] The central question is not whether the pursuer loves his son. I absolutely accept that he does. The central question is particular to this child at this time: whether the order sought is in the interests of the child, which is paramount in the court's consideration.

[13] The contact question is unusually sensitive because AK is not simply a child who has been separated from a parent for a lengthy period, he is also a child who now has substantial communication, sensory and feeding needs. He relies heavily on predictability and adults who are attuned to his specific needs. The pursuer has not cared for him at any point during the period in which those needs have become prominent. The child is also about to enter primary school.

Legal framework

[14] Sections 11(2)(c), 11(2)(d) and 11(2)(e) of the 1995 Act respectively provide for residence, contact and a specific issue orders. In deciding whether to make an order under section 11 the court must regard the welfare of the child as its paramount consideration and must not make an order unless it considers that it would be better for the child that the order be made than no order be made. The court must also have regard, so far as practicable and appropriate, to the child's views, taking into account age and maturity. AK's age and communication difficulties mean that his views on the orders sought cannot be obtained from him. However, his presentation and behaviour, as observed by the nursery and other professionals, are relevant considerations when assessing the question of welfare.

[15] The statutory framework further requires the court to have regard to the need to protect the child from abuse or the risk of abuse and to the effect which abuse, or risk of abuse, might have upon the child. Abuse is not confined to physical injury. Conduct producing fear, alarm, distress or mental injury may be relevant. Importantly in this case the court must also consider the practical ability of the adults to cooperate in giving effect to any order.

[16] The current position on interpretation of the legislation regarding a contact order is perhaps best summarised in *J* v *M, 2016* CSIH 52, 2016 SC 835 at paragraph 11:

> "Before refusing an application for parental contact, a careful balancing exercise must be carried out with a view to identifying whether there are weighty factors which make such a serious step necessary and justified in the paramount interests of the child (sometimes referred to as 'exceptional circumstances'). Reference can be made to M v K (para 25). This approach is reflective of the general background of it almost always being conducive to the welfare of a child that parental contact is maintained. In NJDB v JEG (para 14) Lord Reed explained that there must be 'a reasonable basis' for a decision to refuse such an application. It has been made clear in a number of recent decisions south of the border that, in the context of what are sometimes called intractable cases, it is not appropriate for the court, in effect, to give a veto to a parent who, for no good reason, and come what may, is simply intent on preventing contact."

At paragraph 12:

> "…since in general it is strongly in the interests of a child to maintain a relationship with both parents, before a contrary position is taken, the court must, after carefully weighing all the relevant circumstances, identify factors which justify such a serious step and demonstrate that it is conducive to the welfare of the child."

[17] It is therefore clear that the starting point must be that regular paternal contact is in the best interests of the children.

[18] Interdict is a preventative remedy. The applicant must establish a reasonable apprehension of the conduct sought to be restrained. A power of arrest may be attached to an interdict for protection from abuse where the statutory conditions in the Protection from Abuse (Scotland) Act 2001 are satisfied and attachment is necessary to protect the applicant from a risk of abuse if the interdict is breached.

Evidence ad the Court's Observations

Pursuer's evidence

[19] While the defender led at proof, that decision was principally informed by the fact that the pursuer was not legally represented. For the purposes of this judgment, I will set out the pursuer's position first.

[20] The pursuer's evidence was that he had been a committed and hands-on father. He described providing substantial care after AK's birth while the defender recovered from caesarean section and said that he continued to care for the child around his working hours. He described outings, play times, feeding and happy family occasions.

[21] He denied that the defender and child had been financially deprived and said that the defender had access to money and to a bank card. He denied physical, emotional or coercive abuse of any kind. He accepted that there were arguments and that the police attended the home but maintained that the defender's accounts were either false or exaggerated. His explanation for repeated police attendance was vague and confusing. He claimed their attendance was due to arguments about money and there had never been any threatening behaviour on his behalf. As I understood it, his evidence was that the defender called the police.

[22] He denied the defender's position that he had hidden cameras in the marital home to spy on her. His explanation for the cameras was confusing. It seemed to amount to a suggestion the cameras were in place to watch the child.

[23] There was a passage of evidence relating to the child raising his hands when approached by men. The position of the pursuer was that was an indication of the child wanting to be lifted and cuddled as opposed to protesting against an approaching unfamiliar male.

[24] He described the pursuer's departure with the child in February 2024 as devastating and entirely unexpected. He had not chosen to be separated from his son, and he had made every effort to re-establish contact through solicitors and the court.

[25] I accept that the absence of contact has caused the pursuer genuine turmoil and anxiety.

[26] The pursuer relied heavily upon the positive observations of his relatives who gave evidence and upon photographs of family life. He also relied upon the online course which he completed after the issue of autism became known.

[27] Unfortunately, the course does not seem to have translated into a sufficiently sound understanding of the condition of autism. He accepted the diagnosis only with considerable qualification and expressed the view that autism could be cured or healed. He had earlier considered whether autism was being used tactically by the defender to prevent contact. These observations cause me significant concern. It is well within judicial knowledge that autism is not a transient behavioural problem to be cured by parental care. His evidence gives rise to serious concerns as to whether the pursuer has fully accepted AK's condition and what that would mean for everyday caregiving.

[28] The pursuer was keen to emphasise that the professional witnesses had not observed him actually parenting AK. I take that limitation into account. Every one of those professional witnesses was challenged on that point. They responded in a generally uniform way by emphasising that their conclusions on what amounts to best care for the child are based on their knowledge of the child's needs, as opposed to an unilluminated view of the pursuer's parenting ability. The decision of the court is not based on an assumption that those witnesses had assessed his historical parenting from direct observation; it is based

upon their direct knowledge of the child's present needs, the pursuer's own evidence about those needs, the length of separation and the complete absence of a safe reintroduction plan.

[29] The pursuer plainly has affectionate memories of his son and believes that resuming contact is the right thing. But on important issues he lacked insight. He tended to interpret the defender's departure as something done to him rather than engage with the possibility that she had experienced the relationship very differently. The same lack of perspective was evident in his approach to the child's autism. He focused on his desire to resume the paternal role without adequately demonstrating how he would first learn and respond to the child as he now is.

The defender's evidence

[30] The defender gave a detailed account of the marriage, physical incidents before the birth, subsequent verbal, emotional and financial control, restrictions upon her freedom, arguments in the child's presence, the installation of cameras and threats concerning her immigration position and the removal of the child. Specifically, she gave evidence that he repeatedly threatened to ensure she could not stay in the United Kingdom, repeatedly criticised her body, and on 2 occasions between May and August 2020, he assaulted her. He threatened to have sexual relations with another woman in the marital home. She had contacted the police.

[31] I do not need to determine every disputed incident to determine appropriate orders in the interests of the child. However, I am satisfied that the defender's account of a controlling and frightening relationship was substantially credible. Her reports were made to different professionals over time, including prior to separation and before these proceedings. Her departure was supported and planned through various services available

to those who are victims of abuse. That chronology is inconsistent with a spontaneous fabrication designed only to frustrate contact. In determining the questions of residence and contact that carries significant weight.

[32] Furthermore, the defender knows the child's feeding preferences, communication cues, sensory triggers and routines. She has engaged with services rather than rejecting them and has assembled a substantial support structure around the child. Her accounts of caring for the child were strongly supported by the health visitor, nursery and Home-Start evidence.

[33] The defender's opposition to contact is absolute. In some cases, such an attitude may raise concern that a resident parent is unwilling to promote a child's relationship with the other parent. In this case her position must be set against the context of the child's condition as supported by professional evidence. I do not conclude that her opposition is motivated simply by hostility to the pursuer. It has its foundation in a fear and a genuine belief that contact would destabilise the child.

[34] I also accept that the defender remains anxious about being located. She described an event in March 2025 where she believed relatives of the pursuer were trying to locate the child's nursery. Specifically, she stated she was near the nursery with the child in a buggy and she saw two female cousins of the pursuer nearby. That had a demonstrable effect upon her behaviour and nursery arrangements, irrespective of whether the persons she saw were in fact the pursuer's relatives. Her fear was genuine.

[35] On the question of foreign travel, she recognises that any travel will be dependent upon the child's condition at the time. That evidence was measured and credible.

Other evidence

[36] SG was formerly the defender's lecturer and then became her friend. She described the defender as isolated during the marriage, with little money and limited freedom. The defender disclosed control and physical abuse to her before separation. SG described the defender as devoted to the child and observed that the child appeared calmer and had progressed following separation.

[37] JB is an independent domestic abuse advocate with Women's Aid. Her evidence established a history of engagement with Women's Aid dating back to 2022 which included reports of physical, emotional and financial abuse. She gave evidence about the defender's continuing anxiety and reliance on Women's Aid services.

[38] AB is a manager with Home-Start Stirling. That organisation provides support to young families facing challenges. She described the defender's sustained focus upon the child and determined attempts to secure speech and language therapy, physiotherapy, educational psychology and other assistance. She described the child as requiring exceptionally patient care, particularly around food and routine, and the defender as having developed the skills needed to meet these.

[39] VJ is the child's health visitor. She described speech delay, sensory issues, adverse responses to changes in routine and the need for consistency. She described the defender as knowledgeable and responsive to the child's needs. She offered an opinion that contact, including supervised contact, with a person unfamiliar to the child could significantly disrupt developmental progress.

[40] LF is the headteacher at the child's nursery. She described his initial "high-alert" presentation, his gradual settling, his progress from being nonverbal to using single words, his reliance on safe and familiar adults, and his need for adults who can read the subtlety of

his facial and bodily cues. She also described unusual defensive reactions to male professionals and the precautions taken by the nursery. She considered that introducing a person to the child which he did not know, without familiar adults, carries a real risk of distress.

[41] KT1, the brother of the pursuer, described the pursuer as a loving father and the family environment which he observed was a happy one. He had not observed the pursuer as being controlling or abusive and he was surprised by the defender's departure. I accept that this was his genuinely held evidence. Of course, his opportunities to observe the parties were limited and social visits do not necessarily reveal what occurs within a relationship at other times.

[42] SK, the pursuer's cousin, gave similar evidence. She remembered the pursuer caring for and playing with the child and described the defender as appearing happy on family occasions. She denied having attended at the child's nursery. She denied that the defender had ever confided in her about the abusive nature of the pursuer. Again, I accept that she saw positive family occasions. Her evidence is relevant to the historical bond but does not materially inform upon the present welfare questions.

Assessment of residence

[43] Residence is the more straightforward issue. The child has lived with the defender continuously since February 2024. There was no evidence to suggest that the defender is failing to meet his present complex needs. There is strong evidence to the contrary. She is providing stable, patient and highly individualised care and is working constructively with professionals.

[44] The pursuer's own argument does not seek to affect the current residence arrangement. His case is principally about contact. The defender is the child's secure base and the person who understands his current presentation best. A residence order will add necessary stability. The parties' relationship is profoundly conflicted. The child is entitled to certainty about the foundation of his care. I am satisfied that it is better for him that a residence order be made than not.

[45] I therefore make a residence order in favour of the defender.

Assessment of contact

[46] There was once a relationship between the pursuer and the child. I accept the evidence that that relationship involved affectionate interactions. The decisive difficulties here are the passage of time since last contact and the substantial changes in the needs of the child over that same period of time. At 5 years of age, after 2 and a half years without seeing his father, the child cannot simply resume the relationship which existed when he was 2.

[47] Any reintroduction would have to begin from the child's present reality. He has substantial difficulty with unfamiliar people, especially unfamiliar men. He relies on adults who can read communication which may not be verbal. Changes in routine can dysregulate him. Feeding itself requires detailed knowledge. These are not peripheral matters capable of being left to develop during ordinary contact, they are central to his safety and emotional wellbeing.

[48] The pursuer has not demonstrated the necessary insight. His belief that autism may be cured or healed is not merely an unfortunate choice of words. It is consistent with his earlier difficulty accepting that the child was autistic at all and with his tendency to minimise the significance of the child's feeding and sensory difficulties. I acknowledge the

course he completed, but the court must assess demonstrated understanding, not possession of a certificate.

[49] The timing of the application for contact is also poor. The child is about to start primary school. For any child that will be significant. For this child it is a major transition. Introducing another major and emotionally complex routine at the same time would, on my reading of the evidence, present an emotional risk to the child which could hinder his development.

[50] Supervised contact is not automatically a safe answer. Supervision can reduce some physical or behavioural risks, but it cannot make an unfamiliar parent familiar. VJ and LF gave persuasive evidence about precisely that issue.

[51] Nor did the pursuer provide a workable phased plan for the reintroduction of contact. A proposal capable of serious consideration would have required thought about preparation, familiarisation, venue, which adults would be involved, length and frequency of contact, criteria for progression and when stopping points might be appropriate. None of that was developed in the pursuer's case. Even with that present in the pursuer's case it would still have been unlikely to overcome the genuine risk to the welfare of the child.

[52] I also accept that the defender's fear and anxiety over contact with the pursuer is genuine. At present it is impossible to conceive of an arrangement which would allow contact on a basis that both parties would legitimately cooperate around to give it any meaningful chance of success. It seems to me very likely that any initial contact sessions would require the presence of the defender. In the circumstances of profound mistrust and anxiety that exist between the two of them it is highly unlikely that could be achieved without very heightened anxieties which will, in turn, affect the child.

[53] The child welfare reporter suggested that if direct contact were refused consideration might be given to indirect written updates through an appropriate intermediary. Again, no workable mechanism was advanced in evidence before me as to how this could be achieved. Accordingly, I make no positive order for indirect contact in this judgment.

The Remaining Craves

[54] The pursuer's claims concerning removal from Scotland and the child's passport proceed from his fear that the defender will take the child abroad permanently. There is no basis in evidence to conclude that the defender has any such intention. She has settled status in the United Kingdom, has built an extensive support network for the child in Scotland and recognised in evidence that his own needs make travel very difficult. She has not obtained a passport for the child in defiance of these proceedings.

[55] The fact that the defender has relatives abroad does not, without more, justify interdict. The alleged statement attributed by the pursuer to the defender's mother about a future move was disputed and is insufficient when weighed against the defender's settled circumstances. The pursuer's second, third and fourth craves are therefore refused.

[56] In relation to the defender's specific issue order, she does not propose immediate travel and accepts that any trip will be child dependent. Court ordered authority for holidays and family visits will provide clarity and avoid the prospect that every proposed trip becomes a new arena of parental conflict. I am satisfied that an order permitting travel for no more than 8 weeks in total in any given year is in the child's interests. Authority to obtain his first United Kingdom passport is a necessary first step of that order.

[57] The defender's interdict against removal from her care is justified. The defender's fear of forced removal was heightened by the March 2025 incident. Given the residence

order and the absence of contact, there is no legitimate need for the pursuer to remove the child from the care of the defender. The interdict will provide a clear and proportionate boundary.

[58] In relation to the interdict against abuse, I accept the defender's evidence in substantial part concerning abusive and controlling behaviour and threats. The historical nature of some of these events does not remove the need for protection. The power of arrest is attached to that interdict because I am satisfied that it is necessary to protect the defender from a risk of abuse and breach of interdict. The duration of that power of arrest will be limited to the statutory maximum initial period of 3 years. For the avoidance of doubt there is no power of arrest attached to the child removal interdict. The protective purpose is adequately served by attachment to the personal interdict.

[59] For these reasons the pursuer's pleas-in-law are repelled, and the defender's pleas-in-law are sustained.

[60] For the benefit of the child who may come to read this judgment in years to come, I acknowledge that the pursuer's desire for contact is genuinely held and that he loves his son. His desire to rebuild a relationship with his son is genuine. However, on the evidence presently available the proposed reintroduction of contact would expose the child to a material risk of distress and developmental disruption at a critical time in his life. The statutory welfare test therefore requires the refusal of contact at this stage.

[61] The remaining orders are designed to reduce rather than enlarge the areas of parental conflict. The defender will care for the child under a clear residence order, she is protected from any abusive approach by the pursuer, the child is protected from forced removal and limited foreign travel is regulated by court order.

[62] I shall reserve the question of expenses meantime. I will allow parties 28 days to make representations in relation to expenses. If no representations are made I will order no expenses are due to or by either party.