

SHERIFFDOM OF TAYSIDE, CENTRAL AND FIFE AT STIRLING

[2026] SC STI 89

STI-F65-23

JUDGMENT OF SHERIFF ELIZABETH MCFARLANE

in the cause

KMP

Pursuer

against

GG

Defender

**Pursuer: McGhee, solicitor; Hill & Robb Ltd, Stirling
Defender: Party**

STIRLING, 15 June 2026

The sheriff having resumed consideration of the cause, finds in fact:

1. The pursuer and defender are the mother and father respectively of the child C born in 2019.
2. The parties were in a relationship until in or around August 2022.
3. The pursuer has been C's primary carer since birth.
4. Following their separation in August 2022, contact between the defender and C took place by agreement and from April 2023 it took place at C's nursery facilitated by the nursery staff.
5. On 5 May 2023 the defender removed C from the nursery and refused to return C to the pursuer's care.
6. This action was raised and C was returned to the pursuer's care.

7. Thereafter, the defender's contact with C was regulated by the court and on 23 October and 22 November 2023 final orders were made finding the defender entitled to regular residential contact with C.
8. C is a child with complex needs. He experiences high and frequent dysregulation with physical and verbal aggression towards peers and staff. C requires consistency and predictability. He needs to learn how to manage strong emotions by the adults around him modelling calm behaviour and teaching him self-regulation strategies.
9. Following final orders being made, the defender became inconsistent in his adherence to the contact arrangements. Contact times were altered on a number of occasions to accommodate the defender. This lack of routine and inconsistency for C led him to become angry and aggressive towards the pursuer.
10. The defender did not set boundaries for C while C was in his care.
11. After contact with the defender, C's behaviour became more difficult to manage. C returned from contact visits with the defender and was physically aggressive to the pursuer and used inappropriate language.
12. The defender sent unpleasant messages to the pursuer criticising her care of C. The defender's attitude and excessive communication with the pursuer caused significant disruption and distress to the pursuer.
13. The defender made persistent and unfounded complaints about the pursuer to the social work department and to the police.
14. The defender made complaints about C's school and about the social workers involved with C.
15. The defender made complaints about the court welfare reporter who was appointed to prepare reports in relation to the defender's claim for contact.

16. As a result of the adverse effect the defender's behaviour was having on the pursuer and C, the pursuer terminated contact at the end of 2024. The pursuer had significant concerns about C's welfare.

17. Since the termination of contact with the defender, C's behaviour has improved. He is less violent and his behaviour is better regulated.

18. Due to his behaviour, C has been referred to CAMHS for a neuro-developmental assessment and support. In January 2026 he was moved out of mainstream education and he is now attending a school outwith mainstream schooling. C receives the highest level of support.

19. Prior to C's move to a school outwith mainstream schooling, the defender was unrealistic in his demands of the school and teaching staff. He demanded immediate responses from teaching staff.

20. On one occasion in March 2025, the defender attended at the school unannounced with his partner, JR at C's school to speak to the head teacher who was involved in classroom work at the time.

21. Due to the defender's behaviour, the head teacher had to leave the classroom and speak to the defender. The defender and his partner were verbally abusive and shouted at the head teacher. They had to be escorted from the school building.

22. On other occasions at C's school, the defender has attended for discussions about C. During these discussions, he constantly interrupted and talked over the head teacher and other members of staff. As a result, in September 2025, procedures were put in place to allow staff to deal with the defender in a controlled environment.

23. The defender has not been willing to accept that C's behaviour at school is poor.

24. Following the enrolment of this minute to have contact reduced to nil in May 2025, contact was reduced to nil on 1 October 2025.

25. An order was made in the interlocutor of 1 October 2025 for four play sessions to take place between the defender and C which were to be facilitated, observed and reported upon by Stirling Council Social Work Department.

26. Whilst the sessions which took place were positive, the defender was verbally abusive to social work staff and concerns were raised by LT as to how contact between the defender and C could be progressed.

27. In November 2025, the social work department explained to the defender that they could no longer facilitate contact due to his volatile and abusive behaviour towards staff.

28. Prior to C's move to his new school in early 2026, the professionals involved with C prepared an Enhanced Support Plan (number 5/8/90 – 121 of process). Several attempts were made by email to seek the defender's views in relation to that plan. These attempts were initially unsuccessful, but the defender's views were ultimately obtained after the Enhanced Support Plan had been submitted.

29. The defender is currently involved in a relationship with JR. That relationship has been marked by incidents of violence and abuse by the defender towards JR.

30. The defender's conduct towards the pursuer and other professionals involved in the care and upbringing of C is not conducive to an order for contact being made.

31. Given his persistently critical and unpleasant behaviour towards the pursuer and other professionals involved in the care of C, it is unlikely that this behaviour will desist.

32. The defender has not demonstrated that he is able to work with the pursuer and the other professionals involved with C.

33. C would like to have contact with the defender.

34. C is only 6 years old. He has significant issues for which he is currently awaiting neurological assessment and support.

35. C is not mature enough to fully understand that the defender is unable to provide him with consistent and co-operative parenting.

Finds in fact and law:

36. Since orders for contact were made in October and November 2023, there has been a material change in circumstances. The defender's behaviour demonstrates that he is not able to work with the pursuer or the professional agencies who provide care for C.

37. It is in the best interests of C that no further order for contact should be made.

THEREFORE:

1. Grants the pursuer's crave to recall the court orders for contact dated 25 October and 22 November, both 2023 and to reduce the defender's contact with C to nil.

2. Finds no expenses due to or by either party; and decerns.

NOTE:

[1] This action relates to the child C who was retained by the defender after a contact visit in May 2023. Following the return of C to the pursuer, he has continued to reside with the pursuer. The court ordered contact to the defender and final orders were granted on 25 October and 22 November 2023. Notwithstanding the terms of the orders, contact was terminated by the pursuer at the end of 2024. The defender took no steps to have the pursuer brought back before the court (other than sending a letter of complaint about the

pursuer to the sheriff clerk at Stirling on 11 March 2025) and in May 2025 the pursuer lodged a minute to vary to have the defender's contact formally reduced to nil. For ease of reference, I have simply referred to the parties as pursuer and defender rather than minuter and respondent. The matter proceeded to proof and I heard evidence in relation to this matter on 12 March and 16 April 2026. I then allowed parties time to lodge written submissions and on 1 May 2026, I took the case to avizandum.

[2] The pursuer was represented by Ms McGhee, solicitor and the defender represented himself. On behalf of the pursuer, I heard evidence from the pursuer; LT, social worker and CC, head teacher at the primary school previously attended by C. On behalf of the defender, I heard evidence from the defender; his partner JR and his stepfather, JJ.

[3] I am going to say at the outset that this was one of the most difficult proofs I have had to deal with in my career as a sheriff. I tried to give the defender as much leeway as possible given that he was unrepresented. However, from the outset he was belligerent, rude, argumentative and interrupted me and witnesses on countless occasions. I had to have him removed from the court on two occasions due to his behaviour. I had to warn him about potential contempt of court. On one occasion on the first day of proof, I seriously considered whether I was going to be able to conduct the proof at all and told him that I was going to have to call my sheriff principal for advice.

[4] At the outset of the second day of the proof, I warned the defender that I would not tolerate any repetition of the behaviour that we had all been exposed to on the first day. I reminded him again about the possibility of contempt proceedings. Whilst his behaviour was more tempered that day, I still had to have him removed from the court on one occasion due to him rudely interjecting during a witness' evidence.

[5] The defender's behaviour in court has previously been noted as an issue in these proceedings.

Evidence

KP – the pursuer

[6] The pursuer's affidavit dated 2 February 2026 formed her evidence in chief.

A vulnerable witness application in relation to the pursuer had previously been granted.

In terms of that order, the defender was allowed to lodge questions he wanted to be put to the pursuer by the sheriff. Some questions were lodged by the defender prior to the proof (6/59 of process) and some were lodged on the morning of the proof. I allowed the pursuer and her agent time to consider the questions and after consideration of the questions, I deemed a number of the questions irrelevant. They did not address the issues before the court and sought to elicit evidence from the pursuer relating to matters that were irrelevant to these proceedings. I then asked the questions of the pursuer. During that period of "cross examination", the defender had to be removed from the court because of his behaviour. He constantly interrupted and directed comments to the pursuer. When the defender was allowed to return to the court room, I then had to repeat the pursuer's answers to the defender.

[7] The pursuer was a credible and reliable witness. I did not sense any need for exaggeration. She was straightforward and candid in her answers. She was clearly focused on what is best for C.

[8] The pursuer confirmed the orders that had been put in place by the court in October and November 2023. The pursuer indicated that during 2024 the contact arrangements were regularly changed by the defender. They had initially been changed from every second

weekend to every weekend to accommodate the defender's work arrangements and caring for his mother. Beyond that, they were regularly changed by the defender. Due to C's difficulties this was not good for him. C needs consistency and his behaviour became difficult to manage when there were changes to the contact arrangements. When contact did take place, the pursuer complained that C would come back displaying aggressive behaviour. He also used inappropriate language. During 2024, the defender made numerous complaints to social work regarding the pursuer's care of C, none of which were substantiated. In June 2024 as the result of one such complaint, the police attended at the pursuer's home to do a welfare check because of a complaint by the defender about an allegation relating to the pursuer's care of C. Again, there were no issues and the police indicated their concerns to the pursuer about C seeing the defender.

[9] Throughout this period, the defender sent the pursuer horrible messages complaining about her care of C. The pursuer found this constant barrage of criticism very difficult to the point where it affected her mental health.

[10] The pursuer was also concerned about the number of women that the defender was introducing C to and referring to them as his girlfriends. The defender had been in a relationship with JR, his current partner but they had separated before final orders were made in 2023.

[11] The pursuer stopped contact in June 2024 and C's behaviour thereafter was much more settled. However, C wanted to see the defender and so the pursuer allowed contact to start again.

[12] In November 2024, the pursuer discovered that the defender had resumed a relationship with JR. This was of concern to the pursuer because of social work involvement

with JR's children and concerns that the defender had been violent to JR. Again, the pursuer stopped contact and once again, C's behaviour improved.

[13] From August 2025 to January 2026, C attended his local primary school but because of his behaviour towards other pupils he was on a much reduced timetable. The pursuer confirmed that C has now been referred to CAMHS with a likely diagnosis of ADHD. The pursuer states that the defender has indicated to her that he does not believe in ADHD or autism.

[14] The pursuer is concerned, given the defender's past behaviour towards the professionals working with C, that he will struggle to co-operate and work with the medical, education and social work professionals who are supporting her and C.

[15] The pursuer is conscious of the fact that C wants to see the defender. The supervised sessions that took place in October 2025 although positive for C, highlighted the fact that social work were not prepared to continue to supervise or organise contact between the defender and C because of the defender's abusive behaviour towards social workers. Despite C's wishes the pursuer does not consider that it is in C's interests to see the defender.

[16] The pursuer also highlighted the defender's behaviour in court during these proceedings. She states that his behaviour in court confirms his volatility. He raises his voice and is argumentative.

[17] Given this unpredictable behaviour, the pursuer does not agree that contact between C and the defender is in C's interests. His parenting would be totally inconsistent with hers. He would not take advice from the professionals involved with C's care. She is concerned that this behaviour will impact on C's behaviour and she cannot see how that is good for C.

[18] In terms of cross-examination, I put certain questions to the pursuer that had been prepared by the defender. The pursuer said that she believed that the defender's partner, JR poses a danger to C. This was due to their abusive relationship. The pursuer had allowed C to have contact with JR in August 2025 during a period when the defender and JR were separated. The pursuer met up with JR and C was there. That was the extent of the contact. The pursuer claims that when they met, JR showed her bruises that had been inflicted on her by the defender.

[19] The pursuer was asked about the concerns she had about the defender having contact with C. She said that C had told her that the defender had a gun and that the defender said he had to sell his car to give the pursuer all his money. She is concerned about the lack of boundaries. C needs routine and stability. At the moment, the pursuer meets with the school every 2 weeks and gets C's new timetable. The pursuer goes through it with C and they talk about it.

[20] It was at this point in the proceedings that the defender had to be removed from the court because of comments he was making to the pursuer during her evidence.

[21] The pursuer confirmed the referral to CAHMS and how this had been made by C's GP in June 2025. The referral was then chased up in January 2026. The pursuer believes that the conflict between her and the defender has had an impact on C and this has an adverse effect on C.

[22] In re-examination, the incident between JR and the defender was explored further. JR had said to the pursuer that the defender pinned her down and this caused the bruising. JR also indicated that the defender had stopped taking his medication and that threats had been made about him hurting the pursuer and C.

LT – social worker

[23] LT graduated in 2015 with a BA (Hons) in Social Work and is now a team leader with children and families team. LT provided an affidavit which she adopted as her evidence in chief.

[24] LT has been involved with C for some time. At various times during 2024 and 2025, the defender contacted the social work department in relation to C and concerns about the pursuer's care of C. He requested social work intervention. He wanted an assessment of the pursuer and the care provided by her to C. He also sought assistance regarding his contact with C. Following those enquiries, LT read social work records relating to C and the only concerns that had been raised in respect of C were from him. He had complained about inappropriate adults in the pursuer's home and drug paraphernalia in the house. He was concerned about the pursuer's partner. He complained that social work were not assisting him in getting contact with C. She confirmed to the defender that the family home had been assessed on multiple occasions and that there was no evidence of any of the concerns raised by him.

[25] LT advised the defender in December 2024 that C had been referred to the family wellbeing team. In March 2025, C and the pursuer were allocated an intensive home care worker. This was voluntary assistance looking at bedtime and daily routines and work to support C's emotional regulation. The team worked alongside C's school because his behaviour at school was challenging.

[26] In October 2025, the court welfare reporter contacted social work to ascertain whether support could be offered to the defender and C for contact. LT confirmed in a letter dated 22 October 2025 (number 5/7/57 - 58 of process) that social work could offer some support to observe, supervise and report on contact sessions between the defender and C.

On that basis, four sessions of contact took place in November 2025. The report lodged by LT following these sessions (number 5/7/65 - 76 of process) was that the contact sessions with the defender were positive for C.

[27] LT went on to explain that thereafter there were concerns about contact going forward. In an email to the court (number 5/2/1 of process) dated 25 November 2025, LT highlighted the defender's verbal abuse directed at members of social work staff. In an email to the defender, LT raised her concern that the defender did not appear to be able to have a conversation without becoming abusive and she was concerned about the impact this would have on C if the defender had to deal with conflict when C was in his care. She indicated that the defender's behaviour towards her and staff was not acceptable and would not be tolerated.

[28] LT expressed her concern that the defender was unable to exercise self-control and was unable to self-regulate. LT considers that C is at significant risk of harm in the defender's care. This opinion is based on his inability to work consistently with professionals involved with C and the defender's presentation and behaviour.

[29] In cross-examination by the defender, LT confirmed that he had been abusive to her and other members of staff. Accusations were made by the defender that different people in authority were connected and conspiring against him. He had struggled to accept information that was being explained to him and her concern was not being able to have a safe conversation with him. Prior to that, LT accepted that there had been a good working relationship with the defender. However, it is a matter of concern when a parent cannot manage his or her emotions appropriately. The defender put to LT that she was aware of his mental health issues and she confirmed that she was. However, his heightened state went beyond what was acceptable. LT said that the defender often did not listen during

conversations because he becomes so heightened that conversations become very difficult.

LT confirmed that there were no concerns about the pursuer and her care of C. The defender reminded LT that at one point she had indicated that C was not at risk in either parent's care (number 5/7/55 - 56 of process) and asked why she had changed her view.

Once again, LT reiterated that the defender's behaviour towards her in November 2025 was awful. She said that he had called her multiple abusive names and she had never experienced anything like it before. She felt obliged to pass that information to the court which she did in her email of 25 November 2025 (number 5/2/1 of process).

[30] In re-examination, LT was asked to confirm what it was about the defender's mental health that caused her concern. She said that he presented as paranoid because he regularly made reference to people in authority conspiring against him. It was not just one conversation in November 2025 that caused her concern but a number of conversations between the defender and members of the social work team during which he was abusive.

CC - head teacher

[31] CC has been teaching since 2000 and has been a head teacher since 2021.

CC provided an affidavit which she adopted as her evidence in chief. CC was involved with C when he was in P1 and was then moved to another educational unit during P2. CC described C's difficulties and needs. C requires a lot of support to meet his needs. C is quite controlling and he can be emotionally dysregulated. He can be violent to staff and fellow pupils. His behaviour is unpredictable. Special teaching arrangements had to be put in place for him to be taught on a one to one basis. He had an inclusion support worker and the family had support from the family wellbeing team. In December 2025 the decision was made to move C to a specialised educational unit.

[32] CC confirmed that the pursuer engaged very well with the school. She spoke to the school daily and would take advice in relation to C's education. She worked well with the school to improve her parenting and to deal with C's demands. The pursuer always wanted what was best for C and was very proactive in requesting meetings to discuss support for C.

[33] CC indicated that the defender also engaged with the school but his relationship with the school was very different. He had unreasonable expectations of the school and made unrealistic demands of the staff. He sent emails which, if they were not responded to within an hour would be followed up with a further email being sent. He sent messages to the class teacher using the seesaw app (an app used by teachers, students and families to *inter alia* foster strong home-school relationships). He expected immediate responses at times when teachers were in class and he showed no insight into commitments the staff had during their teaching day. CC had to send the defender a copy of the Communicating with Parents policy document on two occasions to remind him of appropriate behaviour towards school staff.

[34] CC spoke to the Enhanced Support Plan (number 5/8/90 - 121 of process) which reflects the plans in place for C. It demonstrates the need for consistency and predictability to ensure that C's behaviour remains regulated. C struggles to cope with transition and he therefore requires consistency and stability to help him cope with transition throughout the day. This means that C needs consistent parenting which involves using the same language with C and having the same expectations in relation to his behaviour. C needs to have consistency in relation to his sleep routines as well.

[35] The pursuer has been very receptive to advice given and the defender, if he were to spend extended time with C, would also need to accept advice in relation to C's needs.

[36] CC stated that the defender has indicated that he has no issue with C's behaviour when C is with him. CC finds this difficult to accept given the consistently dysregulated behaviour that C displays at home and at school. C lacks social skills in general and lacks empathy. This makes caring for him quite challenging.

[37] CC confirmed that C was making some progress prior to November 2025. Then in November 2025 his progress stalled and this coincided with the play session periods that were taking place between the defender and C. C also started using inappropriate language again such as using the "n" word.

[38] CC confirmed that C was referred to CAHMS in February 2025 for a neuro developmental assessment. The difficulties he has could be related to neurological development issues such as autism or ADHD or they could also be related to trauma.

[39] Finally, CC referred to a letter that had been sent to the defender (number 6/52 of process) following a complaint he made to the council about the school and teaching staff including CC. In his complaint, the defender accused CC of raising her voice to him and being confrontational on an occasion when he had attended at the school requesting to speak to her. CC explained her position in relation to that incident in March 2025 and it did not reflect well on the defender and his partner, JR. Her version of events was that the defender and JR had attended the school unannounced and demanded to see C. The defender then demanded to speak to CC but she was engaged in class work. Due to his behaviour, CC had to leave the class and explain to the defender that he could not see him at that time. He became verbally abusive to CC as was his partner, JR. This was not the first time the defender's behaviour had been unacceptable in the school. CC recalled previous discussions with the defender during which he interrupted and talked over CC or other members of staff. In September 2025, staff had complained to CC about the defender's

behaviour in a meeting and how they felt threatened by his heightened behaviour and intimidating language. Procedures were then put in place to protect the staff. Future communications with the school had to be done through a named contact and in any meetings with the defender there had to be two members of staff present including one member of management.

[40] CC concluded her evidence by reiterating that C's needs are complex and it is very important for him that everyone understands his needs and is consistent in their dealings with him.

[41] In cross-examination the defender was keen to elicit from CC why there were different versions of the Enhanced Support Plan. The version lodged by the pursuer (number 5/8/90 - 121 of process) was different from the version the defender had lodged (number 6/18 of process). The defender's version had his views detailed under Parent/carer View. CC explained that the document had to be updated once CC had obtained the defender's views. She reminded him that it took some time for him to respond to the eight emails that she sent to him to get his views and the plan had to be submitted without his views initially. Then ultimately, the defender responded and confirmed his support for the plan at which point the plan was revised to incorporate those views.

[42] The defender asked CC if she thought that it was in the best interests of a child to have contact with their father. CC responded by stating that this was dependent on a number of factors and one of those factors was whether that it was good for the child. He also challenged CC by stating that C's behaviour may have deteriorated because he has no contact with his father. CC did not agree with that proposition. The defender asked if there had been any incidents when he brought C to school or any concerns about his care of C. CC said that there were concerns in relation to the defender's presentation. When asked

if CC would be supportive of the defender having contact with C, she replied that C benefits from stable predictable behaviour. When asked if CC thought that the defender was a positive role model for C, she replied that based on the defender's relationship with the school then she thought not.

GG – the defender

[43] The defender did not have a sworn affidavit but had submitted a personal statement (number 32 of process). The statement did not properly address his position in relation to the minute to vary. It was more of a statement as to how the loss of contact with C has impacted on him and his family and what he would like to see happening as a result of these proceedings. On that basis, I decided to go through the answers that he had lodged in response to the minute to vary and which are incorporated into the record lodged 18 February 2026. Given the defender's inability to focus on answering a question without becoming irrelevant or agitated this was quite a difficult process.

[44] The defender agreed that contact orders had been put in place by the court in October and November 2023. He denied that he had been inconsistent with the contact arrangements. He had changed the contact arrangements twice. He changed his job because his mother was unwell and he wanted to work day shift. He said he gave plenty of notice if arrangements had to be changed and because he had to take the bus to contact this sometimes interfered with his times and he might have been 10/15 minutes late.

[45] In December 2023, he raised concerns about C's behaviour when he was attending nursery. He was concerned about C lashing out and not being himself. He was also concerned about his demeanour and appearance.

[46] He denied not having boundaries for C. He explained that when he collected C for contact on a Friday, C was tired, so the defender fed him and C was asleep by 9.00pm. On a Saturday they would be out and about doing things and on a Saturday evening they would watch movies and again C was in bed by 9.00pm. On a Sunday, they would have a long lie and went to the defender's mother's house at 1.00pm. The defender would then return C to the pursuer at 6.00pm.

[47] The defender denied playing rap music around C and denied introducing C to different girlfriends.

[48] In relation to his decision to retain C from nursery and not return him to the pursuer, the defender stated that he was concerned about C's safety at the pursuer's home. He had tried to raise the issue with social work but they had not taken any action. He retained C for a week and handed him back when sheriff officers came to his mother's door to uplift C. He did not recall his partner, JR shouting and swearing at the sheriff officers at that time although she was upset.

[49] His relationship with JR had ended in 2023. It ended amicably and she went to live in homeless accommodation. Their relationship resumed in November 2024 and although they do not live together they are a family unit.

[50] He denied excessive communications with the pursuer. He confirmed that he had raised concerns with C's school. He had also raised concerns about the court welfare reporter and his conduct in the defender's home. He accepted that he had contacted the police but only two or three times and this was about the pursuer's partner.

[51] In cross-examination, the defender was adamant that he had not changed the contact arrangements apart from once in October 2024 due to the snow. He stated that it was the pursuer who made changes.

[52] As far as his relationship with JR is concerned, he said that they were in and out of a relationship in 2023 but reconciled in November 2024. He denied introducing other girlfriends to C because he was very busy looking after his dying mother. He said that it was the pursuer who had multiple partners and he accepted that he reported this to social work. They carried out investigations and there were no concerns.

[53] The defender denied that he had been abusive to JR and denied that JR had bruises to show the pursuer. He denied that they had separated after May 2025 or that he had made threatening comments about harming the pursuer. A photo shot of a TikTok message purporting to be from JR's TikTok account was put to the defender (number 5/9 of process). It purported to show that JR was complaining about 4 years of abuse and blackmail at the hands of the defender and telling him to stay away from her. The defender denied that this was an authentic document.

[54] He accepted that he made a complaint to social work in May 2025 (number 6/51 of process) and only two out of nine of his complaints were upheld. He accepted that after he had supported contact in November 2025 he made further complaints. He said that he became upset with LT at that time because C was not getting the help he needed. He said that he did call LT "a cow" and he apologised. He denied any other form of abusive behaviour towards social work although he did accept that he could be upset and emotional. He did complain about CC at the school and the school's lack of communication with him. When he was challenged about blaming the school he disagreed and said it was the pursuer's fault. He had a different spin on the incident at school which resulted in him being escorted from the school in March 2025. He said that he wanted to speak to CC because a meeting had been cancelled. He denied raising his voice or shouting at that time or indeed at any time when he was at C's school.

[55] The defender was referred to an email that he had sent to Stirling Sheriff Court on 25 June 2025 (number 6/13 of process) in which he complained about the appointment of the court welfare reporter. It was put to him that he struggled with many people and he accepted that he has had some issues going back over the past 7 years.

[56] Two documents lodged by the defender were put to him. A letter from his GP dated 16 January 2026 (number 6/41 of process) states that the defender had been very depressed over recent months and that he was at times agitated because of the lack of contact with his son. It confirmed that he was prescribed antidepressant medication. The defender confirmed that he is still on this medication but he was looking to reduce this.

[57] In a letter from his mental health nurse dated January 2026 (number 6/40 of process) he accepted that it states that he “is often confrontational in manner” and referred to the defender as suffering from Legal Abuse Syndrome. This “syndrome” was never explained in the evidence before me at the proof. The defender is on the waiting list for multimodal therapy. The letter concludes by stating that the defender is “acutely aware that his demeanour can, in itself, be a barrier to accessing effective support”.

JR – the defender's partner

[58] The witness was put on oath and then asked to read out her personal statement lodged by the defender (number 6/36 of process). She confirmed that she is in a relationship with the defender and has been for 3 years. JR has three children all of whom consider the defender as their stepfather. She described the children and the ways in which the defender assists them. Her youngest son (aged 9) suffers from ADHD and is awaiting CAHMS referral. Her older son (aged 11) has “his own struggles” and her daughter (aged 15) suffers

from anxiety. JR stated that the defender assists the three children in their everyday lives in different ways.

[59] In July 2025, JR explained that her wide family experienced difficult situations with a still birth and suicide. Due to the impact on her mental health, she and the defender decided to separate to focus on their own personal wellbeing. JR confirmed that she met with the pursuer during this period of separation but this meeting was instigated by the pursuer.

[60] JR's statement then deals with the impact of the court proceedings on the defender and the wider family. It also offers her opinion on the court proceedings and what the court's focus should be in relation to the defender's claim for contact.

[61] The defender then asked JR some further questions. She confirmed that there had never been any concerns about her children that involved social work.

[62] She denied separating from the defender due to his abusive behaviour. She confirmed that the defender has always prioritised C's needs. When asked if the defender had been in excessive communication with the pursuer, she indicated that the pursuer had contacted the defender one night at midnight to ask for child maintenance. She was asked to comment on the defender's parenting style and she said that he was calm, collected and understanding. The TikTok production (number 6/9 of process) was put to her by the defender and she got very upset as she had not seen it.

[63] In cross-examination, JR was asked about the number of separations there had been during her relationship with the defender. They had separated twice. In October 2023 they were separated and then again in 2025. It was put to her that she had told the court welfare reporter that she had separated from the defender in 2025 due to his behaviour towards her. She accepted that she had said that, but she said she was on medication at the time and in a

bad place. She accepted that she had said to the court welfare reporter that she would be concerned if the defender had anything other than supervised contact with C.

[64] It was put to her that she had made similar comments to the pursuer which she denied and added that the pursuer would not give the defender contact to C even if the court ordered it.

[65] JR attributed certain threatening comments allegedly made by the defender about the pursuer to her niece. She denied that the defender had ever hit her or been abusive towards her. Again, she denied that the TikTok photo (number 6/9 of process) was posted by her.

[66] JR was asked about the evidence that the court had heard about the defender being abusive and aggressive at school and with social workers. She accepted that the defender had been upset and emotional but did not feel that he could be blamed because he was frustrated and upset. He gets heated and misunderstood. She said that she had never seen him shouting and swearing at the school. She downplayed the incident at the school indicating that CC had spoken to them and they left. If CC said that the defender had been swearing at her and they had to be asked to leave then she was lying.

[67] JR confirmed that there had been a couple of complaints made about the pursuer's care of C and that the defender had raised reasonable concerns with the nursery, school and social work. She confirmed that both she and the defender suffer with mental health issues and when asked how this affects the defender's behaviour she said he gets frustrated and "I don't know why you can't get that". His doctor had agreed that he could be confrontational and JR said that he would be too. He keeps on going and going until he gets his point made. He gets frustrated and "he struggles to get it out".

JJ – the defender's stepfather

[68] This witness was put on oath and invited to read out his personal statement lodged by the defender (number 6/54 of process). He stated that the defender is an exceptional father and stepfather. He blamed the pursuer for the difficulties there have been in the pursuer having contact with C. He recalled an incident when the pursuer assaulted his late wife and the pursuer was charged with that offence.

[69] JJ made reference to an incident when C was having contact with the defender. When C was returned to the pursuer, the pursuer assaulted the defender but the defender just calmly walked away and returned to the car. Once again, the statement digresses from what the focus of the court should be in these proceedings.

[70] With some additional questions from the defender, JJ indicated that the defender had never missed contact. JJ believes that C benefits from the defender and the wider family being in his life. The defender has a good relationship with C.

[71] In cross-examination, it was quickly established that the pursuer had been found not guilty of assaulting JJ's late wife.

[72] JJ was also asked about the defender's volatile behaviour and the fact that he could be angry and confrontational. JJ agreed with that proposition but said that the defender would never hurt a child. He had seen the defender angry because the defender had been angry with JJ. He was not surprised to hear that other witnesses had said that the defender had shouted at them.

[73] He did not think that JR and the defender had ever split up and they were a great couple together.

Submissions

[74] Parties lodged written submissions and I shall summarise these.

[75] For the pursuer, it is accepted that in general it is in the best interests of a child to maintain a relationship with both parents. In reaching a contrary decision the court must weigh up all the circumstances and identify factors which justify such a serious step and demonstrate that it is best for the welfare of the child.

[76] The court ordered contact between the defender and C in October and November 2023 and this took place until the end of 2024. The pursuer must show a material change of circumstances to justify the variation. The factual basis for the variation takes into account the significant issues that C has in relation to his behaviour. The pursuer submits that based on the evidence heard, this material change of circumstances is made out by virtue of the following factors:

- The defender's inconsistency in contact arrangements;
- issues with the defender's parenting and the need for consistent parenting;
- excessive complaints made by the defender regarding the pursuer's parenting thereby undermining her;
- concerns about the defender's mental health and his conduct; and
- concerns about his relationship with JR.

[77] The pursuer's solicitor invited me to find the witnesses for the pursuer to be credible and reliable. Much of what they said was not challenged by the defender in cross-examination.

Inconsistency issue

[78] The pursuer was concerned about how often the defender changed contact arrangements. This caused inconsistency and this was not good for C. These changes unsettled C and he would lash out in reaction. CC confirmed that C requires consistency and predictability to help his behaviour remain regulated. On the other hand, the defender simply denied any inconsistency on his part.

Inconsistency in parenting techniques

[79] The pursuer's position was that C's behaviour after contact was poor and it appeared that the defender was not setting boundaries for C when he was with the defender. CC's evidence points to C needing considerable support to meet his needs. He also needs help to cope with transition. The need for consistency within both parents' homes is required and he needs clear routines. CC indicated that the pursuer had worked well with the school in putting supports in place for C and ensuring that her parenting is consistent. However, given the defender's interactions with the school, CC had concerns about his ability to work with the school in supporting C.

[80] LT also confirmed her concerns about the defender's behaviour. She gave examples of this and noted that the defender had showed no signs of self-control or the ability to self-regulate. The defender accepted that he had shouted at LT.

[81] It is difficult to see how the professionals who work with C and are focused on his needs can work with the defender given their experience of his behaviour towards them. They had concerns about the defender taking advice from them regarding his parenting skills and consistency with the pursuer. The defender's behaviour in court had suggested

that communication could be poor and difficult. Consistent parenting for C has a direct impact on his welfare.

Excessive complaints by the defender of the pursuer

[82] The defender made multiple complaints to social work about the pursuer's care of C. The pursuer's evidence about this was confirmed by LT. There were also calls made to the police about the pursuer's care of C. There are no concerns about the pursuer's care of C. These persistent complaints by the defender cause the pursuer considerable stress and are not conducive to C's welfare. According to the evidence of LT and CC the defender has made complaints about social work and the school and the defender has also sent an email to court complaining about the court welfare reporter.

The defender's mental health and conduct

The pursuer has concerns about the defender's mental health as does LT. The defender has lodged two medical reports (numbers 40 and 41 of process) confirming his depression and the medication that he has been prescribed. These letters also confirm that the defender is confrontational. This is confirmed by the defender's witness, JJ. The defender's conduct during these proceedings and his conduct at the proof has been confrontational and belligerent. He has interrupted and talked over court officials and witnesses. He had to be removed from the court. It is the pursuer's submission that C should not be subjected to this volatile behaviour.

Relationship with JR and other women

[83] The pursuer was clear in her evidence that the defender had various new partners who were introduced to C. This was inappropriate. The pursuer is also concerned about the defender's relationship with JR. At the time the orders for contact were made in October and November 2023, the defender was not in a relationship with JR. The fact that he is now, is a material change of circumstances. The concern relates to JR's chaotic lifestyle which has in the past involved social work intervention which JR accepted. The defender and JR both have mental health difficulties. JR has emotional personality disorder. The evidence of the pursuer was that after the orders were made, the defender had been physically abusive to JR and that JR had told the pursuer this even showing the pursuer the bruises that JR said were caused by the defender. Various threats to cause the pursuer harm had been made by the defender to JR. JR denied this in cross-examination stating that it had been her niece who had said these things. However, the report by JR of the defender being physically abusive to her had been relayed by JR to the court welfare reporter and incorporated in his report of 9 September 2025. The social media post (number 6/9 of process) would suggest that there was truth in JR's previous account. The relationship between JR and the defender is volatile and abusive. The manner in which JR gave her evidence suggested that she would not be a calming influence on the defender and indeed CC indicated that JR was verbally abusive during the meeting at C's school in March 2025 when both the defender and JR had to be escorted from the school.

[84] The factors against contact taking place outweigh any factors in support of contact taking place. It is no longer in the best interests of C for there to be contact with the defender and given the material change of circumstances, the pursuer's minute to vary contact to nil should be granted.

[85] As far as expenses are concerned, the pursuer invited the court to find the pursuer solely liable for the costs of the shorthand writer and thereafter, to make no further finding of expenses due to or by either party.

[86] The defender's submission did not address in any way the issue of the material change of circumstances. His submission highlighted the following factors:

Views of C

[87] C has indicated that he wishes to see the defender. As a child of sufficient age and maturity to for a view, his wish to maintain a relationship with the defender is a primary consideration.

The impact on C and current stability

[88] C has endured profound upheaval in the past 2 years. He has no contact with his father or extended family and his grandmother has passed away. C has specific needs for which the defender has consistently provided. There has been a deterioration in his behaviour which has resulted in a change of school and this deterioration has occurred following the reduction of contact to nil. The defender questioned the reliability of CC and accused her of personal bias. He questioned the fact that she seemed to blame the defender for C's instability when it was clear from the evidence that C is simply crying out for his father.

Withheld contact and legitimate concerns

[89] The defender states that he has raised concerns about C not out of malicious intent but as a responsible father acting on legitimate issues. LT confirmed that in the past she had

a good working relationship with the defender. He has proven that he is a fully committed father. He has never missed contact and has always collected and returned C as required.

Professional observations and home environment

[90] LT confirms that the defender has a healthy bond with C and that his home is warm, nurturing and loving. The contact sessions have resulted in glowing reports of his parenting and bond with C. The court heard evidence about the relationship the defender has with JR's three children.

Clarification of false allegations and malicious conduct

[91] The allegations of domestic abuse are entirely unsupported. The fake TikTok posts and anonymous phone calls to police are timed to coincide with court dates. He refutes allegations that C used the N-word in the defender's care. He states this is fabricated. Allegations that he swore on school grounds are false and unsupported by evidence. He blames JR's niece for attributing horrible comments about the pursuer and C to him.

JR's status and mental health

[92] The defender indicated that JR and he do not live in the same house because this is not the right thing for their families at this time. There is no social work involvement with JR's children. JR's mental health issues are managed effectively through her medication. They maintain a healthy lifestyle providing a safe environment for all children involved.

Responsibility, communication and personal accountability

[93] The defender has been candid about the medical evidence from his GP. He is engaging with the appropriate services. Changes to contact times have been made during significant life events including employment changes and supporting his dying mother. However, he took steps to advise the pursuer of such changes to protect C's routine.

[94] The defender then made proposals as to how the court should resolve the practical arrangements and future plans for his contact with C.

[95] In conclusion, the defender stated that the allegations against him have been proven unfounded. He moved the court to grant an order for contact with C ensuring C's right to a relationship with the defender is protected and stable.

Decision

[96] In making an order relating to parental responsibilities and parental rights, the court requires to have regard to the terms of section 11 of the Children (Scotland) Act 1995.

Section 11(7)(a) provides that the court:

“shall regard the welfare of the child concerned as its paramount consideration and shall not make any such order unless it considers that it would be better for the child that the order be made than none should be made at all”.

Section 11(7)(b) provides that:

“taking account of the child's age and maturity, shall so far as practicable – (i) give him an opportunity to indicate whether he wishes to express his views; (ii) if he does so wish, give him an opportunity to express them; and (iii) have regard to such views as he may express”.

Section 11(7D) of the Children (Scotland) Act 1995 provides:

“where (a) the court is considering making an order under subsection (1) above; and (b) in pursuance of the order two or more relevant persons would have to cooperate with one another as respects matters affecting the child, the court shall consider whether it is appropriate to make the order”.

It is accepted that in general it is in the best interests of a child to maintain a relationship with both parents and therefore before a contrary decision is made, the court must carefully weigh up all the relevant circumstances and identify factors which justify such a serious step and demonstrate that it is conducive to the welfare of the child.

[97] The pursuer seeks to have an award of contact in favour of the defender previously ordered by the court reduced to nil because of a material change of circumstances. Before such an order can be made the court has to consider whether there has been a material change of circumstances and if so, having regard to the welfare of C, whether it would be better for C that an order should be made or that none should be made at all.

[98] There are a number of factors that have brought me to the conclusion that, at the moment, having regard to C's welfare, it is better for no order for contact to be made.

The reasons for my decision are as follows:

[99] The defender's behaviour towards the pursuer and the professional agencies involved with C's care is a significant factor. I do not intend to rehearse the evidence but I would highlight the evidence I heard from three witnesses for the pursuer. They all spoke to the defender's belligerent and confrontational behaviour when dealing with the defender in relation to different aspects of C's care and welfare. It is clear that C is a child with complex needs and he has a number of professional agencies involved in his care and welfare. The pursuer has shown that she is able to work closely with these agencies, mainly education and social work. She has taken on board specific advice about C's day to day routines and how to manage his dysregulated behaviour. On the other hand, I heard evidence from the pursuer that she finds it very difficult to deal with the constant criticism she takes from the defender and the numerous investigations that are carried out by social

workers and the police in response to complaints by the defender. There have never been any concerns about the pursuer's care of C from a social work perspective.

[100] I heard evidence from CC and LT who were clear and candid about the defender's very difficult and challenging behaviour towards them and their staff on numerous occasions. CC and LT both consider that the defender's behaviour has shown that he is not able to provide the level of consistent parenting that C requires.

[101] In addition, the defender's GP confirms that the defender has been depressed and agitated about not having contact with C. His mental health nurse states that the defender has a confrontational manner. The defender's partner, JR agreed that he could be confrontational as did his stepfather. He confirmed that he had witnessed the defender's angry and confrontational manner.

[102] I find it difficult to put aside the way in which the defender conducted himself in court. His belligerent and inappropriate behaviour made the proceedings almost unmanageable and simply served to bolster the evidence of the witnesses. I saw how volatile he was and how quickly his behaviour degenerated. Previous court minutes detail the defender's difficult behaviour in court hearings. The court welfare reporter refers to the defender as being a dogmatic, emotional and argumentative individual who constantly interrupted him and spoke over him.

[103] It is difficult to see how the defender would be able to cooperate with the pursuer in relation to matters affecting C. The defender has difficulty communicating with the pursuer in a constructive and cooperative manner. Furthermore, it is difficult to see how the defender would be able to cooperate with the professional agencies who are involved with the welfare and care of C.

[104] There are other factors that I have taken into consideration but to a lesser extent. I do not believe that the defender and his partner, JR have been entirely truthful about their relationship. I think there is some truth to the allegations that the defender has been violent towards JR. Not only did JR show the pursuer bruises that she said had been inflicted upon her by the defender, she also told the court welfare reporter that the defender had been violent towards her.

[105] I have also taken into account the evidence of the pursuer and CC who both indicated that since contact has terminated, C's behaviour has improved and he is more settled. There are boundaries in place which are consistent and supportive of C's welfare. While the defender's behaviour is so volatile and unpredictable it would not be appropriate to jeopardise that improvement.

[106] I have to address the issue of C's views. It is incumbent on the court to take account of the views of a child when considering what orders, if any, to make in terms of section 11. C has made it clear that he would like to see the defender. He has fond memories of times spent with the defender. He liked playing with the defender and also JR. He misses the defender and would like to see him again. Whilst I accept that view, the requirement of section 11(7)(b) is to give a child the opportunity to express his views, which C has had, and to have regard to those views, which I have had. The subsection allows the court to take account of the child's age and maturity. It does not state that the child's views have to be followed. This was explained to C by the court welfare reporter. C is a 6 year old child with complex needs. He has significant input from social work and education services. He is currently awaiting neurological assessment. The court welfare reporter who has met C recommended caution in assessing C's views given his age. I am not persuaded that C is of sufficient age or maturity to understand the issues before the court in relation to his contact

with the defender. It is of course very unfortunate that the child loves the defender and they appear to have a good relationship. However, it is the defender's behaviour that is the main stumbling block to contact with C taking place. It would be in C's interests, if the defender wishes at any point in the future to have contact with C, for the defender to address the very significant issues he has in relation to his own behaviour. If that were to happen and the defender could show that he had made appropriate changes to his behaviour and was able to cooperate in a manner that is conducive to the best interests of C then, and only then would he, in my view, be able to resume contact with C.

[107] However, in the meantime, whilst the defender is unable to regulate his own behaviour the possibility of him being able to cooperate with the pursuer in co-parenting C is unachievable and this means that contact cannot be said to be in C's best interests. It is therefore better for no order to be made.

[108] In respect of expenses, I am happy to follow the submission made by the pursuer that she should be found responsible for the expenses of the shorthand writer and thereafter no award of expenses due to or by either party.