

JUSTICE FOR AELA

July 2004

Aela (now aged 4) was removed from her home, friends and main carer by her absent parent about 20 months ago. She remains estranged from her main parent, familiar surroundings and friends and does not want to be abandoned. Sheriff Smith waited three months before allowing minimal contact between Aela and her main parent. With no evidence to show the main parent is a danger, in his final judgement he bizarrely ruled that Aela should not see her father at all.

Parental child abduction is not a new phenomena. All it takes is one parent to be sufficiently dysfunctional, then the stage is set for an act of 'revenge' in which the dysfunctional parent attempts to hurt the other, disregarding the needs of the child in their abusive act. **Parental Child Abduction is Child Abuse.** By Nancy Faulkner, PH.D., a peer reviewed paper presented to the United Nations can be found at www.prevent-abuse-now.com/unreport2.htm



This is a picture of Aela taken by friends before she was abducted. Does she look unhappy? There is a marked change in her now. Of course she is older, but she is no longer a carefree child and this is visible in subsequent pictures. She has bouts of severe constipation which could be symptomatic of emotional distress and/or poor diet. Her abductors have groomed her to 'say the right things' and she is fearful of telling people what she really wants. Sheriff Smith of

Stranraer disgraced himself by bribing the main carer with threats that he would not see his daughter unless he immediately agreed to give interim rights of residency to the abducting parent. This is both illegal in law and obviously morally wrong to anyone with any insight or feeling for a child.

The dysfunctional mother never attempted any direct communication with the father. Instead (after being absent from her daughters life) she acted with her step-father (a social worker) to falsify a letter that would satisfy the Sheriff's need for an expert opinion. No mention of this deceit appears in Sheriff Smiths **JUDGEMENT.**

Parent Line Scotland
0808 800 2222

NSPCC 0808 800 5000
National Society for the Prevention of
Cruelty to Children

Childrens Legal Centre
www.childrenslegalcentre.com

**To request a public enquiry /
judicial review:**
Cathy Jameson Justice Minister
The Scottish Parliament
Edinburgh EH99 1SP
Tel: 0131 556 8400 or 0131 348 5636

Scottish Executive Justice Dept
Hayweight House
23 Lauriston Street
Edinburgh EH3 9DQ
Tel: 0131 221 6819

Right Honorable Colin Boyd QC
Lord Advocate
Crown Office
25 Chambers Street
Edinburgh EH1 1LA

Sheriff Principal John C McInnes,
QC
Sheriff Principal's Chambers
Sheriff Court House
Graham Street
Airdrie ML6 6EE
Tel: 01236 751121

Chronology of events as told by main parent:

1. Before contact visits began I asked Sheriff Smith for Interim Residency which he advised was "not an issue" since she already resided with me and the mother was only seeking contact.
2. (15 Nov 2002) My daughter was not returned following a contact visit with the mother.
3. Sheriff Smith refused to grant her return home, based on a fraudulent letter written by Highland Council Social Services, who employ the mothers stepfather. This letter has now been discredited, but Aela has not returned home.
4. It took 3 months (14 Feb 2003) for Sheriff Smith to grant me an access visit for my daughter. In the process Sheriff Smith told me that he would only grant contact if I agreed to give the mother Interim Residency. Without my conceding to this, the Sheriff granted Interim Residency to the mother.
5. From the beginning the mother refused me all telephone contact with Aela.
6. At the first contact visit my daughter appeared so traumatised and upset I decided to seek medical help and did not return her to her mother. My GP's immediate recommendation to the court was that Aela be assessed by a Child Psychologist. This was ignored by the Sheriff. At this point Sheriff Smith had heard no evidence concerning the character and circumstances of myself or the mother.
7. Instead of returning my daughter home the Sheriff has made much of a charge of Plagiam, subsequently dropped due to the falsifying of information by Police at Dingwall who understandably work in close alliance with the Social Services department there.
8. It took 6 weeks for the Sheriff to grant resumed contact amounting to a 2 hour supervised visit every two weeks. This is a 700 mile round trip for me on public transport.
9. With the mothers consent and further court date delays a Child Psychologist was finally involved, 8 months after Aela was taken. This crucial expert witness was the first objective documentation of my daughters plight and suffering. (Social Services have shown a disgraceful neglect and inept ability investigating the situation internally).
10. Sheriff Smith disallowed the Child Psychologists report on the grounds that "it would distress the mother to have to answer more question". Ignoring the contents of the report and my daughters suffering, he also said the "report would not assist him in his judgement", yet he strongly urged the mothers agents to commission another report.

Leave for appeal on my behalf was granted.

11. Sheriff Principal Cox heard our appeal and immediately ruled the expert witnesses report "valid, interesting and valuable". He further stated it was a "crucial piece of material evidence". He granted leave to Sheriff Smith from all other cases recommending this case be heard one day after another until its earliest conclusion. He recommended further delay be avoided and that one expert witness would suffice. He also said that the reasons given by Sheriff Smith for not admitting the report, should never have been "pitched against the well being of a child".
12. Our return to court was to request the recommendations of the expert witnesses report that "Aela should be returned to her home and to her fathers care at the earliest opportunity" be adhered to. This was ignored by Sheriff Smith who threatened to "recall all contact" if we persisted with this motion. I also sought an extension to supervised contact which was bluntly refused. As to the urgency expressed by the Sheriff Principal (and others) concerning the damage inflicted upon my daughter by this prolonged separation, I was told by Sheriff Smith "you will take your place in the queue, like every body else".
13. My lawyer is frustrated, my Council is frustrated and words can not express what I and all who know and love Aela feel on this matter. Everyone is appalled at the Sheriffs disregard for the evidence, lives affected and especially my childs suffering. Particular concern must fall upon the extended delays perpetuated by the Court.

COLLUSION WITHIN SOCIAL SERVICES

Only under pressure did Highland Social Services, Inverness admit any wrong doing. This was played down and further pressure was needed to get the director to write an inaccurate letter to the court stating that social services staff had falsified a letter as evidence. Are these the same people who assist and protect the vulnerable?

Sheriff Smith has acted illegally in relation to Aela's welfare and her rights. His written judgement is disjointed ignores crucial evidence, and makes yet another snubbing reference to the long and credible list of defendant witnesses as 'recently acquired friends and acquaintances'.

Does Sheriff Smith know something we don't? Why does he appear eager to prevent this child continuing a loving relationship with her father?

Why does Sheriff Smith not appear to know the law in relation to Aela's needs and rights?