

1 IN THE GRAND COURT OF THE CAYMAN ISLANDS
2 HOLDEN AT GEORGE TOWN
3 FAMILY DIVISION

Cause No: FAM 0038/2012

6 IN THE MATTER OF s.7 OF THE GUARDIANSHIP AND CUSTODY OF CHILDREN
7 LAW (1996 REVISION)

8 AND IN THE MATTER OF THE MINOR CHILDREN:

9 LM D.O.B. 2nd January 2004

10 AND

11 RM D.O.B. 9th November 2009

13 BETWEEN:

14 REM



PLAINTIFF

18 MKM

DEFENDANT

23 Appearances:

Ms. Francesca Dowse of Samson and
McGrath for the Petitioner

Ms. Sheridan Brooks of Brooks & Brooks
for the Defendant

30 Before:

The Hon. Mr. Justice Charles Quin

31 Heard:

4th December 2012

32

33

SUPPLEMENTARY RULING

34

35

36 1. On 23rd February 2012 the Plaintiff REM filed an Originating Summons for the
37 following relief:

38

- 1 i. *That the Plaintiff be awarded daily care and control of [LM], born on*
2 *the 2nd January 2004 and [RM], born on the 9th November 2009;*
- 3 ii. *That the Defendant has access as follows:*
- 4 a) *Tuesdays and Thursdays after school until 7 p.m. (which is*
5 *[RM's] bedtime)*
- 6 b) *Alternate weekends from Friday at 5:30 p.m. [The children are*
7 *to be collected]from the Plaintiff's house until Sunday at 4 p.m.*
8 *when they will be dropped home;*
- 9 c) *Alternate public holidays can be agreed, starting with the*
10 *Plaintiff [having] Ash Wednesday and Christmas Day to be*
11 *spent together unless otherwise agreed;*
- 12 d) *15 days of school holiday to be taken in two stages of two*
13 *consecutive weeks, followed by an additional week;*
- 14 e) *Each Father's Day to the Defendant with each Mother's Day*
15 *to the Plaintiff; and*
- 16 f) *All other access to be agreed.*
- 17 iii. *The Defendant shall pay directly to the Plaintiff child maintenance in*
18 *the total sum of US\$6,000.00 [on the] 1st March 2012 and on the 1st*
19 *day of each month thereafter;*
- 20 iv. *The Defendant shall continue to pay the school fees in respect of [LM]*
21 *until further Order;*
- 22 v. *The parties shall share all additional medical, dental and optical costs*
23 *commensurate with their income, being 33% to the Plaintiff and 67% to*
24 *the Defendant.*
- 25 vi. *Any further Order that the Court deems appropriate.*
- 26 vii. *Costs reserved.*

27
28
29



1 2. On the 20th July 2012 I delivered an extempore Ruling, pursuant to a hearing
2 between the parties earlier that day. At that hearing, Ms. Dowse, of Samson and
3 McGrath, represented the Plaintiff, and the Defendant represented himself.

4 3. The parties had agreed joint custody of the children of the marriage, namely, LM
5 and RM, with care and control to the Plaintiff. As there was no controversy in
6 relation to day to day care and control of LM and RM, I made the Order as set out
7 in paragraph 3(i) of my Extempore Ruling dated the 20th July 2012.

8 4. However, on the 20th July 2012 not all the terms in relation to access were agreed.
9 Furthermore, there was disagreement on the issues of maintenance for the children,
10 apportioning of the costs of additional medical care, and the unrestricted access to a
11 mobile phone for the older child, LM. After reading the four affidavits and written
12 submissions, and hearing counsel for the Plaintiff and the Defendant in person I
13 delivered my Extempore Ruling in relation to these issues in paragraphs 3(ii) to
14 (viii) of that document.

15 5. Following the delivery of that Extempore Ruling, both parties could not agree the
16 wording of a joint Order and consequently they submitted their respective draft
17 versions of the Order as they understood it.

18 6. On the 29th October 2012 Ms. Brooks came on the record to act for the Defendant.

19 7. On the 30th November 2012 Ms. Brooks filed further written submissions on behalf
20 of the Defendant.

21 8. On the 4th December 2012 counsel for both parties made submissions to me on the
22 wording of the proposed final Order and also relied upon their respective draft
23 versions of the Order that should be made.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

- iii. The Plaintiff has the children on each Mother's Day.
- iv. Christmas Day and all the children's birthdays are to be spent together (that is, both parents along with the children), unless otherwise reasonably agreed between the parties. In the event of the parties failing to agree on Christmas Day the parties are to observe the Order that they have access on alternate public holidays as set out in paragraph 2 c. above.
- v. That unrestricted access by the Defendant via mobile phone to the older minor child, LM, is denied. However, the Court grants liberty to the Defendant to apply when the child is older;
- vi. That the Defendant shall pay, on a monthly basis, child maintenance directly to the Plaintiff in the sum of US\$4,400.00 commencing on the 1st August 2012 and, thereafter, on the first day of each ensuing month until further Order of this Court;
- vii. That the Defendant shall pay school fees in respect of LM and RM until further Order of this Court;
- viii. That the Defendant shall ensure that the children's health insurance remains covered through his employment.
- ix. That the parties shall share all additional medical, dental and optical costs commensurate with their incomes, being 35% to be paid by the Plaintiff and 65% to be paid by the Defendant;



1
2
3
4
5
6
7
8
9
10
11
12
13

x. That there is no Order in relation to the Plaintiff's claim for back dated maintenance.

xi. That the Plaintiff and the Defendant bear their own costs of the hearings on the 20th July 2012 and on the 4th December 2012.

Dated this the 6th December 2012



**Honourable Mr. Justice Charles Quin
Judge of the Grand Court**