

## FAMILY LAW REPORTS - 21/10/2015

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### News & Press

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**Title:** [Muslim couple no longer "pose risk" to their children](#)  
**Subject:** Family law  
**Keywords:** Children's welfare : Foreign jurisdictions : Inherent jurisdiction : Removal from jurisdiction : Wardship  
**Source:** Guardian, 20 October 2015 (Online edition)  
**Date:** Oct 20, 2015  
**Abstract:** Asif Malik and Sara Kiran will not have their children taken into care and can have their British passports returned, Sir James Munby has ruled in a coda given to his judgment in Re. M (Children). Sir James said reports by social workers concluded the couple no longer pose a risk to their children. Earlier in 2015 the Muslim couple were feared to be travelling to Islamic State with their children.  
**Cases referred to:** [M \(Children\), Re](#)  
[2015] EWHC 1433 (Fam); [2015] Fam Law 893 (Fam Div)  
**Document No.** News and Press - AR0222735

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Neutral Citation Number: [2015] EWHC 2933 (Fam)

Case No: FD15P00238

**IN THE HIGH COURT OF JUSTICE**  
**FAMILY DIVISION**

Royal Courts of Justice  
Strand, London, WC2A 2LL  
Date: 20 October 2015

**Before :**

**SIR JAMES MUNBY PRESIDENT OF THE FAMILY DIVISION**

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**In the matter of M (Children) (No 2)**  
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**Mr Jonathan Sampson** (instructed by the Joint Legal Team at Reading Borough Council) for the applicant local authority

**Ms Tina Villarosa** (instructed by S A Carr & Co Solicitors) for the parents

**Ms Seona Myerscough** (of Gardner Leader LLP) for the children's guardian

Hearing date: 5 October 2015  
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### **Approved Judgment**

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

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SIR JAMES MUNBY PRESIDENT OF THE FAMILY DIVISION

**This judgment was handed down in open court** SIR JAMES MUNBY PRESIDENT OF THE  
FAMILY DIVISION Approved Judgment Re M (Children) (No 2)

**Sir James Munby, President of the Family Division :**

1. This is a brief coda to the judgment which I handed down at an earlier stage of these proceedings: *Re M (Children)* [2015] EWHC 1433 (Fam). I take that judgment as read. I observe only that, so far as concerns the law in relation to the inherent jurisdiction, it was subsequently approved by the Court of Appeal in *Re B (A Child) (Habitual Residence) (Inherent Jurisdiction)* [2015] EWCA Civ 886.

As indicated in my previous judgment, the order I made on 8 May 2015 provided that the children were to remain wards of court. In accordance with that order a guardian, Mr DV, was appointed on 13 May 2015.

Since that hearing, the very welcome co-operation of the parents to which I drew attention has continued. The local authority has not commenced, nor does it see any justification for commencing, care proceedings. The parents have been notified by the police that no further action will be taken against either of them and that the police investigation has now concluded.

At a further hearing on 2 June 2015 I directed the appointment of an independent social worker, Ms RT, to address matters which, understandably, the guardian did not feel qualified to address, in particular the question of whether the parents can care adequately for the children and prioritise their needs, having regard to their religious beliefs and in circumstances when their allegiance to those beliefs could compromise the safety of the children. Ms RT's report is dated 16 August 2015. It is a detailed, impressive and compelling piece of work. Because the family's identity is in the public domain, I do not propose to go through the report in any detail. It is enough for me to quote one brief passage:

“It is my assessment that the intervention of the state has been a wakeup call for this couple ... It is my assessment that their current beliefs do not pose a risk or will compromise the safety of their children ... [They] are good parents and they are able to care for all their children. I see no reason whatsoever to remove the children from their care.”

The local authority and the guardian accept that conclusion and the analysis that underpins it. So do I.

The local authority's assessment dated 22 June 2015 is similarly positive:

“There are no immediate concerns for the welfare of the children and the parents are working in partnership with Children's Social Care.”

The guardian's recommendation, set out in writing on 23 September 2015, was, in agreement with the local authority, that no further orders should be sought and that the wardship proceedings be discontinued.

Having regard to all that material, and all the other evidence before me, I had no hesitation in agreeing with the course proposed by the local authority, endorsed by the guardian and agreed by the parents. Accordingly, at the final hearing on 5 October 2015 I made an order in the following terms:

“UPON the court receiving the independent assessment of RT dated 16 August 2015 and the position statements of the applicant local authority and children’s guardian, the contents of which recommend the discharge of the wardship orders currently in place on the basis that the identified risks are manageable under child in need plans and ongoing cooperation by the respondent parents with the applicant local authority

AND UPON the parents agreeing in full to the terms of this order

AND UPON the court indicating that a brief anonymised judgment will be handed down in writing on a date to be notified

BY CONSENT IT IS ORDERED THAT:-

1 The wardship orders first made in respect of the subject children on 4 May 2015 and renewed thereafter on 8 May 2015 are hereby discharged.

2 The order dated 8 May 2015, requiring the applicant local authority to retain the parents’ and children’s passports to the order of this court is hereby discharged, whereupon the local authority has agreed to return the said passports to the parents.

3 There be no order as to costs save for detailed public funding assessment of the respondents’ costs.”

8. It follows that the proceedings are now at an end. I leave the final word to the parents, who say, and I accept, “wish to put the incident behind them and concentrate on being the best parents for their children, with the continued support of their family and friends.”