



In The Supreme Court of Bermuda

CIVIL JURISDICTION

2024: No. 62

BETWEEN:

A

Applicant

-and-

B

Respondent

RULING

Before: Hon. Alexandra Wheatley, Assistant Justice

Appearances: Sarah Bailey Munroe of Richards Ltd, for the Applicant

Bruce Swan of Bruce Swan & Co, for the Respondent

Dates of Hearing: 4, 5, 6 and 7 November 2025

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Application for Shared Care and Control by the Father; Interim Access; The Minors Act 1950; Welfare of Child Paramount Consideration; UK Statutory Welfare Checklist; Religion as a Custody Issue

RULING of Hon. Alexandra Wheatley, Assistant Justice

INTRODUCTION

1. This matter concerns the child of the family, who will be referred to as ‘C’, aged 8 at the time of the hearing. It arises from an application brought by the Applicant (hereinafter referred to as **the Mother**) dated 27 January 2025 (the **Custody Care and Control Application**), in which she seeks the following relief:
 - (i) sole custody care and control of C;
 - (ii) child maintenance to include C's school fees;
 - (iii) such other orders as the Court deems fit; and
 - (iv) an order for costs.
2. The Mother initially sought sole custody on the basis that she was concerned the Father was causing, or was likely to cause, C harm. The dispute principally concerns two issues, namely C's religious upbringing and her schooling (including the payment of school fees). For the reasons set out below, and in light of the Court Appointed Social Worker, Nichole Saunders, (CASW) expressing concern that an order for sole custody may result in the Father's Extension of Spousal Rights being revoked, the Mother confirmed her agreement for the parties to retain joint custody. Notwithstanding that position, the issues of religion and schooling remain live for determination.

Religion

3. The Mother contends that, although the Father was not practising as a Jehovah's Witness during the relationship and C had no prior involvement with Kingdom Hall, he has, since separation, increased C's exposure to that faith beyond what was agreed and has sought to impose his religion upon her. Whilst both parties agreed that C would not be raised as a Jehovah's Witness, the Mother states that she nonetheless sought to accommodate the Father's newfound religion

by agreeing that C could attend Kingdom Hall on alternate Sundays and that she would not engage in Mass at school, in accordance with the Father's wishes.

4. The Mother further states that she learned from third parties that the Father has taken C on house-to-house ministries without her consent and has instituted daily bible reading and the viewing of religious programmes whilst C is in his care. She also says that the Father has begun taking C to Kingdom Hall on Thursday evenings in addition to Sundays. The Mother is concerned that these practices expose C to undue pressure to adopt the Father's views as her own. The Father's position, in summary, is that he should be permitted to parent in accordance with his faith during his time; he maintains that the Mother's concerns overstate both the extent and impact of C's religious participation and denies that his actions have been improper.

Schooling and school fees

5. In November 2023, before their separation, the parties agreed to remove C from the public school system and to enrol her at a private school (hereinafter referred to as the **Private School**¹). They did so for a number of reasons, including concerns about the impending closure of several public schools and because C was being bullied. The parties proceeded with this plan notwithstanding their separation, and C joined the Private School in September 2024.
6. The Mother complains that the Father has refused to contribute towards C's school fees, which she alleges was intended to force a change of school. The Father disputes that his decisions have been improper and maintains that the current arrangements should continue, including in relation to schooling and financial contributions.
7. There is also a dispute as to the division of C's time between the households. Both parties agree that the current arrangements are not working. The Mother seeks to reduce the time spent with the Father by one day per fortnight, owing to her concerns.
8. The Mother relies upon two affidavits sworn on 18 March 2025 (**Mother's First Affidavit**) and 16 July 2025 (**Mother's Second Affidavit**). The Father likewise relies upon two affidavits sworn on 25 April 2025 (**Father's First Affidavit**) and 21 August 2025 (**Father's Second Affidavit**).
9. Both parties gave *viva voce* evidence by way of examination in chief and cross-examination. Counsel for both parties also cross-examined the CASW.
10. Against that background, I turn to the independent evidence, in particular the social inquiry report prepared by the CASW.

¹ The name of the private school that C attends has not been named to protect anonymity.

THE INDEPENDENT EVIDENCE

11. By way of an order dated 9 April 2025 the CASW was appointed by the Court to compile a Social Inquiry Report. The Social Inquiry Report was submitted to the Court and to the parties on 29 October 2025 (SIR).

The Mother's Account to the CASW

12. The Mother informed the CASW that the parties were married in 2018, approximately sixteen months after C was born in 2016. She stated that the family resided together until September 2024 when the Father left the matrimonial home. She described the breakdown of the marriage as the result of longstanding relational difficulties and differences in values, particularly in relation to religion and parenting.
13. The Mother advised that since separation C has divided her time equally between the parent's homes, although she has historically undertaken the greater share of day-to-day caregiving, including school preparation, medical appointments and extracurricular coordination.
14. She reported that C currently attends a Private School and is generally progressing appropriately. The Mother advised that C has participated in school activities and after school programmes and that she seeks stability and continuity in C's schooling and routine.
15. A central concern expressed by the Mother related to religion. She advised that C was baptised in the Christian (or specifically the Pentecostal-Holiness) faith and raised within that tradition during the marriage. She stated that the Father later became associated with Jehovah's Witness beliefs and that this shift created tension within the marriage. The Mother expressed concern that C is being exposed to conflicting religious doctrines. She stated that she believes C has been made to feel conflicted about celebrating holidays such as Christmas, Easter and birthdays, and about participation in certain school or community events.
16. The Mother reported that C has expressed confusion about religious expectations and has appeared worried about disappointing one parent or the other. She expressed the view that C should not be burdened with adult religious disputes and should be permitted to enjoy age-appropriate celebrations without fear or guilt.
17. The Mother also raised concerns about communication. She stated that co-parenting communication has been strained and at times adversarial. She reported that she feels the Father is rigid in his approach and that discussions often escalate rather than resolve. She expressed concern that C has at times been questioned about what occurs in her household, which she believes places the child in the middle of adult issues.

18. The Mother informed the CASW of an incident in October 2025 when C sustained an injury while in the Father's care. She expressed dissatisfaction with the communication surrounding that incident and stated that she felt she was not informed promptly. She raised concerns about the manner in which decisions were made in relation to medical care.
19. In terms of outcome, the Mother advised that she seeks joint custody with care and control to her, with defined and structured access to the Father. She stated that she believes this arrangement would provide consistency and reduce conflict, while preserving the Father's involvement.

The Father's Account to the CASW

20. The Father advised the CASW that he has always maintained a loving and meaningful relationship with C and that he has been actively involved in her upbringing. He stated that he exercises his parenting time consistently and that he wishes to remain fully engaged in her life, including her schooling, moral guidance and daily routine.
21. He reported that during the marriage he became associated with Jehovah's Witnesses and that his faith is central to his identity. He stated that his religious beliefs inform his parenting and that he seeks to instil values which he considers morally sound and protective. He denied imposing beliefs in a harmful way and stated that he attempts to explain his faith to C in an age appropriate manner.
22. The Father expressed concern that the Mother does not respect his religious convictions and undermines his authority as a parent. He reported that there have been occasions when C has returned from the Mother's home with perspectives that he believes conflict with his moral framework. He expressed the view that he has a right to guide his daughter's spiritual development.
23. He described C as happy and settled in his care. He reported that she enjoys spending time with him and with members of his extended family. He described attending religious meetings and participating in family activities. He stated that he provides structure and routine during his parenting time.
24. In relation to the October 2025 injury, the Father stated that he acted promptly and responsibly. He advised that he sought medical attention and did not intend to exclude the Mother from information. He denied any negligence and expressed concern that the incident has been used to question his parenting.
25. The Father stated that he seeks joint custody and a shared care arrangement. He expressed the view that C benefits from substantial time with both parents and that reducing his role would not be in her best interests.

The CASW's Observations and Findings

26. The CASW interviewed both parents and C and reviewed relevant collateral information including school records and background material. Her assessment was independent and focused on C's welfare.
27. The CASW observed that C presents as a bright, articulate and socially engaging child. She is described as performing within the expected academic range and participating in school and extracurricular activities. The CASW noted that C appears closely bonded to both parents and is comfortable in each household.
28. The CASW found that both parents can meet C's physical needs. Each residence was assessed as appropriate. The CASW observed that both parents express genuine love and commitment to their daughter.
29. However, the CASW identified ongoing parental conflict as a significant concern. She found that communication between the parties is strained and that religion has become a central point of contention. The CASW noted that C appears aware of the conflict and may be experiencing loyalty tension.
30. Concern was expressed that C has been exposed to adult issues and differing narratives regarding religion and parental expectations. The CASW observed that such exposure may create confusion and emotional strain for a child of her age.
31. In relation to schooling, the CASW found that consistency of routine is beneficial for C's progress. She noted that stability in school attendance and support is important to her continued development.
32. Overall, the CASW identified that C would benefit from reduced conflict, improved parental communication and clear boundaries to shield her from adult disputes. She further emphasized the importance of both parents supporting C's relationship with the other parent and refraining from involving her in any religious disagreements.
33. At the conclusion of the report, the CASW made the following recommendations:
 - (i) The Mother's application for sole custody shall not be granted at this time.
 - (ii) The parties shall share custody except that the Mother shall have the exclusive right to consent for C to have a blood transfusion in emergent and nonemergent surgical procedures.
 - (iii) C shall have an initial care arrangement which consists of a 2-2-3 or 3-4-4-3

schedules with alternating weekends. The care schedule can be reviewed after four to six months to assess if it should be amended.

- (iv) The parties are encouraged to participate in mediation.
- (v) The parties are encouraged to participate in co-parenting training.
- (vi) The parties are encouraged to meet with C's paediatrician to discuss her medical needs.
- (vii) If the Father is required to work while C is in his care, he shall drop C to the Mother.
- (viii) If C is involved in a medical incident, the parent whose care she is in shall immediately inform the other parent of the situation.
- (ix) The costs of any assessments or services that C requires should be shared.
- (x) C shall be permitted to celebrate the holidays with each respective parent.

34. Under cross-examination of both Counsel the CASW gave additional evidence which is summarized as follows:

- (i) It was accepted that C will be highly influenced by her parents as it relates to religion and that how that information is presented to C and the frequency of C's exposure will determine how much she is influenced.
- (ii) The CASW's evidence confirmed that it was clear to her that C is very much aware of the conflict between the parties.
- (iii) The CASW accepted that the Mother's proposal of C being in the Father's care each Tuesday and every other weekend could potentially reduce the risk of C being influenced by the Father's religion.
- (iv) The CASW accepted that the purpose of "teachings" occurring outside of services is so that the content of the services can be understood and further noted that this is not problematic when the whole family is following the religion.
- (v) When asked by Mr Swan if it would harm C if C were exposed to Jehovah's Witness teachings, the CASW confirmed that her understanding of the Jehovah's Witness belief is that they are the true religion and all other religions are wrong. The CASW then posed how C is expected as a child to reconcile this with her Mother's religion?
- (vi) It was accepted that if C took on the Father's religious views it could cause conflict

between C and the Mother as well as between C and the maternal family.

- (vii) The CASW noted that at some point C will want to align herself with one of the parent's religion versus the other's. The parents would need to be cognizant of C seeking "emotional permission" as a child understands that she is made from both her parents, so where negative connotations are made about one parent by the other, the child can internalize this as meaning something is wrong with them. This could do significant damage to any child.
- (viii) It was accepted by the CASW that the parents' differing religions could cause conflict within C and this will not be easy to balance.
- (ix) The CASW accepted that a healthy co-parenting dynamic is essential to any arrangement for shared care and control. Therefore, if the parties are unable to communicate in a healthy and respectful manner this could have a negative impact on C as it could be something that is taken advantage of when conflict arises.
- (x) Whilst the CASW accepted that a reduction in access to the Father would reduce C's exposure to his religious teachings, she noted that what happens outside of access would also be important.
- (xi) The CASW accepted that it would be beneficial to increase the access as proposed by the Mother with a view of that being reviewed within four months or so.
- (xii) The CASW acknowledged the difficulties in the 2-2-3 or 3-4-4-3 schedule being proposed by the Father given his attendance at church services during the week and on weekends.
- (xiii) The CASW confirmed that shared care does not have to mean each parent has equal time. There can be a division of time such as, 60/40 or even 70/30. C can still have a meaningful relationship with both her parents even if care is not divided 50/50.

THE PARTIES' EVIDENCE AND POSITIONS

Mother

35. The Mother's position before the Court broadly reflects the account she provided to the CASW, summarised earlier at paragraphs 16 to 23 above. In essence, she maintains that while both parents love C and should retain joint custody, the present arrangements have been undermined by ongoing conflict and an inability to communicate effectively about C's welfare.

36. According to the Mother, the principal difficulty lies in the Father's approach to decision-making since the parties' separation. She states that attempts to discuss matters concerning C are frequently unsuccessful and that decisions affecting the child are often made unilaterally. Examples relied upon include decisions relating to C's schooling, changes to the frequency with which she attends Kingdom Hall, and arrangements for C's care when the Father is required to work. In the Mother's account, such decisions are frequently communicated only after the fact or discovered through third parties.
37. Particular concern was expressed regarding the issue of religion. As noted earlier in the background section of this ruling, C had little exposure to the Jehovah's Witness faith during the parties' relationship, and the Mother's evidence was that following the separation the parties agreed that C would not be raised within that religion. The Mother contends that the Father has departed from that understanding. She states that C now attends Kingdom Hall more than once per week and participates in other religious activities including bible reading, prayer and religious programming. In her view, these practices amount to religious instruction rather than simple exposure to the Father's beliefs, and she fears that C may feel pressure to align herself with those beliefs at an age when she is not yet able to evaluate them independently.
38. Evidence was also given that C has begun to express reluctance about participating in certain celebrations, including holidays such as Christmas and Halloween, which had previously been normal within the maternal family. The Mother views this as a possible indication that C is beginning to experience tension between the different belief systems present in the two households.
39. Beyond the issue of religion, the Mother raised concerns regarding routine and supervision while C is in the Father's care. As noted at paragraph 21, communication between the parties has often been strained, and she states that this makes it difficult to obtain reliable information about C's schedule. The Mother says that during the parties' relationship he was periodically required to leave the home to attend maintenance issues at the nursing home where he works, and the Mother believes that similar demands remain part of his work responsibilities. According to her evidence, there have been occasions when C has been cared for by third parties while the Father attends work or other commitments, sometimes without her prior knowledge. The Mother also expressed concern regarding C's bedtime routine, noting that evening religious meetings may extend close to or beyond C's usual bedtime and may affect the child's rest and readiness for school.
40. These issues underpin the Mother's proposal regarding parenting time. She does not oppose C continuing to spend regular time with the Father but considers that an equal division of time would expose C to unnecessary instability during the school week. Instead, the Mother proposes that C reside primarily in her household while maintaining structured and meaningful contact with the Father.

41. With respect to education, the Mother's evidence builds upon the matters described earlier at paragraphs 18 and 35 regarding C's schooling and academic progress. She states that the decision to enrol C at the Private School was made jointly by the parties prior to their separation, when they considered that the school would provide a supportive environment following the difficulties C experienced in her previous school. Since attending the Private School, the Mother says that C has received counselling and academic support, and that teachers have recommended additional tutoring and further assessment in areas where C has struggled academically. In the Mother's view, removing C from that environment would disrupt both the educational support she currently receives and the therapeutic relationship she has developed with her counsellor. The Mother therefore considers that maintaining stability in C's schooling is presently in her best interests.
42. Financial issues also feature prominently in the Mother's case. Her evidence is that the parties originally agreed to share the cost of C's education, but that the Father subsequently ceased contributing toward those fees without any material change in his financial circumstances.
43. The Mother further raised concerns regarding the adequacy of the Father's financial disclosure in these proceedings. Although affidavits were filed, she says that the documentation provided was incomplete and disorganised, pointing in particular to missing pay records, incomplete bank statements and the absence of documentation relating to certain income sources. Considerable effort, she says, was required to reconstruct the Father's income from the available records and, on her analysis, his earnings are broadly comparable to her own.
44. The Mother also relies on what she describes as a pattern of the Father departing from prior agreements between them. The cessation of school fee payments and the dispute regarding divorce costs were cited as examples. In her submission, these events have eroded trust between the parties and demonstrate the difficulty of resolving parenting matters without the intervention of the Court. She therefore asks the Court to make clear orders governing issues such as C's schooling, religious exposure and financial contributions in order to reduce future disputes and to shield C from ongoing parental conflict.

Father

45. The Father's evidence regarding his relationship with C is broadly consistent with the account recorded earlier at paragraphs 24 to 29 above. He maintains that he has always been a loving and engaged parent, and that he has remained closely involved in C's schooling, routine and day-to-day welfare since the parties' separation.
46. From the Father's perspective, the central issue in these proceedings is the preservation of meaningful parenting time with C. He emphasises that the parties currently share custody and care and control, and he submits that there is no proper basis to alter that arrangement in a way that would significantly diminish his role. In his view, C benefits from spending substantial

time in both households: a shared care arrangement enables her to maintain strong relationships with each parent and reflects the important role each has played in her upbringing.

47. The Father disputes the suggestion that he has acted unilaterally in matters concerning C. In his account, many disagreements arise because the Mother seeks to influence or control decisions that he believes fall within each parent's discretion during their respective parenting time.
48. Religion forms an important part of the Father's identity and values, and he says that his faith provides the moral framework that informs the guidance he seeks to provide to C. While acknowledging that C had limited exposure to the Jehovah's Witness faith during the parties' relationship, he considers it appropriate that she now have the opportunity to learn about that aspect of his life. He denies imposing those beliefs on C or pressuring her to adopt them, and maintains that any participation in religious activities occurs in a supportive and age-appropriate manner and that C attends willingly. It is also his position that the Mother overstates both the frequency of those activities and their impact upon C.
49. With respect to education, the Father questions whether the Private School provides benefits sufficient to justify the cost of tuition. Although he acknowledges that stability can be beneficial for a child, he maintains that the public school system is capable of meeting C's educational needs. In his view, C's academic difficulties have persisted despite her attendance at the Private School, and it has not been demonstrated that the school offers educational advantages that cannot be obtained elsewhere.
50. Financial considerations form a significant aspect of the Father's case. Evidence was given that his employment circumstances have not always been stable and that, during part of 2025, immigration restrictions prevented him from working. During that period he relied on savings to meet his living expenses, and he expresses concern that an order requiring him to pay half of the school fees would further deplete those reserves. Maintaining financial stability, he says, is important in order to ensure that he remains able to support C in the future and to meet any unexpected expenses that may arise.
51. Accordingly, the Father asks the Court to maintain joint custody and the shared care arrangements with the parties having equal time with C, and to make financial orders which reflect what he says is a realistic assessment of his ability to contribute to C's educational costs.

THE LAW

52. The Court has repeatedly recognised that whilst the statutory checklist found in comparable English legislation is not directly applicable in Bermuda, it nevertheless provides a useful guide when adjudicating upon a child's welfare². This position was accepted by both Counsel.

² See *Mother v Father* [2025] Sc (Bda) 26 civ at paragraph 30.

53. As such, the following welfare considerations should be considered when determining what C's best interests require:

- (a) the ascertainable wishes and feelings of the child concerned (considered in the light of their age and understanding);
- (b) their physical, emotional and educational needs;
- (c) the likely effect on them of any change in their circumstances;
- (d) their age, sex, background and any characteristics of theirs that the court considers relevant;
- (e) any harm that they have suffered or are at risk of suffering; and
- (f) how capable each of their parents, and any other person in relation to whom the court considers the question to be relevant, is of meeting their needs.

54. In considering the Mother's application relating to C's religious upbringing, the Court is invited to have regard to *Re N (a child) (Religion: Jehovah's witness)* [2011] EWHC 3737 (Fam), in which it was recognised that the Court is able to place restrictions on a child's involvement with a religion where their welfare demands it:

"[85] Before considering the issues relating to religious upbringing that are not agreed, I first set out the principles which, in my judgment, should guide my approach:

- (1) Parental responsibility is joint and equal. Neither parent has a predominant right to choose a child's religious upbringing.*
- (2) Where parents follow different religions and those religions are both socially acceptable the child should have the opportunity to learn about and experience both religions.*
- (3) A parent's right to enable her child to learn about and experience his or her religion is not an unconfined right. Where the practice of that religion involves a lifestyle which conflicts with the lifestyle of the other parent and the court is satisfied that that conflict has had or may in the future have an impact on the child's welfare the court is entitled to restrict the child's involvement in those practices.*
- (4) Restrictions imposed for welfare reasons do not necessarily amount to a*

breach of that parent's right to follow the beliefs and practices of his or her religion provided that any restriction imposed is justified by the findings made by the court and proportionate.

(5) In determining such an issue, as in the determination of any other question relating to the upbringing of the child, the child's welfare is the court's paramount consideration." [Emphasis added]

55. As it relates to child maintenance payments, section 27(1)(d) of the Matrimonial Causes Act 1974 (**the Act**) provides the Court with its remit. The Court is required, when considering such an order, to have regard to all the circumstances of the case including those set out in section 29 (2) of the Act which are as follows:

(a) *the financial needs of the child;*

(b) *the income, earning capacity (if any), property and other financial resources of the child;*

(c) *any physical or mental disability of the child;*

(d) *the standard of living enjoyed by the family before the breakdown of the marriage;*

(e) *the manner in which he was being and in which the parties to the marriage expected him to be educated or trained;*

and so to exercise those powers as to place the child, so far as it is practicable and, having regard to the considerations mentioned in relation to the parties to the marriage in subsection (1)(a) and (b), just to do so, in the financial position in which the child would have been if the marriage had not broken down and each of those parties had properly discharged his or her financial obligations and responsibilities towards him.

FINDINGS AND ANALYSIS

56. The Court is satisfied that following the parties' separation the Father increased C's participation in the practices of the Jehovah's Witness faith in a manner that went significantly beyond what had been agreed. The evidence is clear that C now attends Kingdom Hall on Sundays and on Thursdays. The Father has also incorporated daily bible reading and regular viewing of religious programmes into her routine. Although he sought to characterise these activities as simple exposure, the Court considers that they amount to a form of religious

instruction. This conclusion is reinforced by the observations of the CASW, who identified a noticeable shift in the religious emphasis in the Father's household.

57. The Mother's evidence that these developments represent a substantial change from the parties' earlier understanding is accepted. During the relationship, C had no involvement with the Father's faith as he was not a practising Jehovah's Witness at the time and had instead participated in ordinary Christian and cultural celebrations within the maternal family. That practice continued for the first several months after separation and only altered when the Father re-engaged with his religion. The rapid expansion of C's participation, coupled with the Father's unwillingness to discuss these decisions post separation, has understandably caused the Mother concern.
58. It is also clear to the Court that C has begun to show signs of psychological tension arising from the competing expectations in each home. The Mother gave credible evidence that C has expressed reluctance to take part in long-standing family traditions such as Christmas and Halloween. This is consistent with the Father's expanded religious practices, which discourage involvement in such celebrations. The CASW also identified loyalty tension and confusion, which were consistent with a child attempting to reconcile differing, and in some respects opposing, parental worldviews.
59. The evidence supports the Court's finding that the Thursday evening meetings have repeatedly affected C's bedtime routine. On those evenings, C's bedtime is consistently later than it would ordinarily be on a school night. The Father did not demonstrate an appreciation of the impact this may have on C's alertness and performance at school. Although he insisted that C appeared fine, the Court accepts the Mother's account that late evenings have impaired C's rest. The Court considers it essential that C maintain a predictable routine during the school week.
60. It is also accepted that the evidence demonstrates a persistent pattern of unilateral decision making by the Father in matters relating to religion, schooling, and practical care arrangements. Despite having accepted in principle that joint decisions were required for significant matters, he repeatedly failed to inform the Mother in advance of changes that affected C. These included additional church attendance, changes to bedtime routines, and care arrangements when he was required to work. The Court finds that this approach undermines the effective exercise of joint custody.
61. It is further established that there were occasions when C was placed in the care of third parties during the Father's parenting time without the Mother being informed. The Father simply denied these allegations implying that C had lied to the Mother. The Court considers this lack of communication problematic, especially given the young age of the child and the parties' fragile co-parenting dynamic.
62. The Court accepts that the Father's full-time employment continues to include an on-call component that requires him to leave the home at short notice. Although he maintained that this

has not happened since separation, he provided no supporting evidence from his employer. The Court finds that the Mother's account that call outs occurred regularly during the relationship has the ring of truth. These disruptions have the potential to unsettle C's routine and create unnecessary instability on school nights.

63. Additionally, the Court is cognizant that the level of communication required to sustain an equal shared care arrangement is currently absent. Effective co-parenting in a 50/50 structure requires frequent contact, flexibility and a willingness to coordinate household routines. The CASW's evidence was clear that the current communication pattern exposes C to conflict and inconsistency. The Father's evidence demonstrated limited insight particularly as it relates his religious influence on C and viewed attempts to establish consistent routines as challenges to his authority rather than measures intended to support C's welfare.
64. The Mother's concern that the Father's religious practices may result in C becoming isolated from the maternal family is borne out by the evidence. The Father now appears to spend much of his free time with members of his congregation and to have withdrawn from previous friendships. Consistently with that, C has begun to repeat language suggesting that she regards persons within the congregation as her "*real*" friends. She has also declined to attend church services with her maternal grandmother and has made comments such as, "your bible isn't the real bible", which I am satisfied reflects the Father's influence. When questioned by the Court about the version of the Bible used by Jehovah's Witnesses, the Father's answers were carefully framed and avoided directly confirming the belief that the translation used by Jehovah's Witnesses is the only "*true*" Bible.
65. He likewise sought to avoid directly addressing the practice of Jehovah's Witnesses of limiting social association with persons outside the denomination. However, C's statement that persons who are not Jehovah's Witnesses are not her "real friends" calls into question the Father's implication that no such distinction is being conveyed to her. In any event, I am satisfied that these practices form part of the lifestyle that adherents are expected to follow. It was apparent that the Father was reluctant to make candid concessions on these matters, which he understands may have implications for the Court's welfare assessment. For the avoidance of doubt, these observations are not intended as criticism of the Jehovah's Witness faith. They are directed to the acute conflict which can arise where one parent practises that faith and the other does not, and where the child is exposed to messaging which risks undermining her relationship with the other parent and that parent's extended family.
66. Accordingly, the Court finds that this raises a legitimate concern that C may be under subtle pressure to align herself with the Father's belief system. This may occur at the expense of her relationship with the Mother and the Mother's extended family.
67. The Father's refusal to disclose his objection to blood transfusions until shortly before the hearing was irresponsible and extremely concerning. He accepted that he had researched the

issue extensively, as was evident from his affidavit evidence. Yet he did not inform the Mother, despite knowing that emergency medical situations can arise without warning. He also withheld this information when he travelled with C overseas on two occasions, for 10 and 14 days respectively. The Court has very little confidence that the Father would be able to put aside his beliefs in a crisis. The Mother's evidence on this issue was measured and credible. The Court therefore accepts the CASW's recommendation that the Mother should hold exclusive authority to consent to transfusions.

68. With respect to education, the Court finds that the evidence overwhelmingly supports C remaining at the Private School. Both parties agreed on that placement prior to separation and the school has since identified academic and emotional needs that require structured support. The Private School has implemented appropriate interventions, including counselling and learning assistance. The CASW emphasised the importance of maintaining this support and noted that public schools may not be able to provide the same continuity. The Father minimised these concerns and appeared unwilling to accept the professional recommendations of C's teachers.
69. C has already experienced significant upheaval during the eighteen months leading up to this hearing. These changes include separation, relocation, the introduction of the Father's religion and the initiation of counselling. The Court accepts the CASW's view that a school transfer at this stage poses a real risk of harm. The Court also finds that the Father's stated reasons for seeking a transfer are primarily financial rather than welfare based, and those financial concerns are not supported by the evidence.
70. As it relates to the Father's contributions to C's direct expenses, the Court finds that both parties earn similar incomes. The Father's financial disclosure was incomplete and at times misleading. The Court accepts the Mother's evidence that his actual expenditure demonstrates available funds that could have been used toward school fees. Indeed, the Father's own admissions in his *viva voce* evidence confirm that he has been able to save monies even while asserting financial hardship. Rather, the Father is simply of the view that his funds can be applied to longer-term pursuits such as his own house, which he says will be for the ultimate benefit of C. The Court therefore finds that he has the capacity to contribute equally to C's tuition and that such an order aligns with not only the parties' agreement to enrol C in the Private School but also aligns with the standard of living anticipated during the marriage.
71. The parties' inability to communicate in a healthy and amicable fashion plays a significant role in what care/access would be in C's best interest. The Father's incorrect perception of the Mother's position as being controlling is misplaced and as identified by the CASW, the animosity between the parties is negatively impacting C.
72. Finally, the Court finds that an arrangement in which C resides primarily with the Mother, with structured and meaningful time with the Father, best meets her needs. This structure reduces

C's exposure to conflict, ensures a stable school night routine, and appropriately limits the undue influence of competing belief systems while preserving the Father's relationship with her. This configuration provides the highest degree of predictability and protects C's emotional wellbeing while the parties continue to work on improving their communication.

CONCLUSION

73. Having considered all the evidence before the Court, including the affidavits, the oral testimony, the submissions of counsel, the SIR, and the recommendations of the CASW, the Court is satisfied that C's welfare requires a structured and predictable arrangement that reduces conflict, preserves stability in her daily routine, and ensures that significant decisions affecting her upbringing are made in a manner consistent with her best interests.
74. For the avoidance of doubt, I have taken into account each of the factors in the Welfare Checklist set out at paragraph 54 above, placing particular emphasis on C's physical, emotional and educational needs, the likely adverse impact of any further change in her circumstances, and the risk of harm arising from her exposure to the Father's religion.
75. The Court has accepted the evidence that the Father's increased religious practices, implemented without consultation, have created confusion and loyalty tension for C and have disrupted her school night routine. These changes occurred in circumstances where both parties had previously agreed that C would not be raised within the Father's faith. The Court has also found that the Father's approach to communication undermines the effective exercise of joint custody and has resulted in unilateral decision making in key areas of C's life.
76. The evidence relating to C's emotional and educational needs demonstrates that she has greatly benefited from the structured support available at the Private School. The CASW's assessment was clear that a change of school at this stage would cause unnecessary disruption and could place C at risk of educational and emotional regression. The Court accepts the professional recommendations of both the CASW and the educators involved in her care and finds that continuity in schooling is essential to C's wellbeing. The Court has also found, based on the financial evidence, that both parents have the capacity to contribute equally to the cost of this education and that doing so reflects the standard of living anticipated during the marriage.
77. The Court is further satisfied that the Mother should hold exclusive authority to consent to blood transfusions. The Father's failure to disclose his objection until just before the hearing, despite having formed and researched those views earlier, created unnecessary risk in a potential medical emergency. The Court accepts that such authority must rest with the Mother to ensure that decisions in a crisis can be made swiftly and without impediment.

78. Taking these matters together, the Court finds that C should reside primarily with the Mother, with a structured and consistent schedule for time with the Father. Such an arrangement provides C with the stability she requires during school weeks and reduces the likelihood that she will be exposed to ongoing parental conflict. It also preserves her meaningful relationship with the Father while placing appropriate boundaries around matters that previously caused confusion or distress. The Court accepts that in time, and with sustained effort from both parents, communication may improve and the arrangements may be capable of review. For the present, however, C's wellbeing demands clear lines of responsibility and a routine that prioritises her emotional, educational and physical needs as well as protects her from any potential risk of harm.
79. The arrangements for C are as follows:
- (i) The parties shall continue to share joint custody of C, save for the Mother being granted the sole custodial decision maker as it relates to C's medical care in the event that a blood transfusion (or other blood product) is recommended by a doctor or any other appropriate emergency personnel.
 - (ii) Both parents shall sign a proforma consent form confirming that the Mother has the right to unilaterally consent to blood transfusions for C. The said consent form shall be lodged with C's primary physician and a notarized copy shall be kept by each parent on his or her person particularly during any period of overseas travel with C.
 - (iii) The Father shall immediately inform the Mother of any medical interventions that become necessary whilst C is in his care (either in Bermuda or overseas) and enable the Mother to speak with C's treating doctors, shall inform the Mother if the doctors have made any mention of blood transfusions, shall ensure the doctors are aware of the consent form referenced in paragraph 7 above, and, specifically, shall ensure he has a copy of the consent form (as well as this Court Order) with him at all times whilst travelling, translated into the local language where necessary.
 - (iv) Both parties shall participate in and complete a co-parenting course such as the one provided by the Family Centre to assist in their difficulties with communication.
 - (v) The parties shall consider utilizing a co-parenting app such as Our Family Wizard which assists in the limiting of communication with each other so that it only relates to issues surrounding C.
 - (vi) C shall continue to attend and be enrolled in the Private School until further order of the Court.
 - (vii) The Mother and the Father shall share care and control of C. Care and control shall be divided so that C shall primarily live with the Mother save for as follows:

- (a) Each Tuesday by collecting her from the Private School (or other such agreed location) and returning her to the Private School (or other such agreed location) on the following day.
 - (b) Alternate weekends from Friday by collecting C from the Private School (or other such agreed location) and returning her to the Private School (or other such agreed location) on the following Monday.
- (viii) In the event that the Father is required to attend work on an on-call basis (or otherwise) whilst C is in his care, the Father shall return C to the Mother's care.
- (ix) When the care/access schedule referred to in paragraph (vii) above has been implemented for a period of a minimum of eight months, the parties shall consider whether there should be an increase in the Father's access with C. Such consideration should where possible be guided by any recommendations of C's counsellor and/or therapist. If the parties are unable to reach an agreement, they are encouraged to utilize alternative dispute resolution rather than having to make another application to the Court.
- (x) Each parent is permitted to take C to church services in alignment with each respective parent's beliefs.
- (xi) C shall not be raised as a Jehovah's Witness.
- (xii) The Father shall not subject C to "teachings" of the Jehovah's Witness faith outside of attending church services. This includes allowing C whilst in his care consume literature (inclusive of the bible used by his faith) or media explaining the teachings of the church.
- (xiii) The Father shall also not be permitted to have C accompany him or any other third-party on house-to-house ministries or preaching on behalf of the Jehovah's Witness faith.
- (xiv) C's care during holidays and special occasions shall be divided as follows:
 - (a) C shall spend every Christmas Eve, Christmas Day, Boxing Day, Good Friday, Easter Sunday, and her birthday in the Mother's care;
 - (b) The remaining public holidays shall be divided equally between the Mother and the Father each year, with Cup Match either divided or alternated. The division of public holidays shall be agreed no less than one month in advance; and
 - (c) C shall spend one day of the Autumn Assembly, one day of the Spring

Assembly and three days of the summer convention in the Father's care each year and the Father shall provide no less than one months' notice of these dates

- (xv) Each party shall be free to travel with C outside of the jurisdiction, provided that the traveling parent furnishes the non-travelling parent with the following information by no later than 21 days prior to the period of travel: a travel itinerary; airline tickets; and contact details.
- (xvi) The non-travelling parent shall provide his or her written consent to travel upon receipt of the information set out in paragraph 4 above, such consent not to be unreasonably withheld.
- (xvii) The Father is prohibited from obtaining an Italian passport for C without the Mother's prior written consent.

80. It is hoped that the next eight months will provide the Father with enough time to reflect on the possible detrimental impact that his the opposing views of his religion compared to that of the Mother and the Mother's extended family can have on C and more importantly to recognize that both the Mother and the Court are not being critical of his religious choices. The Father has the uninhibited right to practice whatever religion he so chooses; however, in circumstances where a minor child is involved with who the Father and the Mother share joint custody (as religion is a custodial element), those religious views cannot be forced on the minor child in a way that has the potential to alienate him or her from the other parent or from the other parent's extended family.

81. As it relates to the financial aspect of the application, the following terms are ordered:

- (i) The Father shall pay to the Mother \$2,320 as a contribution to the divorce by no later than 1 November 2026.
- (ii) The Father shall pay \$3,562.50 to the Mother by 31 July 2026 (or such other date as agreed between the parties) by way of reimbursement for C's first term of tuition at the Private School.
- (iii) Any other outstanding contributions by the Father for C's tuition payments for the remaining school terms for the academic year 2025/2026 by 31 December 2026 (or such other date as agreed between the parties). Thereafter, the parties shall share the costs of C's tuition at the Private School equally with the Mother making her best efforts to apply to the Private School for financial assistance if available for each upcoming academic year.

- (iv) The parties shall share equally the recommended tutoring costs for C as well as for the co-pay for any recommended assessments (academic, medical or otherwise).
 - (v) Any extra-curricular activities for C that are jointly agreed shall be paid equally between the parties unless otherwise agreed otherwise it shall be the responsibility of the party wishing for C to attend.
 - (vi) Any medical co-payments required (other than for assessments) shall be paid equally between the parties.
82. Overall, the Court is satisfied that the orders made reflect a proportionate response to the issues raised in these proceedings and place C's welfare, as the paramount consideration, at the forefront of the Court's determination.
83. As it relates to costs, the Court is minded to make an order that each party bear his or own costs given the nature of the application before the Court as well as the Court's view that neither party has conducted themselves in this litigation in an unreasonable manner. However, should the parties want to be heard on costs, an indication of such an application should be made to the Court within 7 days from the date hereof, otherwise the costs will be ordered as indicated.

DATED this 14th day of May 2026



ALEXANDRA WHEATLEY
ASSISTANT JUSTICE OF THE SUPREME COURT