

200.4 *Care, Child in*

R v RC and RC 2014 EWCA Crim 1169 D and R, a married couple, pleaded to abduction. They had been assessed as unfit to parent their two sons, aged 4 and 3, who were then taken into care. D and R were allowed periodic access while the High Court dealt with the local authority applications. When the children's foster parents were at a wedding, D and R abducted them, taking them to Thailand, a country not signed up to the Hague Convention. No proceedings to return them could be instituted. Seven months later, D and R voluntarily returned to the UK and the children were again taken into care. The defence accepted 9 months could not be faulted. Held. There had been a number of changes in circumstances post-sentence. A hearing was due to take place the following week to decide on a placement order for the youngest child, and a request for a residential assessment order from the parents. We do not want to restrict the options available to the High Court Judge dealing with the case. The parents would be unavailable if the existing sentences stood and the best interests of the children required their attendance. **5 months** enabling immediate release, not 9.

Note: If the welfare of the children is the dominant consideration here, why not substitute a suspended sentence to act as a deterrent for any future defiance of court orders? The Court said immediate imprisonment could not be faulted. However, if immediate release could be justified, so could a suspended sentence. Ed.

200.6 *Cases*

See also: *R v Cash* 2014 EWCA Crim 500, 2 Cr App R (S) 48 (p 382) (10% credit. V was 15 with troubled background, and D 24. V's grandmother told about D's past and his true age but V defied her and saw D. V left with D, despite D trying to persuade her not to. V returned the next day, but had spent night with a girlfriend, not D. D had many antecedents with 2010 voyeurism conviction and was on the Sex Offender Register. Abduction short and no coercion. **8 months**, not 2 years.)