DRAFT - CHECK BEFORE FILING

IN THE FAMILY COURT AT READING

Case No: RG26F0100

Re: Child A (born [[TO RESOLVE: date of birth - not in the material I hold]]) and Child B (born [[TO RESOLVE: date of birth - not in the material I hold]])

Between: Beth Whitlock (Applicant) and Daniel Whitlock (Respondent)

POSITION STATEMENT OF THE RESPONDENT, DANIEL WHITLOCK, FOR THE DISPUTE RESOLUTION APPOINTMENT ON 9 NOVEMBER 2026

A. My position in summary

1. I oppose the occupation order application, relying on my 7 July 2026 response statement and, with permission, the 2 October 2026 school email (direction 3, paragraph 5).

2. Ultimately the application should be dismissed; Child A should continue to live with me under paragraph 4 of the 7 July 2026 order; Beth's property or financial claims belong in financial or property proceedings, not a Part IV order. Today I seek directions only.

B. Developments since the hearing on 7 July 2026

3. On 20 August 2026 Beth wrote: "I need the house. B needs her own room and my landlord has given notice." I replied: "I am sorry about the notice. A lives here and this is his home too. Can we talk about money for a deposit instead?" She replied: "No. I'm applying to the court. You can rent, you earn enough." I replied: "I can't pay the mortgage and rent. I will not stop you seeing A, you know that." On 21 August she wrote: "Whatever. See you in court."

4. Beth's statement in support is dated 1 September 2026 and filed; my statement in response is also filed.

5. On 2 October 2026 Kemi Osei of Child A's school wrote to me. As this post-dates my response statement, I ask permission to rely on it and include it in the bundle (direction 3); paragraphs 12 and 13 depend on that.

C. The issues

6. Agreed: 7 July 2026 arrangements (Child A with me, Child B mother); Beth left 12 Orchard Close 3 November 2021, reason unagreed (para 19); mortgage solely mine, paid Oct 2025-Sept 2026, no arrears (12-month statement).

7. Disputed: any occupation order; her 12 March 2026 account, which I deny; her wish that

Child A live with her - no Children Act 1989 application is before the court.

D. My position on the occupation order

8. Housing needs (s.33(6)(a)-(b), Family Law Act 1996). I am sole borrower: £188,400 balance, £1,412 monthly, paid on the 1st, October 2025-September 2026, no arrears (Nationwide statement, those 12 months). My average net pay, April 2025-March 2026 payslips, was £4,156 monthly; my contract ends 31 December 2026. A two-bedroom flat in the Brookfield catchment costs £1,650-£1,850 monthly. A lettings affordability check dated 25 September 2026 finds I fail - "rent no more than 35% of net income after existing commitments" - requiring a guarantor. Beth's stated need - landlord's notice requiring her to leave by 30 November 2026, and Child B needing her own room (her paragraph 3) - is met only by my leaving 12 Orchard Close, where Child A lives with me; her paragraph 7 seeks her return there with both children.

9. Well-being (s.33(6)(c)). Paragraph 7 seeks my departure in 28 days and her return with both children; Child A and I would lose our 11-year home and her school.

10. Conduct (s.33(6)(d), s.33(7)). I was arrested 12 March 2026; I deny Beth's account (her paragraph 5). Police confirmed no further action 19 March 2026 (ref 4312/26). If s.33(7) is engaged, I ask that allegation be determined at a fact-finding hearing first.

LEGAL FRAMEWORK (BRIEF)

11. FLA 1996 s.33 requires the court to consider all circumstances: (a) housing needs and resources of each party and any relevant child, (b) financial resources, (c) the likely effect of any order, or none, on health, safety or well-being, and (d) conduct. Under s.33(7), if the applicant or a relevant child is likely to suffer significant harm attributable to my conduct, an order must be made unless I or a relevant child would suffer harm as great or greater. For Child A, welfare is paramount (Children Act 1989 s.1(1)); s.1(2A) presumes parental involvement furthers welfare unless shown otherwise; s.1(3) sets the checklist.

Child A's welfare - s.1(3) factors (decision reserved to the final hearing)

12. (a) No statement records Child A's wishes. If permitted, the 2 October 2026 school email records he told Ms Osei he likes walking to school with me. I do not ask it be established.

13. (b) Needs: the 2 October 2026 school email reports Child A settled, happy, 98% attendance and the reading certificate.

14. (c) Paragraph 7 seeks departure and the children's return: granted, Child A's home and school change; refused, the 7 July 2026 order.

15. (d) Characteristics: the material I hold does not state his age, health or any additional needs.

16. (e) Harm: no findings; 12 March 2026 allegation closed (19 March 2026, 4312/26).

17. (f) Mortgage paid, no arrears to September 2026; the school email will keep us both informed.

18. (g) The live application is the occupation order; I seek directions only, with the substantive decision reserved to the final hearing.

E. Response to the applicant's statement

19. I do not dispute her departure date, only the reason (my statement).

20. Paragraph 3 - noted; this is the housing need at paragraph 8. An occupation order is not the answer to it.

21. Paragraph 4 - not agreed I can "easily rent": I fail the agent's 25 September 2026 affordability check and need a guarantor.

22. Paragraph 5 - denied. I was arrested 12 March 2026; no further action was confirmed on 19 March 2026. I ask a fact-finding hearing.

23. Not agreed: Child A lives with me per the 7 July 2026 order, is settled at school; the 22 August 2026 handover was without issue.

24. Paragraph 7 - this is the application itself, opposed for the reasons above, with the decision reserved to the final hearing.

F. Non-court dispute resolution and negotiation

25. My 20 August 2026 message proposed discussing a deposit contribution; I remain willing to negotiate or mediate.

G. Directions sought at this hearing

26. (1) Within 14 days the Applicant serve income evidence (£1,400 monthly, her paragraph 4), tenancy agreement, landlord's notice (30 November 2026) and any housing application.

27. (2) The 7 July 2026 order's paragraph 4 arrangements continue pending further order.

28. (3) Permission for me to rely on the 2 October 2026 school email, to be included in the bundle.

29. (4) If the disputed 12 March 2026 allegation engages s.33(7), direct pre-final-hearing fact-finding.

30. (5) The occupation order application be listed at the earliest date, bundle filed 7 working days before, position statements by 11am the previous day.

H. Orders ultimately sought (final hearing; not sought today)

31. (1) The application for an occupation order be dismissed.

32. Child A lives with me and Child B with the Applicant, per the 7 July 2026 order or as directed.

33. (3) The Applicant's capital claim belongs in financial proceedings, not an occupation order.

Signed: Daniel Whitlock (Respondent, in person)

Dated: [[TO RESOLVE: date of signing and filing]]