

Jailed for waving at my daughter

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Denied access to his three children after his divorce, Mark was jailed for standing outside his house to wave to them. It took ten years and 133 hearings before they were reunited. How CAN the Government insist cases like his are kept secret?

Every day there is some reminder of what Mark Harris calls 'the lost years'.

It could be his daughter's reference to a particular birthday party or a family holiday. It could be talk of exams sat, dentists visited or pop stars worshipped.

Each time it happens, he feels a stab of regret. 'I missed so much,' he reveals, with understandable bitterness. 'They took my daughter's childhood, her formative years, from me. Lisa is 20 now. I didn't see her between the ages of ten and 16. An awful lot happens in a child's life in that time, and I missed it all.'

Lisa missed a lot, too. She sits by Mark's side as he talks, a beautiful and assured young woman, but one still coming to terms with the fact that her father simply wasn't there when she needed him - and for an entire decade she did not know why.

'There were times when I needed a father figure - for reassurance and advice,' she says, with quiet restraint. 'There just wasn't one there.'

But the story of what happened to the Harris family isn't just another tragic case of broken homes and estrangement. Mark, Lisa and her two younger sisters were wrenched apart by the state.

Mark was not a feckless, irresponsible father. He did not walk out of his children's lives. Rather, he was ordered out by the family courts, and when he objected - insisting it was his right to see them - he was dealt with in a scandalous way.

Mark Harris went to prison for his girls. He was jailed for waving to them after a court order demanded he sever all contact. It was the most shameful chapter in an extraordinary ten-year custody battle.

He has now 'won' - today, two of his daughters live with him - only because they shared their father's determination to re-establish their relationship.

He has lived every father's worst nightmare, and every miserable step is etched on his face. 'It took ten years, 133 court appearances before 33 different judges, two prison sentences and a hunger strike before I was given permission to be with my daughters again,' he says quietly.

'What happened to my family is unforgivable. And that it was all sanctioned - ordered - by a system that is supposed to help families is outrageous.'

The controversial family court system has much to answer for in this case. Mark Harris isn't the first father who has questioned how it operates. Family court proceedings are notoriously secretive, and campaigners have long appealed for the proceedings to be more open and judges more accountable.

That is not to be, however. Last week the Lord Chancellor ruled that proceedings must remain secret - something that horrifies Mark and his girls.

So angry is he about his experiences that he has written a book, *Family Court Hell*. 'Surely my story is

evidence enough that the system needs to change.

'If it doesn't, the family courts are open to abuse by unaccountable judges and social workers with their own agendas, whose word is taken as law and who almost invariably favour the mother.

'It's a scandal which has left hundreds of fathers like me in desperation. The only solution is to have a court system that's transparent. Otherwise it is simply not fair to fathers or, more importantly, to the children it is supposed to protect.'

When Lisa was born in 1988, Mark felt 'like the happiest man alive'. He had been married to his wife - whom we cannot name even now for legal reasons - for three-and-a-half years, and he had longed for fatherhood. Over the next four years, two more daughters followed.

MARK says: 'I remember thinking how lucky I was because I had a job that I could organise around the children. I'm a driving instructor, so my work was flexible. I loved the time I spent with Lisa. Not every father could read their children stories, bath them or take them out for walks in their pram.'

Mark thought he had a happy marriage, too. The only difficulty was his strained relationship with his mother-in-law. Yet it didn't concern him much.

'Looking back, we rowed constantly about my mother-in-law, but I never thought it would lead to drastic action,' he says. Perhaps he will never know exactly what was wrong in his marriage, but his wife was clearly unhappy.

One day in 1993, Mark returned from a football match to find the house 'looking as though it had been ransacked'. Almost all the furniture had disappeared. So, too, had his wife and children, and he had no clue where they had gone.

'I went to the police,' he says. 'I was beside myself, distraught. They said my

wife was in a rented house nearby, but that I shouldn't go round until the next day. When I did, she told me she no longer loved me, but said I could see the children whenever I wanted. I was bereft.

'I took the children home for a few hours and they spent the time crying - they were only six, four and two, and it must have been horrific for them to see their parents like that. They wanted to know when we'd all be at home together again, and I didn't know what to say. I was as shocked and bewildered as them.'

Over the next few weeks, Mark stumbled through life in a daze. He saw his girls every day he wasn't working, but his anger towards his wife was building up.

Two months after she left, she asked if he would take her back. Mark was too hurt to contemplate that. Instead, he launched divorce proceedings.

'At that point, it didn't even occur to me that access to the children would be an issue. I was granted unrestricted access - but later I discovered that even then my wife was seeing a solicitor, with a view to having my time with them reduced. She said it was confusing for them to see me.'

THE FAMILY court agreed, and his access was reduced to three times a week, then to once a week and finally to once a fortnight. Mark was stunned to discover he was powerless to resist. 'I petitioned the judge every time, but there was nothing I could do,' he says.

A year after they had separated, the couple divorced. Again, Mark made a bid to see more of his girls, and asked the court if they could live with him. His wife retaliated, claiming that seeing him at all was unsettling them. The court's reaction? It banned him from any contact at all with his daughters.

'I was just floored, disgusted. On my wife's word, the judge simply severed all my rights of access. When I protested, no one listened. I was devastated, but there was no way I was going to turn my back

on my children. How could a court order stop me from being a father?'

Every morning, while he waited for a court date to argue against this judgment, Mark saw his children being driven past his house to school by their mother. He'd wave - angry that he couldn't say hello, but grateful for their smiles.

Then his former wife was granted an injunction stopping him even gesturing to his children as they passed. 'It was incredible. She said it was harassment, and the court believed her. But I carried on waving. I was looking for a job and I'd walk to the Jobcentre every morning - knowing how to time it so they would come past.

'I was damned if I was going to be prevented from waving at my own children. Naively, maybe, I assumed the whole business would be cleared up at the next court hearing.'

It wasn't. Instead, Mark left that courtroom in handcuffs, sentenced to four months, having been told that waving was tantamount to stalking his ex. He couldn't believe what was happening.

'On my first night in jail I shared a cell with a murderer,' he says. 'It was so intimidating. The next few weeks just blurred into one long nightmare. Every waking hour I pined for my girls, wondering if I would ever see them again.

'When I got out, the nightmare continued. It took another year for me to convince the courts I should be allowed to see them at all. Life was an endless round of court hearings. It was a wretched existence. Time and again I'd be facing a new judge and having to re-tell the story. To me, it was a matter of life and death, but to them, it seemed I was just another pushy, undeserving father who was trying to interfere in his former wife's life.

'I was so messed up by it all that I had a vasectomy to ensure I couldn't find myself in that position again.'

Finally, five years after the separation, Mark was granted permission to see his daughters. He was excited about the planned date - but devastated-when Lisa didn't turn up. 'By then I was livid at the system. It was destroying my life. I know it was a foolish thing to do, but I started picketing the homes of the judges who had denied me contact, hoping they would take pity on me.'

His protests were to no avail. Instead, in 2001, he was sentenced to ten months in prison for contempt of court for driving past his girls' house to catch a glimpse of them. By then spiralling into depression, he went on hunger strike. For two weeks he refused food and water. 'I stopped only when I realised that if I died I would never see my precious daughters again,' Mark says.

Who knows how this desperate fight to be a father would have ended had Lisa, then 16, not intervened. 'After a row with her mother, she called Mark and told him she and one of her sisters wanted to live with him.

'I got this call saying they had packed their bags and were at a bus stop. Would I pick them up? In breach of all court orders, I got in the car and brought them home. Seeing Lisa again, for the first time in six years, was incredible. I didn't know how to speak to, or look at, this young woman before me. She was wearing make-up. She had her 6ft boyfriend in tow. It was surreal, but in the end we fell into each other's arms and sobbed.'

It was only then that the family court system seemed to consider Mark's rights. He called the High Court emergency hotline and eventually spoke to a 'decent, humane judge'.

Ten minutes after their conversation-he was faxed a temporary residency order. In court the following week, every previous court order was set aside. 'It took ten minutes to put right and ten years of injustice, which made me realise just what power those judges have,' says Mark.

The ruling meant that Lisa and her sisters could choose which parent they lived with. Lisa and her youngest sister - who, again, we can't name for legal reasons - now live with him.

Lisa is studying to be a legal secretary. Her story is even more poignant. She tells of the confusion that has blighted most of her life, and you cannot help but wonder what long-term damage has been inflicted on her and her sisters.

'One minute we were normal children. The next we were in a rented house with Dad hammering on the door demanding to be allowed to see us,' she says. 'We were scared. None of it made sense. Sometimes we'd be allowed to see Dad regularly, then there were times with no contact at all.

'When Dad disappeared out of our lives, we just thought he had stopped loving us. I was certain I'd done something wrong. 'The first time we saw him waving to us as we went to school, I was thrilled. I remember thinking: "He still cares."

'Every morning, Mum would tell us we shouldn't look at him - that he was a bad man - yet we couldn't help but grin when we saw him. It made our day.' It was impossible for Lisa's mother to go a different route.

WHEN her father went to prison, no one explained to Lisa why. 'Mum said: "You see - I told you he was bad." I was ten years old. As far as I knew, you had to do something pretty awful to go to prison.'

She turned against her father, telling social workers she didn't want to see him. Yet with hindsight she explains she was simply trying to gain control over the horrific situation.

'There was this endless pantomime with social workers wanting to know what I thought. All I wanted was to be allowed to love both my parents, but I knew that was never going to happen.

'Mum's hatred for Dad was so deep that to keep her happy, and to get them off my back, I said I wouldn't see him. Turning love to hate made that easier. I told myself that my dad had been wicked, so he deserved it.'

When the courts finally granted access, Lisa was so tortured that she often didn't turn up to see her father. She thought she was protecting her mother by siding with her.

However, when she fell out with her mother during a phase of teenage rebellion, it was to her father that she fled - and when she discovered he had never stopped loving her, she was left reeling.

'I'd never forgotten Dad's number. I know I was only ringing him then to get back at Mum, but when I heard his voice, I wanted to cry. I told him I loved him and that I wanted to see him. Everything just flooded out.'

The first meeting was as hard for her as it was for him. 'The last time I'd seen him I'd been ten and carrying a skipping rope. When I walked into my old bedroom - and saw it was as I had left it - I wanted to sob. I didn't dare do so, though, because I knew if I did I'd never stop.'

Four years on, Lisa and Mark are only just beginning to rebuild their relationship. Every day, more gaps are filled, and more trust regained.

Meanwhile, Lisa rarely sees her mother, and she is angry at her mother's behaviour. It is a desperately sorry story, with no real winners. But then, as Lisa points out, it was never supposed to be a contest.

'I wish to God that my parents had avoided the courts from day one, and simply shared us, the children they created together,' she says.

'Instead, complete strangers were allowed to get involved in our lives to such an extent that everyone lost sight of the needs of us children.

'I love both my parents; I always will. But I will never get my childhood back. It is gone for ever.'

• *FAMILY Court Hell* by Mark Harris, costs £8.99. Call 0845 1080530, or visit www.amazon.co.uk or www.penpress.co.uk.