This Judgment was delivered in private, but the Judge hereby gives leave for it to be published.

Neutral Citation Number: [2026] CIGC (Fam) 13

IN THE GRAND COURT OF THE CAYMAN ISLANDS
FAMILY DIVISION

CAUSE NO. FAM 332 OF 2023

BETWEEN:	**ERINA GENESIA FORBES**	**Petitioner**
AND	**BEVAN PAUL OUTAR**	**Respondent**

Appearances:	Ms. Sheridan Brooks-Hurst KC of Brooks & Brooks Attorneys-At-Law for the Petitioner Mr. Clayton Phuran of CP Attorneys-at-Law for the Respondent
Before:	Hon. Justice Richard Williams
Heard:	2 September 2026
Draft Judgment circulated:	7 September 2026
Judgment Delivered:	10 September 2026

Ancillary relief - Variation of child maintenance order – Disclosure hearing

JUDGMENT

The parties and the application

1. I am dealing with proceedings brought by the Respondent father, Bevan Paul Outar for a downward variation of the consent child maintenance order made on 1 April 2025 for the four-year old child of the marriage from $1,000/month to $500/month. The variation application is brought by an Amended Summons dated 5 December 2025 with supporting affidavit filed on 11 November 2025. The application is brought on the basis of a submitted financial change of circumstances. The changes of circumstances relied upon by Mr Outar include his employment income,

accommodation and ordinary living costs, the heavy-duty truck loan and repair liabilities, a lack of stable supplemental income from the truck, his wider loan obligations and the financial assistance he gives to his parents in Jamaica. The mother, Erina Genesia Forbes, opposes the variation application. Hereafter I shall refer to the parties as the father and the mother.

2. At the present hearing, and in this Judgment, I am dealing with the mother's Amended Disclosure Summons dated 29 July 2026 ("the Summons"). In the Summons the mother seeks a number of orders relating to *"Deficiencies in replies to Petitioner's Request for Further and Better Particulars"*. The mother also seeks an order that pursuant to paragraph 1(b)(iii) of the Consent Order dated 1 April 2025 that the heavy-duty truck be sold and the net proceeds divided equally between the parties. I will not be dealing with that order at the disclosure hearing as it is better dealt with at the substantive hearing of the father's Variation Summons.

3. The father opposes the making of any of the orders set out in the Summons *"in its present form"* because the Summons:

> *"substantially duplicates material already disclosed, seeks broad classes of source documents and retrospective proof, and extends to collateral third-party information."*

He submits that it is not necessary or proportionate for the fair determination of the application. It is submitted on behalf of the father that he recognises his duty to provide full, frank and clear financial disclosure relevant to the determination of the variation application, and therefore he would not oppose a properly framed direction for an identified document which is relevant, material, within his possession, custody or power, and which has not already been disclosed. The father's contention is that the mother has received information sufficient to understand, investigate and respond to his case.[1] He argues that the substantive questions concerned the weight of the evidence and the proper assessment of present income, liabilities, and disposable means.

4. The father has not filed any application for the Court to consider, at this hearing, any disclosure issues that he may have.

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[1] The father contends that he has supplied substantial financial information and documentation in: (i) his Affidavit filed on 11 November 2025; (ii) Supplemental Affidavit filed on 26 February 2026; (iii) the financial records and other documents exhibited with these two affidavits; and (iv) his detailed response dated 10 April 2026 to the mother's Request for Further and Better Particulars dated 27 March 2026.

Procedural background

5. The parties met in January 2021. The parties were married on 4 July 2022. The relevant child was born in August 2022. The mother filed her Petition for Divorce on 23 November 2023. On 16 May 2024 Carter J approved the Consent Ancillary Relief and Children Order ("the Order"). Relevant to the present application was a Residence Order granted to the mother and the Child Maintenance Order requiring the father to pay $1,000 on the 28th day of each month. The Certificate of Dissolution was granted on 13 June 2024.

6. On 10 July 2024 Mr. Phuran came on the record for the father. On 28 August 2024, the mother filed an affidavit to deal with an issue arising concerning the heavy-duty truck which the parties owned and upon which there was an outstanding loan then being paid by the mother. The said Affidavit was filed by Brooks & Brooks who formally came on the record for the mother on 29 August 2024 when they filed their Notice of Appointment of Attorneys. On 1 April 2025, I approved the parties' submitted Consent Ancillary Relief Variation Order ("the 2025 Order").

7. The 2025 Order reconfirmed the earlier Residence and Child Maintenance Orders and made some additional orders in relation to capital. One of these orders was for the mother to deliver the truck to the father within 14 days. The father was required to pay the mother a lump sum of $4,220 representing compensation for payments made on the truck loan and for her interest in the truck. He was also ordered to pay her $3,500 as a contribution to the legal fees at a rate of $500 per month from 1 April 2025. If the orders in relation to the truck were not complied with the truck was then to be sold for the best offer available and the net proceeds divided equally between the parties.

8. On 19 August 2025 the mother filed an application for an attachment of earnings order supported by an Affidavit sworn on 5 July 2025. On 11 November 2025, the father filed an Affidavit in support of his Summons dated 11 November 2025 to vary the Maintenance Order reconfirmed on 1 April 2025. An amended version of that Summons was filed on 5 December 2025.

9. Both parties' applications came before me for mention on 29 January 2026. It became evident at the hearing that the Court Maintenance Arrears Report was incorrect and required clarification. The Court carried out an enquiry and found that as of 1 January 2026 the father was $7,000 in arrears and that he was also in arrears in relation to the truck and legal fees payments. The father did not oppose the making of an attachment of earnings order but said that it should only be for $500. On

a without prejudice basis, the Court ordered that there be a $500 per month Attachment of Earnings Order to be paid from 20 February 2026 and thereafter on the 20th day of each month. The Court made it clear that the current Order of $1,000 per month child maintenance remains in place until any variation to that rder has been made. Directions were given about the filing of affidavit evidence. The parties were directed to file any Requests for Further and Better Particulars by or on 26 February 2026, with their Replies to be filed and served by or on 19 March 2026.

10. On 26 February 2026 the father filed a Supplemental Affidavit. On 27 February 2026 the mother filed an Affidavit in response to the variation application. On 27 March 2026 the father filed his Request for Further and Better Particulars ("RFBP"). On 30 March 2026 the mother filed her RFBP. On 10 April 2026 the father filed his Response to the mother's RFBP. On 13 April 2026 the mother filed her Response to the father's RFBP. The mother then drafted her initial Disclosure Summons dated 30 April 2026. On 10 June 2026 the mother filed her Affidavit in support of the initial Disclosure Summons. That Disclosure Summons appears not to have been filed until 15 July 2026. The hearing of the Disclosure Summons was listed for 29 July 2026, but that hearing had to be vacated due to the unavailability of Mr. Phuran. Having regard to dates to avoid, the hearing was re-fixed for a date during the Grand Court Vacation time, namely 2 September 2026. On 29 July 2026 the amended version of the Disclosure Summons was filed.

The hearing

11. At the hearing on 2 September 2026, Counsel and their clients attended and made oral submissions. The Court was provided with a bundle prepared by the mother's attorney. Counsel provided the Court with helpful Written Skeleton Arguments. At the end of the hearing, I informed them that I would like to further consider the submissions made and then provide them with my decision with some brief written reasons. This is the reserved judgment arising from that hearing.

Disclosure applications - General principles

12. The classic dicta governing the question of disclosure of matrimonial property can be found in ***Livesey (formerly Jenkins) v Jenkins*** [1985] FLR 813 where Lord Brandon states:

> *".... unless a court is provided with correct, complete and up-to-date information on the matters to which, under s 25(1), it is required to have regard, it cannot lawfully or properly exercise its discretion in the manner ordained by that subsection. It follows necessarily from this that each party concerned in claims for financial provision and property*

adjustment (or other forms of ancillary relief not material to the present case) owes a duty to the court to make full and frank disclosure of all material facts to the other party and the Court. This principle of full and frank disclosure in proceedings of this kind has long been recognised and enforced as a matter of practice."

13. The statutory provision s.19 Matrimonial Causes Act (2026 Revision) ("the Act") similarly provides the legal basis of the expressed legal principle and the justification for it. Therefore, both parties are under a duty to provide full, frank and clear disclosure of their finances, whether it is helpful or detrimental to his or her case to enable the Court to properly exercise its duty set out at section 19 of the Act. Parties should err on the side of caution and disclose anything which may be relevant. The Grand Court has long adopted the English position that it should determine the application having regard to all circumstances of the case and this means that parties must provide the Court with information about all the circumstances of the case. The obligation is an ongoing/continuing one, existing until the final order is sealed. It continues, albeit tailored to the specific application, if the Court is being asked to vary the final order.

14. In ***Parr v Parr*** [2026] CIGC (Fam) 4, I highlighted that when considering the level of disclosure that is necessary in a case, it is important to have regard to the issues involved. In this case I am dealing with a variation of maintenance from $1,000 to $500, so I must have that in mind when considering the disclosure sought and whether the costs expended in seeking that disclosure are proportional. This consideration applies even if both parties are legally aided. This sentiment was echoed by Sir John Chadwick, President of the Court of Appeal in ***B v B*** CICA (Civil) No. 16/2013 when he stated:

"As both Lord Hoffmann and Lord Hobhouse of Woodborough pointed out in Piglowska (supra), it is important not to lose sight of the principle of proportionality. The father and the mother need to ask themselves whether it is really in the best interests of the children to dissipate the limited resources available to them in protracted litigation."

15. As I previously opined in ***Parr***, despite the openness required of litigants:

"The Court has a responsibility to contain disclosure, and to not let it spiral out of control. This means considering what disclosure there should be by reference to the issues. However, it is not for a party to judge the ambit of disclosure, because any information that is relevant to the outcome should be disclosed. That said, I recognise that in some

cases, for example where there is no real concern about the forthrightness/honesty of a party, the parties may be able to reach some further agreement about the extent of the assets available and "compromise over precision providing sensible admissions at a high figure were made, in order to avoid acrimonious, lengthy and very expensive proceedings."[2] *"*

16. In ***Parr*** I stated that certain requirements should be satisfied before the Court makes any disclosure orders. Firstly, the documents or information requested must relate to the proceedings, in other words they must be relevant and assist the Court in determining the substantive application. The next requirement is whether or not the documents are in the relevant parties' possession, custody or power. In relation to the first requirement, I note Thorpe LJ's observation in ***Bokor-Ingram v Bokor-Ingram*** [2009] 2 FLR 922 paragraph 11:

"… Any information that is relevant to the outcome must be disclosed."

17. As stated in ***J v J*** [1955] P 215 at 227, where one party has knowledge of the financial affairs and the other does not, the onus on that party to make full disclosure is a strong one. I mention that as the father submits that the mother must identify the particular document that she seeks to be disclosed. However, that would not be possible where only the father has knowledge of a specific document that would be relevant to the determination that the Court must make. In this case it is the father who must satisfy the Court that there has been a change of circumstances, not for the mother to prove that there has not been a change. Therefore, one would expect the father to produce documentation and other evidence in support of his contention. As highlighted in **Parr**, if he fails to do so, thereby leaving a lack of clarity about whether there has actually been a change he hinders his case. In such circumstances an inference could be drawn concerning the subject matter to which the disclosure relates, which would be detrimental to his contention that there had been a change of circumstances.

18. When considering the relevancy of the discovery sought, some consideration should be given to the content of the father's Summons[3], analysing the part of the Order which he seeks to 'vary'. The Court should have regard to the general principles to be considered when a party seeks a variation of a consent order. When doing so the Court is not, at this stage, to make a final

[2] ***J v V (Disclosure: Offshore Corporation)*** [2004] 1 FLR 1042 at 129.
[3] See paragraph 8 above.

determination of the merits of the variation application. The Court's jurisdiction to vary an ancillary relief order is found in section 23 of the Act which states:

> *"Either spouse …. may make application for variation of any order made under section 21, and the Court, after hearing the parties, may make such variation."*

This provision means that I have a wide discretion to exercise to vary the maintenance order.

19. In the materials before me there is discussion about the purpose and use of Requests for Further and Better Particulars. The father has submitted, at the beginning of his Response to the mother's RFBP, that:

> *"Where a request seeks production of documents, evidential detail, or material going beyond clarification of the Applicant's case, the Applicant objects on the basis that such matters fall outside the proper scope of further and better particulars and are more properly matters for disclosure, if required. The purpose of particulars is to clarify the case being advanced, not to compel evidential disclosure; that distinction is reflected in the case law, including the discussion of requests that amount to a fishing exercise or seek supporting documents rather than material facts."*

The father has also produced the Court of Appeal (Civil) decision in ***Carrick District Council v Prankerd*** (1987) in which May LJ stated:

> *"…. The function of further and better particulars is only to clear up ambiguities or omissions in a party's pleading. A request for further and better particulars is not, for instance, a request for discovery; it is merely a means of ensuring that before one gets to trial, and indeed before one gets to discovery, one knows with the precision to which one is entitled what the case against one is."*

In financial family proceedings, the purpose of the RFBP is different to that set out above. It is used as a vehicle to obtain disclosure which a party has failed to produce despite the duty of full and frank disclosure or to obtain clarification/elaboration about disclosure that has been given and it is not related necessarily to a pleading.

20. The procedure in the Grand Court tends to follow the pre-Form E and Financial Dispute Resolution approaches previously adopted in England and Wales. I have noted a trend for some Counsel who

appear before me to argue for the adoption of the procedure which I view to be more appropriate to the Civil Division. In civil litigation the close of pleadings is normally followed by the process of discovery, and I have noticed that in some family cases attorneys seek a direction for discovery by list of documents. This approach is ordinarily not appropriate in matrimonial matters. On the rare occasion it is appropriate, it should be restricted to the class of documents and periods of time which are relevant to the issues between the parties. I accept that arguably financial documentation from the early days of the marriage may be relevant, for example to show contributions made by the parties, but they are likely to be unavailable. However, a lengthy list of documents setting out in general terms the many hundreds of documents of some potential relevance which were, but no longer are, in the possession of each party is a considerably disproportionate task. This may be a reason why the Matrimonial Causes Rules do not contain any particular rules as to discovery as seen in the Grand Court Rules. The scope of requests made in ancillary relief proceedings is often much broader than any request for specific disclosure in other civil proceedings. This is because the Court has a quasi/inquisitorial function in financial proceedings and because of the duty of the parties to give full and frank disclosure. This means that type of questions that may be dismissed as impermissible in other civil cases may be permitted in ancillary relief proceedings. As Dunn J observed in ***B v B (Matrimonial Proceedings: Discovery)*** [1978] Fam 181 at 191:

> *"The wife is entitled to go fishing in the family division within the limits of the law and practice*[4]*."*

That said, in ***Charman v Charman*** [2006] 1 WLR 1053 at paragraph 38 and 47-49 Wilson LJ referred to Dunn J's observation that *"fishing"* was acceptable to ensure full and frank disclosure from the other party but added that it was not permitted when seeking disclosure from third parties.

21. In the Grand Court, the initial procedure followed is that set out in Practice Direction No.6/2012[5] Listing of Family Proceedings. A party applies for a first appointment hearing before a judge. If there are ancillary relief orders sought the judge ordinarily sends the parties to mediation. At mediation the parties will complete a financial disclosure booklet which is used for the negotiations. Ordinarily that booklet is not later shared with the Grand Court (but it can be with the consent of both parties). Sometimes parties seek orders in relation to the filing of affidavits/disclosure prior to attending mediation. If mediation is unsuccessful the parties return to the Grand Court and seek

[4] My emphasis by underlining.
[5] Despite Circular Memorandum dated 3 October 2022, that PD has still not been revoked.

directions which usually include the filing of affidavits. The normal course is that the judge will direct the filing of affidavits by a certain date. The Court's expectation would be that the attorneys' attention would then turn to investigating the financial information that has been provided in the affidavits. As that process would often require disclosure, the Court, at the same time as ordering the affidavit makes provision for the filing of possible RFBP and for Replies to the Requests. The purpose of the Request is to seek further information concerning any matter contained in any affidavit furnished by or on behalf of that party or any other relevant matter. In England and Wales, the RFBP was often referred to as being a Rule 77 Questionnaire. The practice adopted was for the person answering the questionnaire to follow the normal procedure for further and better particulars of pleadings and set out the question before giving the answer because this avoided the difficulty of trying to follow and compare two documents.

22. If the other party fails to adequately comply with the Request, then an application can be made to the Judge for directions, usually by filing a disclosure summons. The Judge can then investigate and compel a party to give further information to the other on any material matter, which can include production or inspection of documents. As stated by Dunn J in ***B v B (Matrimonial Proceedings: Discovery)*** [1978] Fam 181:

> *"(1) A party to a suit must disclose all the documents in his possession, custody or power which are relevant to the matters in issue. The court has a discretion whether or not to order him to make such disclosure, and also has a discretion whether or not to order him to produce documents for inspection by the other party or the court."*

23. At the disclosure hearing the court will determine which parts of the RFBP should be answered and which should not. The Overriding Objective will be applied, and, in this context, proportionality is a major consideration. The Overriding Objective of course requires more than financial proportionality; in other words, there is a need to ensure that the cost and time to be spent in dealing with the RFBP should be proportionate to the nature of the issues in the case. Financial proportionality is an important part of ensuring that the case is dealt with justly, but it is not overriding in itself. The Court must ensure that the parties are on an equal footing and that the case is dealt with expeditiously and fairly.

24. Although the Court's discretion is a very wide one, there is a need for parties to be selective about the disclosure that is sought. Efforts should be made to narrow down the request made, both as to

the nature of the documents requested and as to the period of time for which they are required. Of course, the approach will be dependent on the facts of each individual case. When the Court considers an application for disclosure, it will have in mind that the discovery sought in the RFBP should be targeted on the matters which are relevant to the issues disclosed in the affidavits. There must be a correlation between the request made and the issues in the case. Therefore, what may be viewed as blanket requests in which a long list of standard, often irrelevant questions are raised and documentation is sought from over a long period of time are not encouraged. Appropriate questions are for example seeking information about general matters which appear to have been overlooked or even possibly concealed in the other party's affidavit. Requests can be made about more detailed matters which may be required in order to investigate the other party's financial position and to prepare one's case. At a disclosure hearing the Court will wish to satisfy itself that the information and documents requested are reasonably necessary to deal with the financial application fairly, in this case the variation application. If the Court feels that some of the requests made are what Mr Phuran terms as being *"fishing"* or an unthinking approach to disclosure the Court may refuse to make the order. Petty and minor enquiries which have no real bearing on the outcome of the case are not encouraged. The request should not address issues where the answer is already contained in disclosure that has been provided. There are, of course, some matters which are simply better left to cross examination at the hearing rather than by way of paper disclosure. That said, a court may allow extensive requests where it is clear that significant cost will be saved by proceeding in that way rather than by way of cross examination at the hearing.

The disclosure orders still sought in the Amended Summons

25. I have the above principles in mind when I turn to the Amended Disclosure Summons. The disclosure orders still sought are:

1) Twelve months salary slips.
2) A schedule of the earnings made from the heavy-duty truck since April 2025 to date, specifying the dates, the amounts and the clients and providing copies of any and all supporting documentation.
3) A copy of the father's loan application to Proven Bank to take over the existing loan for the heavy-duty dump truck ("Existing Dump Truck loan").

4) The price paid for the new red Chevrolet truck, a copy of the loan application for that new truck; identifying the bank from which the loan was obtained and provide a copy of the loan statement from the inception of the loan to date, for the red truck.

5) Specify if the father has any interest in the blue heavy-duty truck in Jamaica whether that interest is legal, beneficial or equitable.

6) Provision of a schedule of expenses which the father incurred as a result of the alleged damage to the truck, specifying the type of damage, the alleged date(s) of the damage and copies of invoices and receipts to confirm the expenses allegedly incurred.

7) Provide a copy of the application for the Trade & Business License to operate the heavy-duty truck together with copies of any and all ancillary documents submitted.

8) Provision of a copy of the completed application form which the father submitted to the Credit Union in order to obtain the loan from that institution.

9) An explanation as to how, during the period when the father alleges that he could not afford to make the child maintenance payments, commencing 19 June 2025–20 February 2026 he was able to save CI$100.00 per month in his KYD Share account No. …840.2-2 (total CI$898.32) and for the period 28 February 2025 to 20 February 2026 he was also able to save an additional CI$50.00 per month in his Credit Union Share account #... 840.2-I (total CI$510.13) providing copies of financial statements for each of these savings accounts from the inception of the respective savings account to date.

10) Provide an explanation as to the source of the following deposits into the EZ Cayman National Bank savings account (#...507-KYD) providing copies of supporting documentation for any and all of the said deposits:

i.	27.06.2025	Andy's Properties Salary period 20 to 26 June 2025	KYD 1,440.00
ii.	04.07.2025	Andy's Properties Trucking materials Agalinis Estate	KYD 2,220.00
iii.	10.07.2025	Reliable Gardening Trucking of materials to compound	KYD 310.00
iv.	11.07.2025	Clearing deposit (1001905800011)	KYD 1,601.40
v.	07.08.2025	Trucking	KYD 1,000.00
vi.	08.08.2025	Deposit	KYD 688.13
vii.	15.08.2025	Deposit	KYD 895.39
viii.	22.08.2025	Cleaning deposit	KYD 1,413.00

ix.	29.08.2025	Deposit	KYD 250.50
x.	18.09.2025	Material	KYD 600.00
xi.	22.09.2025	Material	KYD 2,000.00
xii.	22.09.2025	Trucking	KYD 500.00
xiii.	26.09.2025	4 load material	KYD 1,600.00
xiv.	26.09.2025	Deposit	KYD 356.42
xv.	03.10.2025	Deposit	KYD 243.64
xvi.	10.10.2025	Deposit	KYD 449.94
xvii.	11.11.2025	4 loads from North Side to Pease Bay	KYD 360.00
xviii.	14.11.2025	Deposit	KYD 372.55
xix.	29.12.2025	CNB – Elgin Avenue Drive Thru George Town	KYD 1,300.00
xx.	30.01.2026	Deposit	KYD 355.53
xxi.	20.02.2026	Deposit	KYD 501.45
xxii.	24.02.2026	Deposit	KYD 100.00

11) Provide a schedule of any and all funds sent by the father to Jamaica for the period 1st January 2025 to date identifying the purpose for which those funds were sent, the dates the funds were sent and the amounts of each transaction also providing copies of any and all supporting documents relating to these transactions.

Discussion and decision

26. I now consider each of the alleged deficiencies set out in **paragraph 25 above**.

27. **The first relates to the request, set out at paragraph 1.c in the mother's RFBP**, for the father to provide a year of payslips. It is evident that shortly before the hearing the father provided the mother with some recent payslips. However, when reviewing the same it is clear that not all of the payslips from the last 12 months have been provided.

28. The Court indicated to the parties that payslips are relevant to determining the income of the father. The Court also pointed out that they are helpful because they set out and explain what his gross and net income is. They are also important as some people earn different amounts each month, for example if they are in seasonal employment or they receive variable overtime payments. The

payslips will enable people with a variable monthly salary to present to the Court what the average salary would be over a 12-month period.

29. After hearing from Mr. Phuran, it became clear that the father did not have an issue providing 12 months of payslips.

- **Accordingly, I order the father to provide one year of payslips up to and including August 2026. If he has already provided the mother with some of the payslips from that period, he need not provide the same again, but simply highlight when they were provided. If the father is unable to obtain the payslips, he must provide the mother with a letter from his employer setting out the income and deductions for each of the last 12 months.**

30. **The second alleged deficiency relates to the request, at paragraph 2.b in the mother's RFBP**, for the father to provide a schedule of his earnings from the truck since April 2025 to date. The request also sought details about the dates, amounts, the clients and all supporting documentation in relation to the earnings.

31. Whether the father has been paid for work using the truck amounts to additional income and is therefore relevant to the variation application. At the hearing the father did not oppose him providing a schedule of income received for the truck which should include cross-referencing to his bank statement into which the payments were received. The father indicated that the majority of payments were by transfer and not cash. The father opposed the identification of clients and the provision of supporting documentation such as contracts as being too wide a request. At this stage, dependent on what is shown in the schedule and the cross referencing, I am minded to accept the father's contention.

- **Accordingly, I order the father to provide a schedule of all earnings/income received from the heavy-duty dump truck since April 2025 to date. The schedule should include cross-referencing to his bank statements to highlight all the payments received.**

32. **The third alleged deficiency relates to the request, at paragraph 2.c in the mother's RFBP**, for the father to provide a copy of his loan application to Proven Bank to take over the existing loan for the heavy-duty dump truck. The father opposes the request for the original loan applications because the current loan schedule, monthly instalment, outstanding balance and repayment mechanism have already been disclosed. He contends that there will be little added value to the

assessment of the father's current obligations by the disclosure of the loan form and that any requirement for him to provide the same will intrude into his personal financial information.

33. The Court was informed that the loan was approved in or around April 2025. This would have occurred around the same time that both legally represented parties submitted the Consent Ancillary Relief Variation Order which they both asked the Court to approve and which included the provision extending the maintenance payments which the father now seeks to vary. The application form would ordinarily include financial information from the applicant for the loan, including what his income and outgoings were at the time, and possibly what his projected outgoings were. The application form would ordinarily include a signed declaration that the financial information provided by the applicant is accurate. When the Court is tasked with considering whether there has been a change of circumstances since the date of the relevant order, the Court may look at the surrounding evidence including the loan application form to see what the father was, at that time, representing to be his financial position. When considering a party's credibility, the Court may consider the content in the loan application form.

- **Accordingly, I direct that: (i) the father is to provide a copy of the loan application to Proven Bank to take over the loan for the heavy-duty dump truck; and (ii) if it has not already been produced, I direct the father to also produce a copy of the loan agreement which will set out the terms of the loan and the payment structure.**

34. **The fourth alleged deficiency relates to the request at paragraph 2.d in the mother's RFBP and for: (i) information about the price paid for a red Chevrolet truck; (ii) a copy of the loan application for the loan for the purchase of the truck; (iii) details of the lending bank; and (iv) copies of loan statements from the inception of the loan to date.** Provision of a copy of the loan agreement would deal with the disclosure/information sought from (i) to (iv). The father opposes the disclosure in relation to the loan for the red Chevrolet truck for the same reasons set out at **paragraph 32 above.**

35. The observations that I made at **paragraph 33 above** are generally applicable to this request. Added to that I am told that the loan was taken out around February 2026 and it was for around $63,000. This was at a time when the father was contending that he did not have sufficient funds to pay maintenance at the agreed and ordered level. His summons for a variation of the order was dated 11 November 2025. It is a relevant consideration for the Court as to why he was able to

qualify for such a loan when at the same time he was saying he was unable to make the full maintenance payments. The details in the loan application will illustrate what the father told the bank about his financial position. A copy of his latest loan statement is all that is needed to show whether he has been able to make all of the loan payments when coupled with the information in the loan agreement form. Therefore, I do not feel that there is a need for him to provide a copy of the loan statement for the inception of the loan to date.

- **Accordingly, I direct that: (i) the father is to provide a copy of the loan application form he completed for the bank for the loan to purchase the red Chevrolet truck; (ii) if it has not already been produced, I direct the father to also produce a copy of the loan agreement which will set out the terms of the loan and the payment structure; and (iii) I direct the father to produce a copy of his latest loan statement in relation to the red Chevrolet truck.**

36. **The fifth alleged deficiency relates to the request at paragraph 2.e in the mother's RFBP.** No order is required in relation to that request because, at the hearing, the father clarified on the record that he neither owns nor has any interest in a blue heavy-duty truck in Jamaica.

37. **The sixth alleged deficiency relates to the request at paragraph 3.a in the mother's RFBP for provision of a schedule and verifying documentary evidence of expenses evidence incurred by the father in relation to the truck.** At the hearing, the Court explained that it would be in the interests of the father to produce evidence to verify what he says are his outgoings on the truck and to thereby illustrate what his net income is from operating the truck. I mentioned that simply declaring a figure for such expenditure might well not be sufficient for the father to satisfy the Court about his 'truck outgoings'. As the onus is upon him to illustrate what his income and outgoings are and how his circumstances have changed, he should carefully consider how he will seek to satisfy the Court about that.

- **Accordingly, I make no order in relation to the provision of a schedule and documentary evidence verifying expenses incurred in relation to the truck.**

38. **The seventh alleged deficiency relates to the request at paragraph 4.a in the mother's RFBP for provision of a copy of the Trade and Business License which authorises the operation of the heavy-duty truck.** No order is required in relation to that request because, at the hearing, the father clarified on the record that there is presently no **Trade and Business License** for the

operation of the truck. He added that a license has been applied for by a third party who has the required immigration status, but the license application has still not been processed.

39. **The eighth alleged deficiency relates to the request at paragraph 6.b in the mother's RFBP for the father to provide a copy of the completed application form which he submitted to the Credit Union in order to obtain a loan from that institution.** At the hearing the father stated that the loan application form had been completed by the mother and therefore, she was fully aware of the content in it. The mother agreed that that was the position although it appeared that she had failed to inform her attorney about that. Having regard to that information shared with the Court at the hearing, no order is now required in relation to this request.

40. **The ninth alleged deficiency relates to the request at paragraph 6.d in the mother's RFBP for the father to provide copies of statements for a KYD share account and for a Credit Union share account from their inception. There is also a request for an explanation about how he could save money.** I need not make an order about the 'explanation request' as that is clearly something that can be dealt with in cross examination. The Court was informed that the payments into the accounts are paid directly from the father's salary. Therefore, there is no need for an order for the statements as the pay slips ordered at **paragraph 29 above** will provide that information.

41. **The tenth alleged deficiency relates to the request at paragraph 7.a in the mother's RFBP for the father to provide explanations for 22 separate deposits paid into the father's Cayman National Bank account between 27 June 2025 and 24 February 2026 with copies of supporting documentation.** As these credits appear to relate to payments received relating to the truck, sufficient information should be provided by the disclosure ordered at **paragraph 31 above.** If that disclosure still leaves some entries requiring elaboration, then that may be dealt with in cross examination. By the request made under this section, and other sections, the mother has put the father on notice about the areas which she will likely be exploring at the hearing and he would be well advised to be prepared to deal with the issues and have explanations backed up with evidence at the hearing. I explained to the parties there will be a mention hearing after this disclosure has been given at which I will give directions concerning final affidavit evidence for the variation hearing. Allowing the parties to file a further affidavit, if so advised, will provide them with an opportunity to best put together their evidence with knowledge of which areas of their financial

position are likely to be subject to examination. Accordingly, I make no separate order in relation to this request.

42. **The eleventh alleged deficiency relates to the request at paragraph 8.c in the mother's RFBP for the father to provide: (i) a schedule providing an explanation about all funds sent by the father to Jamaica from 1 January 2025 to date; and (ii) copies of all supporting documents relating to the transactions.** I am of the view that the obligation will be on the father to adequately explain to the Court, preferably with supporting evidence, what outgoings he has to Jamaica. If he fails to do that then, when considering his disposable income, the Court may discount the figures he seeks to rely upon. Although she may test the father's contentions, it is not for the mother to inform the Court about what his outgoings are; it is for the father to do so. As I mentioned above, the parties will be given an opportunity to file a further affidavit. Accordingly, I make no order in relation to this request.

43. At the hearing Mr. Phuran indicated that he would need three weeks to provide any disclosure that the Court ordered.

- **Accordingly, I order that all the disclosures ordered above are to be served by or on 25 September 2026. As agreed with the parties at the disclosure hearing, there will be a mention hearing at 2 PM on 2 October 2026 when the Court will case manage to the variation hearing.**

Costs

44. I do not intend to make any order for costs as I have been informed that both parties are presently recipients of Legal Aid Certificates.

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The Honourable Mr. Justice Richard Williams
JUDGE OF THE GRAND COURT