

A Council v M and Others (No 1) (Fact-finding; Adoptive Child; Artificial Insemination) [2012]

[2013] 2 FLR 1229; [2012] EWHC 4241 (Fam)

08/03/2012

Barristers

Sally Bradley

Court

High Court (Family Division)

Practice Areas

Public Children Law

Summary

The court ordered care orders in relation to four children after finding, amongst other things, that the mother, being intensely preoccupied with the need for another child, forced her 13-year-old adopted daughter to inseminate herself with donor sperm with a view to the daughter giving birth to a baby that she, the mother, could raise as her own. The artificial insemination programme only ended when the daughter gave birth at the age of 17.

Facts

In an urgent application by the local authority for care orders in relation to the respondent children (X, B, C and D), the judge was required to make findings of fact regarding their treatment following allegations of child cruelty.

X and B were the adopted daughters of M and her former husband (F). The couple had adopted them, as babies, from abroad in 1994 and 1995 respectively. M and F separated in 1997 and, in 2005, M adopted C, also from abroad. She raised her three daughters as a single parent; all were home-educated. At the time of the application, X was aged 17, B was 16, and C was 7. D was X's son, who was one week old. The chief allegation against M was that X, a virgin, had given birth to D after being forced by M to inseminate herself with donor sperm. The allegation was that M intended X to provide a baby for her to bring up as her own after she had been prevented from adopting more children. Midwives had become suspicious of M's conduct immediately after the birth and M had been excluded from the hospital. X had confided the events surrounding D's conception and birth to a family friend while still in hospital and care orders over all four children had immediately been sought. The court was required to make findings about M in relation to specific allegations of abuse, as well as the circumstances in which F had been excluded from the children's lives, the isolation in which they had been raised, and the events surrounding X's pregnancy. The instant judgment was handed down in March 2012 but, to protect the children, was not made public at that time.

Held

(1) M had an exceptionally forceful personality. She had excluded F from the lives of X and B because it suited her to become their only parent. She had become furious at F's continued attempts to maintain contact with them. She had moved to a concealed address and changed the girls' surnames because F had crossed her, and because he represented an alternative influence to her own. She had robbed X and B of a paternal influence which might have gone some way towards offsetting the rigidity of her own character, without any consideration of their distress at the loss of contact (see paras 72-85 of judgment). (2) M had had an unusual predominance in the girls' lives. It might truthfully be said that she had many positive characteristics and was capable of being charming and good company, but she was also directive, critical, rigid, suspicious and obsessive. She loved the children and they undoubtedly loved her; she had been successful as a home educator, but she had ensured a life of total social isolation with nobody but herself and each other for the girls to interact with. Neighbours had found the family strange. They had reported concerns about physical and verbal abuse, but M had succeeded in keeping social services at arms' length, which was consistent with her general antipathy towards the authorities. The evidence showed that she frequently used aggressive and highly inappropriate methods to secure compliance with her instructions and that she had no understanding of the inappropriateness of her behaviour (paras 86-124). (3) M and X had given very inconsistent accounts of how D was conceived, but X's evidence was unhesitatingly accepted: M, who had elected not to bear children of her own, had become intensely preoccupied with the need for another child. X did not want a baby but agreed to the use of her body because she wanted M to be happy. She became pregnant at M's request by artificial insemination using donor sperm bought by M. The programme had been planned when X was 13 years old and ended when she became pregnant with D at the age of 16. It involved X having to inseminate herself seven times over a two-year period. M was determined that the baby should be a girl, and required X to undertake various practices designed to influence gender, which were degrading, humiliating and painful. She had intended to take over the care of the baby as soon as it was born. She had fabricated an elaborate web of lies to explain X's pregnancy and a prior miscarriage and forced X to be complicit in the story. She had taken steps, even during the instant hearing, to prevent the lies from being exposed (paras 125-270). (4) Although findings of fact were made on a balance of probabilities, the strength of the evidence in the instant case enabled the judge to be certain about the conclusions he reached. The reasons for M's behaviour were unknown; whether she was simply an egotist or whether there were deeper problems was unclear. She presented a significant risk to the safety of any dependent child in her care because there was nothing that she would not ask her children to do for her. None of her daughters was to blame for what happened, even though they co-operated. M achieved that co-operation by duress when the girls were too young to agree to anything (paras 271-284).