

SB v RB (Residence; Forced Marriage: Childs Best Interest) (2008)

(2008) 2 FLR 1588

24/04/2008

Barristers

Teertha Gupta KC

Court

Family Division

Summary

Residing with relatives was the best prospect for a 12-year-old girl whose mother had married her to a 20-year-old man and neglected her.

Facts

The applicant (D) sought a residence order for her to live with the second and third respondents (U), who were her paternal uncle and his wife. D was a 12-year-old girl whose parents were of Bangladeshi origin. Her father had died and her mother (M), who was the first respondent, remarried in Bangladesh. While there, M married D to a 20-year-old man (H), with whom D remained when M returned to the United Kingdom. D subsequently went back to the UK, where she lived with U and her marriage to H was declared void ab initio. There had been previous concerns about M's care which had led to her three oldest children being put on the Child Protection Register under the heading of neglect. A welfare report by the local authority under the Children Act 1989 s.7 found that if D returned to M she would be pressured into maintaining a relationship with H by telephone contact. A CAFCASS report found that M was not capable of meeting D's needs and had sought to promote contact between D and H, and that D might revert to caring for her younger siblings, which would again jeopardise her education. It also found that D had made huge progress in her present placement with U.

Held

HELD: D had had a deeply troubled upbringing: her father had died, M had neglected her, she had been married at the age of 11 and left in Bangladesh, and she had been given a caring role in the family far beyond her years. For well-established emotional reasons set out in the s.7 and CAFCASS reports, it would be potentially disastrous for her to return to M. It would put at risk the high degree of care that she had received and the progress that she had achieved. U had demonstrated a high degree of care and that they were devoted to D emotionally and financially. Residing with them was the best prospect for D's future both emotionally and psychologically if she was successfully to address her disadvantaged upbringing.

Permission

Lawtel 