

Northamptonshire County Council v M and N (2018)

[2018] EWFC 82

02/02/2019

Barristers

Private: Joanne Porter

Court

Nottingham County Court

Practice Areas

Public Children Law

Judgment of Keehan J, who being satisfied that the mother would fabricate and/or exaggerate symptoms in her son and present him for repeated and frequent appointments for examinations by healthcare professionals and would start to induce symptoms in N, made a Special Guardianship order in favour of the maternal grandparents.

The Local Authority ("LA") sought findings against the mother (M) in relation to fabricating and exaggerating medical symptoms in her 2 year old son (N).

N had been born a healthy baby but in the first 20 months of his life, was taken to the GP and various other health care professionals on at least 90 occasions, was taken to A&E at least 13 times, and admitted to hospital for examination no less than 9 times. The mother described a variety of medical issues, most commonly apparent seizures. After his removal to the care of the maternal grandparents (MGP) where he had been for 9 months at the time of the judgment, there was no further medical intervention needed, save for his normal annual GP check-up. The medical consensus was that N was a perfectly healthy child.

Mother admitted a history of domestic abuse. She had a diagnosis of non-epileptic attack disorder and was diagnosed with suffering from over-valued ideas

In the consolidated fact finding/final hearing, the LA sought findings of fact relating to M's fabricating and exaggerating medical symptoms, and a finding that had N not been removed, M would have progressed to inducing symptoms in N.

The LA sought a special guardianship order (SGO) to MGP. This was supported by the guardian. M opposed the findings, her position being that she was simply an over anxious mother. She sought return of N to her care. If that was not possible, she supported placement with the MGP but under a child arrangements order

The court heard evidence from several medical experts and treating professionals, including an expert neuropsychiatrist who had assessed M, an expert paediatrician who carried out a paediatric overview of N and various treating professionals.

The Court made the findings sought and made a SGO on the basis that the MGP needed to have “the upper hand” in terms of parental responsibility in the future. An interesting feature of the case is that Keehan J set out the usual legal principles applicable to such cases, including a reminder that the burden of proof is on the Local Authority, the standard of proof is the simple balance of probabilities and a revised Lucas direction. However, he then went on to find that M had deliberately and consciously exaggerated and fabricated symptoms in N to the criminal standard of proof (para 65).

His Lordship found on the balance of probabilities that M would have gone on to induce symptoms if N had not been removed from her care.

Permission

 Family Law Week