ENGLAND AND WALES / JUDGMENT

AB v BB [2026] EWFC 111 (B) (07 May 2026)

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JUDGMENT

1. I am concerned with the welfare of two children, CB, a boy who is now aged 14 and DB a girl who is now aged 11. 2. The applicant in this matter is the children's father AB, he is represented by Ms Minter of counsel. The respondent in this matter is BB, she is the children's mother and is represented by Mr. Swiffen of counsel. 3. I wish to thank both counsel for the way in which they have presented their respective client's cases. They have both put every relevant point, and both the parties should be satisfied by the representation they have received. 4. For clarity in this judgment I shall refer to the parties as the mother, father and the children either by name or as son and daughter. No disrespect is intended by the use of this shorthand. The issues in dispute 5. In this case the key issue between the parties relates to the assessment of the risk posed by the father to the children of the family, and in particular the child DB. This risk arises following the father having viewed images depicting Child Sexual Abuse over a prolonged period of time. i.e. this was not a one off incident. The images viewed were a mixture of drawings and AI generated prohibited images. 6. The term "Prohibited images" means the images were not real images and can be either cartoon, manga drawings or paintings. However, they portray acts which make them obscene, offensive and disgusting to any reasonable person and therefore, the law has intervened to make the possession of such material unlawful. 7. By way of example, the police have provided a written description of a number of these Prohibited Images which it is alleged the father viewed: Sample image 1- Removed for the purposes of publication Sample image 2 - Removed for the purpose of publication Sample image 3 – Removed for the purpose of publication 8. The issue between the parties is what form the contact between the children and their father should take. The father seeks to have unsupervised contact with both children. The mother's position is that the father can have unsupervised contact with CB but his contact with DB should remain supervised until she is older and better able to protect herself. 9. The conduct of the father has not been the subject of either a finding of fact or criminal proceedings. However, the risk posed by the father has been the subject of an assessment by a consultant forensic clinical psychologist, "The Clinical Psychologist". The Law 10. In determining factual issues I apply the following principles. First, the burden of proof lies with the person who makes the allegation. 11. Secondly, the standard of proof is the balance of probabilities (Re B

[2008] UKHL 35). 12. Third, findings of fact in these cases must be based on evidence. As Munby LJ, as he then was, observed in Re A (A Child) (Fact-finding hearing: Speculation)

[2011] EWCA Civ 12 : "It is an elementary proposition that findings of fact must be based on evidence, including inferences that can properly be drawn from the evidence and not on suspicion or speculation." 13. Fourthly, when considering cases of suspected child abuse the court must take into account all the evidence consider each piece of evidence in the context of all the other evidence. As Dame Elizabeth Butler-Sloss P observed in Re T

[2004] EWCA Civ 558 ,

[2004] 2 FLR 838 at 33: " Evidence cannot be evaluated and assessed in separate compartments. A judge in these difficult cases must have regard to the relevance of each piece of evidence to other evidence and to exercise an overview of the totality of the evidence in order to come to the conclusion whether the case put forward by the local authority has been made out to the appropriate standard of proof. " 14. Fifthly, amongst the evidence received in this case is expert medical evidence. Whilst appropriate attention must be paid to the opinion of medical experts, those opinions need to be considered in the context of all the other evidence. The roles of the court and the expert are distinct. It is the court that is in the position to weigh up expert evidence against the other evidence (see A County Council & K, D, & L

[2005] EWHC 144 (Fam) ;

[2005] 1 FLR 851 per Charles J). 15. Sixth, it is common for witnesses in these cases to tell lies in the course of the investigation and the hearing. The court must be careful to bear in mind that a witness may lie for many reasons, such as shame, misplaced loyalty, panic, fear and distress, and the fact that a witness has lied about some matters does not mean that he or she has lied about everything (see R v Lucas

[1981] QB 720). This issue was recently considered in Re ABC

[2021] EWCA Civ 451 Macur LJ gave the following guidance at para 58: " That a tribunal's Lucas self-direction is formulaic, and incomplete is unlikely to determine an appeal, but the danger lies in its potential to distract from the proper application of its principles. In these circumstances, I venture to suggest that it would be good practice when the tribunal is invited to proceed on the basis, or itself determines, that such a direction is called for, to seek Counsel's submissions to identify: (i) the deliberate lie(s) upon which they seek to rely; (ii) the significant issue to which it/they relate(s), and (iii) on what basis it can be determined that the only explanation for the lie(s) is guilt. The principles of the direction will remain the same, but they must be tailored to the facts and circumstances of the witness before the court ." 16. Finally, when reaching my assessment of what is in the welfare interests of the children I must consider the welfare checklist. This includes considering the no delay principle and making the least interventionist order. Any order that I do make must be convention compliant. 17. Given the nature of the allegations

against the father he was informed at the outset of the proceedings, and again before he gave evidence, that he has a right against self-incrimination. Both counsel agreed my proposed wording as follows: " In this case you may be asked questions about allegations of criminal behaviour. You have an absolute right against self-incrimination. This means that you do not have to answer questions or produce documents if to do so may expose you to proceedings for an offence. I will not draw any adverse inference from your refusal to answer question, but neither will I have your version of events to consider. I will, where necessary, still determine any issues on the basis of the other evidence provided considering the balance of probabilities. " The Evidence 18. I have considered the trial bundle, additional documents provided during the hearing and also the oral evidence given by the witnesses. Just because I do not refer to a piece of evidence in this judgment does not mean that I have not taken it into account in reaching my overall conclusion. The use of Polygraph Evidence 19. The father has been the subject of a polygraph test. By order of 29 th April 2025 the Court directed disclosure of the results to the Court and to Cafcass. It is plain that there was no permission given for this document to be considered as 'expert evidence' as none of the usual requirement of Part 25 have been complied with, for example there was no permission for the mother to put questions to the polygraph examiner. 20. When considering the weight to apply to polygraph evidence the only guidance from the higher courts that I have located are two decisions of Ms Justice Russell Re L

[2015] EWHC 3191 and F v M

[2016] EWFC 40 . In Re L Russell J stated at para [19] " I am told by C that he underwent polygraph tests which exonerate him. Such evidence, and I have not seen the results themselves, is controversial and I can give it no weight. ". In F v M Russell J provided no detailed reasons as to why polygraph testing could not be considered. 21. I am invited by the father to consider that some weight should be placed on the polygraph testing evidence. Counsel for the father accepts that Section 30 of the Offender Management Act 2007 and the Paragraph 10ZA of Schedule 1 to the Terrorism Prevention and Investigation Act 2011 both state that this evidence is not admissible in the criminal courts, however, I am urged to conclude that as civil courts have a lower evidential burden some weight ought to be applied to the polygraph evidence. 22. I do not agree. In my judgment there remain good public policy reasons why polygraph tests are not and should not be commonplace in civil courts: a. The role of the polygraph assessor is to explore whether the subject believes they are telling the truth, whereas the role of the Court is usually to assess whether the individual witness is objectively telling the truth. These are different questions; b. There is a real risk that one party may believe that they are telling the truth when they are mistaken. This would result in them passing a polygraph despite their recollection being incorrect. Placing weight on the polygraph testing in such circumstances would be wrong; c. There is an inevitable temptation that if one party has a polygraph test the other party would want one to bolster their position; d. The accuracy of polygraph testing generally remains disputed, and there are theories and practices which have been developed to

'beat' polygraph testing; e. The testing can be affected by external stimuli. 23. On this basis I will place no weight on the results from the polygraph test. The Clinical Psychologist 24. The Clinical Psychologist's first report is dated the 15 th of September 2025. This report comes from a meeting or assessment that he had with the father which took place over four hours. The assessment of The Clinical Psychologist is that the father would likely fall into the category of a ' fantasy driven profile ' and as a result he falls within a lower risk profile. The assessment suggests that internet offenders with no known contact history are at a relatively low risk of committing contact offences and if anything are more likely to commit a further internet offence rather than a contact offence. The statistics quoted by The Clinical Psychologist indicate approximately 4 ½ out of 100 ' fantasy driven ' offenders committed a new sexual offence of some kind in the six year follow-up whereas 2 out of 100 committed a contact sexual offence and 3 ½ out of 100 committed a new child pornography offence. 25. At paragraph 3.8.8 The Clinical Psychologist is of the opinion that the father " does not present with risk factors commonly associated with sexual offending behaviour. He does not deny or minimise the solemnity of his behaviour. He has sought out appropriate sexual behaviour interventions. He is not resistant to interventions or forensic examination. He does not present with evidence of sexual deviance or chronicity of sexual behaviours. He expresses victim empathy. He has meaningfully engaged with interventions and demonstrates insight into the aetiology of his behaviour. He does not deny or minimise his behaviour. He expresses some self-awareness and recognises patterns in his behaviour. " 26. The Clinical Psychologist was specifically asked to consider whether the father's denial of the allegations would impact on the assessment of risk. The Clinical Psychologist quoted a report which suggested that the denial of responsibility for the offence does not impact the risk level. The analysis of The Clinical Psychologist at paragraph 4.1.6 was that the father " has meaningfully engaged with interventions and demonstrates insight into the aetiology of his behaviour. He expresses some self-awareness and recognises patterns in his behaviours. The stressors which appear relevant at the time of December 2023 do not appear to continue to be present. " 27. The Clinical Psychologist bases his analysis that contact is safe on a number of factors. Namely, the statistical figures, a structured professional judgement, objective psychiatric data and clinical judgement. However, the first report is heavily caveated. He reports that there is very limited corroborated information, the father's medical records were not available and this therefore this limits the extent of any risk assessment. The Clinical Psychologist reserves the position to alter the conclusions of this report if and when new information is available. 28. In his updated report The Clinical Psychologist set out the information obtained from the police logs. However, the report does not appear to quote the full information relating to the extent of the father's use of prohibited images. The Clinical Psychologist reports that the images found are dated within the 16 th of March 2024 the 27 of March 2024. The Clinical Psychologist does not appear to have factored into the analysis that the viewing was over a longer time, as was admitted before me. The Clinical Psychologist therefore was not aware that the father had accessed Prohibited Images between around August/September 2023 and March 2024. 29. The Clinical

Psychologist also made reference to the work undertaken with a sexual offender support group and appeared satisfied that Miss E was happy with the outcome of the work. The Clinical Psychologist had read the letter provided by the sexual offender support group, however he did not speak to Miss E and was therefore not aware that the father had denied accessing indecent images of children and denied having a sexual interest in children but accepted responsibility for the reasons he ended up with police involvement (as set out in the Cafcass officer's later report). 30. Neither party called The Clinical Psychologist to be cross examined. The father 31. The father was fully and properly cross-examined on behalf of the respondent mother. The father was given the usual warning in respect of self-incriminating, as set out above. 32. To the father's credit, he answered all of the questions put by Mr Swiffen. That being said, it quickly became apparent that he did not accept responsibility for his conduct. He was unable to provide a level of meaningful insight or understanding about the experience of child victims including the impact of abusive behaviours on the children's physical emotional and psychological well-being. This was purportedly a key component of the sexual offender support group course. 33. The father was asked to explain how he came across various the prohibited images. His explanation was that he had used mainstream websites searching for legal pornography and that pop-ups had appeared. He had clicked those pop-ups only to find that they were AI images of child sexual abuse and child rape. The father was asked to explain why he clicked links which had markers like ' hand job daughter for dad ' and ' gold toddler con ' or ' daddy's horny girls '. He could provide no real explanation. He said he was not in a good place, that he was curious and that he wanted to know the nature of the images. 34. The images that he came across, whether they were AI generated or not, were of the most serious nature. They depicted children sometimes as young as one or two being anally or vaginally penetrated by an adult, and some of the images depicted ejaculate. 35. The father was asked to explain why there were 421 unrecoverable images on his device. He was asked whether he had clicked on 421 images. The father said no. He was then asked to explain how many images he had clicked on. He was unable to provide a number. The father told me that he hadn't hidden anything, that he hadn't specifically sought out these images but it simply popped up. The father could not understand how 421 images came to be on his device. 36. The father repeatedly blamed his own incompetence as the reason why he clicked on those sites attempting to suggest that this was in part an accident. 37. It was put to him that he had also accessed a bestiality image. The father's position was that he came across that in the same way and had clicked on the link on a pop-up. The curious distinction was that he only clicked on this type of unlawful image on one occasion. 38. The father was asked to account for this disparity. He explained that this was due to his inability to operate the computer and not understanding the terminology - for example he knew the word bestiality but not 'loli' or the other terms. Whilst that might account for one image, I find it difficult to accept that if the father clicked a link which he really found disgusting (as he told the professionals) that the word or phrase would not be indelibly burned into his brain. 39. The father was asked whether he found these images sexually arousing. He repeatedly denied that. He was asked to explain why it was that he then

repeatedly clicked on the links that offered him these sorts of images. He repeated his position that he was incompetent and wasn't mentally stable at the time and that was his repeated excuse. 40. The father was asked whether he accepted that the Clinical Psychologist's report was largely based on his self-reporting and he candidly accepted that. It was then put to him that he had not been entirely honest with the Clinical Psychologist, in particular about the search terms that he would use, the number of times that he was accessing these particular sites, or the reason why he was accessing these sites. The father repeated his excuse of incompetence. 41. The father was also asked about his behaviour relating to the mother's diary as a 13-year-old girl. It was put to the father that the mother kept a diary in which she expressed her views about the crushes she had at that age. The father accepted in evidence that he read her diary, and that he was somewhat jealous of his wife's 13-year-old crushes. The father was unable to provide any reasonable realistic explanation as to why he was jealous of his wife's crushes as a 13-year-old. The father explained that the diary was hidden and he was concerned why his wife would hide the diary of her 13-year-old self from him. He did not appear, at first, to accept that his wife was entitled to a degree of privacy. 42. The father was asked about other incidents that had occurred. In particular when he provided his son with a bank account or when he gave his 14-year-old son his driving licence and credit card. The father's account was that the driving licence and credit card was provided because his son was trying to re-gain access to his online video-gaming account. The father was asked whether he had undertaken any sort of appraisal of the risks involved in giving his son access to those documents. He said he had, but there was no further explanation other than he trusted his son. Given the difficulties he has found himself in I am surprised that he hadn't been more cautious in respect of providing personal information which would allow his son access to age restricted content online. 43. It was put to the father that he had given his son money in order to cajole or persuade him to side with his father. The father explained that he could not police what his son did with the money as he did not live in the family home. 44. Overall, I formed the view that the father has not fully accepted responsibility for the downloading or viewing of the prohibited images. The fact that he blames his own naivety is plainly an excuse given that he accessed the sites on numerous occasions between August/Sept 2023 and March 2024, about a 6-month period. When I add to this that the father left a prohibited image open on his browser, which was found by the wife, it suggests that he was not disgusted and closed the sites immediately, as he asserted. 45. I am equally satisfied that was the father hasn't learnt sufficiently from the course with the sexual offender support group. The Cafcass officer noted that the sexual offender support group's view is that participants get out of the course what they want, it seems that the father's failure to accept his past behaviour would have been a barrier to him developing the necessary safeguarding skills. The mother 46. The mother was fully and properly cross-examined. Her evidence was measured. She told me that she did not say that the father posed a sexual risk to the children more that she simply did not know and she was trying to avoid the risk. 47. The mother fully accepted that she may be overreacting to concerns about the father but that she accepted this was a normal natural

human reaction. She told me that it was her role to protect her children. 48. The mother was questioned about what discussion she has had with the children. She denied telling the children about the proceedings in any detail. She denied saying that father was angry, or that he drinks too much. The mother was clear that she would not say anything like this to DB as DB was unable to keep such information to herself. The mother was equally firm that CB would not have told DB either as CB did not want this information to come out. 49. The mother was asked whether she told DB that her father was a sexual risk. Again, she absolutely denied this. 50. So far as the word safe is concerned the mother was clear that DB uses safe to describe her day-to-day routines. For example she has recently said she didn't feel safe at school because it's busy and there are larger (older) children there. 51. The mother was asked about the past events that she raised, i.e. her diary when she was 13 years old, or when she says father bought underwear for DB. It was put to her that she had failed to mention in her written evidence that the father had bought underwear not only for DB but also for CB. She had no explanation for that other than to say she was focusing on the information relating to DB. 52. It was put to the mother that she could potentially be revisiting past issues through the prism of a fear of the father being a sexual risk to the children, i.e. that she is now re-interpreting past events and looking for any potential issues that could have a more sinister reason behind them. The mother very candidly accepted that this was a possibility, but she was simply giving the Court all of the necessary evidence, so the Court had a clear picture. 53. The mother explained how she came to find the prohibited images on the father's iPad. She told me that she opened the iPad and the website with the prohibited image was still on the screen. She explained that she was in shock and she felt as though her whole way of living had come crashing down around her ears. She explained that she took photographs of the iPad and the search history. 54. The mother was questioned about how she had managed to safeguard the children given that she first saw the prohibited images in around November and these were not reported to the police or professionals until February. The mother told me that she had done her best to ensure that the children were not left alone with the father. She accepted that there were clearly times when she was asleep but she felt that she would have woken had the father left the bedroom. She explained this with such directness and clarity that I was satisfied that this was an entirely truthful answer. 55. The father's contact proposals were put to the mother and her view was that CB should be involved in deciding when he should spend time with his father. The mother was reluctant to agree the proposals for face-to-face contact without CB's consent. Insofar as telephone contact was concerned, the mother suggested there should be a reduction from three times a week because it impacted on her time and she had to ensure the children were ready to contact their father. 56. I am satisfied that the mother was doing her best to give me an honest account of her worries and fears. She does not know whether the father poses a direct sexual risk to DB. The tenor of her evidence was that she thought she knew her husband and she was wrong. I found her to be an honest and balanced witness. Cafcass officer 57. The Cafcass officer was fully and properly challenged. It was put to her that the Clinical Psychologist was an expert, she readily agreed. However, she explained that she had some

experience in this field as she had a degree in psychology. Her key concern with the assessment was that the father had not been honest about his offending behaviour with the Clinical Psychologist. Her view was that if the father had not been honest then he had not fully engaged in the assessment process. 58. The Cafcass officer also raised concerns about the research basis used by The Clinical Psychologist in particular she referred to the " lack of longitude studies ". The Cafcass officer explained that she had undertaken her own research, and was troubled that she had located a recent report (which post-dated The Clinical Psychologist's report) which she said suggested that the risk posed by the father's viewing of Prohibited Images might be greater than The Clinical Psychologist believed. 59. The Cafcass officer was questioned as to whether her reporting was biased. She explained " I don't believe that I am biased, I do have experience of assessing sexual risk, dating back to 2006 ". The Cafcass officer also explained her view was that, contrary to The Clinical Psychologist, the father has not demonstrated that he has meaningfully engaged in sexual risk reduction work. The Cafcass officer said that she had spoken to Miss E, who told her that she did not assess insight, and did not look at offender behaviour. The Cafcass officer was of the view that the work provided was simply insufficient and that Miss E was not delivering therapy in the way she did when she was working for the probation service. In answer to Mr. Swiffen, the Cafcass officer explained that Miss E told her that assessing insight was not part of the sexual offender support group plan. The sexual offender support group was geared to the therapeutic support around anxiety. It was not there to unpack attitude. The course did not involve assessment of insight. 60. It was put to the Cafcass officer that she had misunderstood what the father had told her. The father admitted looking at legal Japanese artwork called hentai or manga from about 2010 and that he bought these books from high street retailers. The Cafcass officer was clear that her view was the father had been viewing images of children from around 2010. The Cafcass officer explained that her analysis brings together what has been seen by the police and the father's overall use of pornography and looks at how this has changed over time. Her view was that the progression from standard legal pornography to AI images of sexual abuse of children is a pattern of behaviour and likely to have been going on for longer than the father had admitted. 61. The Cafcass officer was questioned about the difference in risk of the father accessing indecent images of children compared to him physically abusing a child. The Cafcass officer accepted that there was no evidence that any contact offence had taken place and she does feel confident based on the evidence that this has not happened. The Cafcass officer added that it is not fair to say that because it has not happened that it won't happen. The Cafcass officer was clear that no one could say how it may escalate and that she felt there was still a risk posed by the father. 62. It was put to the Cafcass officer that there was no evidence of grooming behaviour. The Cafcass officer did not accept this. She said that the father putting money into CB's account, or father giving CB his credit card and driving licence could be seen as grooming behaviours, or it could be seen as an attempt to set the father up as CB's preferred parent. On the issue of the father giving CB his driving licence and bank card the Cafcass officer termed this negligent, she felt that the father should have the knowledge not to provide an

adult ID to his son. 63. The Cafcass officer was told that the father had a safety plan for when his mental health dipped. The Cafcass officer said that she would need to see the safety plan to comment on it but that she would like to think that he would seek help and assistance if his mental health dipped. 64. The Cafcass officer was questioned about contact proposals. In respect of telephone contact she agreed that three times a week was appropriate so long as the children knew they didn't need to have a full conversation on each occasion. She also agreed that the children could text their father as and when they wanted. 65. The Cafcass officers view was unshaken that the father's contact with DB should remain supervised until DB had done self-protection work. Her analysis was that DB would have to wait for three years until she was able to undertake sufficient safeguarding work. This could begin when she was 14 or 15. This is older than most children, but the reason for this is that DB is functioning below her chronological age. 66. The Cafcass officer said that there would be no need for supervision if the contact took place in the community, if DB saw father in a play centre then there would be no difficulty so long as the father did not take DB to the toilet or speak negatively about the mother. The use of father's partner as a supervisor was addressed with Cafcass. The officer was of the view that this would need careful handling but overall Cafcass explained that the father's partner would need to gain a better understanding of grooming behaviours. Cafcass accepted that the father's partner had strong views about child sexual abuse but she noted that the father's partner would not leave the father alone with her own granddaughter because she wanted to protect him from allegations. The father's partner does not accept the father poses a risk. 67. The Cafcass officer clarified her view that the father's partner would have to be introduced to the children and undertake some work with Lucy Faithful Foundation before she could be an appropriate contact supervisor. The Cafcass officer also felt that there would need to be ongoing support from other agencies in particular relatively regular check-in with school. 68. The Cafcass officer assisted the parties in putting together a safety plan, exhibited below [removed for the purposes of publication]. After the hearing the Cafcass officer filed a short letter setting out the additional work that she would expect the parties to undertake. The letter also confirmed that the school were content to undertake check-in with DB. Cafcass also confirmed that the Safer Schools Officer would undertake further work with CB relating to online safety. Findings of Fact 69. In evidence the father has been inconsistent in respect of how frequently he would access prohibited images. The father told the author of the safeguarding letter that he had " unfortunately opened an AI computer generated website pop-up. He clicked on this and it was an AI image of a child and therefore he deleted this. " This is patently inconsistent with the police evidence, which is also inconsistent with his own account before me. 70. The father spoke to The Clinical Psychologist saying that he did not deliberately search for children having sex with adults online, again this is inconsistent with the evidence of previous searches which included " hand job daughter for Dad ", " daddy's horny girls ", " my friend daughter's 13 year-old ". The father's suggestion of incompetence is a wholly unrealistic explanation as the phrase " my friend daughter's 13 year-old " is basic easily understood English. 71. When the father spoke to the Cafcass officer, he said his actions

were accidental and not intentional. The father later told the Cafcass officer that he was never looking for child abuse images but that he was " looking for sexual release and horrible things came up ". 72. The father accessed the Sexual offender support group course. The sexual offender support group reported to Cafcass that he denied accessing indecent images of children. Whilst this might be technically true, the father did accept before me that the prohibited images were of the nature of the depictions set out in the samples outlined above. 73. During the hearing the father was taken to the internet results contained in the police disclosure. It appears to show that he was on a particular website, and whilst on the same website he was accessing various images, as though he was searching through the site's gallery. The father accepted in his evidence that he accessed prohibited images between August/September 2023 up to early 2024. The download evidence suggested 'early 2024' can be dated to mid March of 2024. 74. Even were I to accept that the father's access of the sites was initially via a pop-up which did not explain what images the sites contained, the father has provided no credible reason why when he found prohibited images he remained on that website. Moreover, the fact he was unable to explain why he remained on that site having seen pages named ' handjob for daughter ', ' lolicon videos ' and ' goldentoddlercon. ' further dents his credibility. 75. I also note that the father asserts that he found these images disgusting and disturbing. This does not explain why he left one such image open and accessible on his Ipad when he returned to the UK. He clearly did not leave the webpage or delete it as soon as he could. For the avoidance of doubt, I accept the mother's evidence on this issue. 76. The father's account relating to accessing prohibited images generally lacks credibility. If his viewing was limited to a handful of times I would have expected his evidence to have been clear, he would have been able to provide a clear account of roughly how many images he had seen and that he moved away from the sites swiftly. His account was vague and unconvincing. 77. The suggestion that the father was incompetent is wholly implausible, the father knew the term bestiality and still clicked on a link despite knowing or at least being able to anticipate what would appear. The father only clicked this type of link on one occasion. The father's suggestion that he inadvertently clicked on pop-ups only to be confronted with disgusting AI images of child abuse might be excused on a single click but repeated visits over a number of months is, in my judgment, more likely to be a result of a desire to see these sorts of images. 78. The father denied viewing such images before 2023. The evidence from the Cafcass officer suggested that the father had viewed CSA images as long ago as 2011. However, this does not appear capable of corroboration. The father's account on this point has been consistent, namely that he bought Japanese art magazines from high street retailers. He has maintained that the Cafcass officer has misunderstood him and apparently assumed that all Hentai images are likely to be explicit and depict abuse. 79. In considering this issue I also note that the evidence appears to support the father's assertion that he only accessed CSA prohibited images online when working away from home. I am therefore not satisfied that the Cafcass officer's understanding was entirely correct. On balance it is most probable that the father's interest in Hentai and Manga artwork began in 2011, but that this developed into Child Sexual Abuse and child rape

imagery in 2023. 80. I find as a fact that the father has accessed prohibited images repeatedly between August 2023 and March 2024. That whilst he might have found these initially via a pop-up, he later knew what type of images he would see when he accessed these sites and actively sought out such content. Further, the father's motive in viewing these images was for sexual gratification. The images viewed depicted abuse of children as young as 1 or 2 and included depictions of anal and vaginal rape. 81. The father has undertaken work with the sexual offender support group. However, there is a tension between the work identified in the letter from that organisation and also the discussion that the Cafcass officer had with Miss E. I prefer the evidence of the Cafcass officer when she quotes the Sexual offender support group worker saying that the program is not about what the client has done, but rather " getting a better understanding of what they need. The client will get from it what they want. " 82. Even were I to accept that the father had undertaken the work identified by The Clinical Psychologist i.e. requiring the father to gain insight into understanding his behaviour and make permanent changes to avoid future abusive behaviours, it appears that there is ample evidence that the father has failed to act on this insight. 83. In particular, the father has given his son access to his driving licence and credit card. The father ought to have realised that those items would be sufficient to allow his son to bypass the online age restriction protections. The father appears to have taken no steps to safeguard his son nor to inform the mother that their child had access to this information. This is a particularly egregious error when I note that the father's primary case was that he had stumbled across these images when accessing legal pornography on-line. This is underpinned by the father's own comments that he felt that the platform TikTok was publishing things that were "getting close to the knuckle". The implication being that he would not want his son to see these posts. 84. When I add this behaviour to the fact that the father lacks insight into the reasons behind him accessing these prohibited images, I am satisfied that the father has not undertaken and acted on the required work identified by The Clinical Psychologist. 85. I find as a fact that the father has failed to accept his role in and the reason why he accessed prohibited images. The father has not developed insight into his behaviour and has placed his 14 year old son at risk of exposure to inappropriate adult material by providing his son with access to the father's driving licence and credit card. 86. The mother also invited the court to assess other behaviours by the father that she considered concerning. The mother candidly told me that she didn't know if the father was a risk, but that she began to start looking back at things the father had done through the prism of now knowing that he viewed prohibited images. The key issues she identified were firstly, him buying underwear for the children, and secondly the father being particularly attached to and reading the mother's diary from when she was 13 years old and thirdly retaining a photograph of her when she was 18 or 19 years old. 87. The mother's evidence was that the father had bought a packet of underwear for both children. She'd spotted that these were placed in their respective underwear drawers. The mother noted that these hadn't been folded as they would when she put them away, and that the ones for their daughter were more grown up as she tended to have fairy patterned underwear and these were small

knickers each pair a different colour. 88. The mother accepted that she failed to mention in her written evidence that the father allegedly bought a set of underwear for both children. She explained that she was focusing on the risk to their daughter. The mother also accepted that she may be being overly cautious. The father denied that he had bought underwear for the children. 89. The mother told me that she had kept a diary in 1991 and in the diary she kept details of crushes that she had. The father had become jealous of her childhood crushes and had moved the diary, hidden it and read it. The mother also explained that the father had retained a photograph of the mother in swimwear. The photograph predated their relationship. The mother told me that him keeping this photograph made her feel uneasy. 90. The father accepted that he had taken, hidden and read the diary. He appeared to suggest that because the parties were married he was entitled to do this. He explained that he questioned why his wife would hide it, asking what did she have to hide? He did ultimately accept that his wife was entitled to a degree of privacy, but it appeared to me that he had not considered this until it was put to him. The father also accepted that he had taken a photograph of his wife from when she was younger, 18 or 19, wearing a bikini. His answers appeared to suggest that he was entitled to keep this as he liked it, and that his wife was an attractive woman. The implication being that his keeping this photograph was a kind of compliment. 91. I find as a fact that the father invaded the privacy of his wife during their relationship in that he removed, hid and read the diary she kept as a 13 year old girl. He read this without her consent and developed an unhealthy interest in his wife as a pubescent girl. He invaded her privacy further by retaining a photograph of his wife as a teenager (18/19 year old) without her permission. The father's lack of insight into relationship boundaries places those who are in close personal relationships with him at a greater risk of controlling and emotionally abusive behaviours.

Analysis

92. The key question in this case is whether the risk posed by the father to the children is sufficiently low to enable unsupervised contact to take place. The Cafcass officer says not and suggests that the father has been a long-standing chronic user of pornography including accessing images of child sexual abuse for in excess of 14 years. The opposite position is adopted by The Clinical Psychologist who tells me that the risk is sufficiently low based on his analysis and that contact can safely take place between the father and DB. 93. I have considered The Clinical Psychologist's report, and it appears to me that there are a number of factor s which affect the weight that I can place upon it. In particular: a. It is unclear whether The Clinical Psychologist fully understands the extent of the father's use of prohibited images. The Clinical Psychologist, in his second report references that the seized devices belonging to the father were found to contain 421 inaccessible prohibited images of children dated between 16/3/24 to 27/3/24. That is inconsistent with the evidence that I have seen; and b. The Clinical Psychologist did not have the benefit of speaking with Miss E, the Sexual offender support group facilitator. He records in his notes that documented evidence

indicates the father completed offence focused intervention with The sexual offender support group. This work focused on gaining insight and understanding into his behaviour and for him to make permanent changes to avoid future abusive behaviours. Again, this is inconsistent with the evidence that I have seen; and c. The Clinical Psychologist has formed the view that the father does not deny or minimise his behaviour. Again, this does not concur with my analysis of the evidence; and d. The Clinical Psychologist has not seen my other findings relating to the risk posed by the father as a result of his lack of insight into relationship boundaries and his associated unhealthy interest in his wife as a 13 year old pubescent girl. 94. I have also considered the report of the Cafcass officer. For the reasons set out above, I do not accept her analysis that the father has been using prohibited sexualised child abuse imagery for sexual gratification for 14 years. This appears to be a factor in the Cafcass officer's analysis of risk in this case. 95. For the reasons given I place less weight on the risk analysis provided by each of these experts. Welfare Determination 96. The wishes and feelings of the children are clear. CB wants to spend time with his father and he wants it to be unsupervised. DB would like to see her father unsupervised but would prefer for it to remain supervised. 97. The wishes and feelings of the children are of course to be considered in line with their age and understanding. DB is 11 but functions more like an eight year-old. She is on a pathway towards a diagnosis of ADHD. DB is not aware of the nature of the images viewed by the father or the risk they might pose. CB, in contrast, is 14 and knows the background. He is an intelligent articulate young man albeit that he has made some questionable decisions to buy supplements and TV channels which his mother has had to stop. Generally, given his age, his wishes and feelings are to be given significant weight. 98. The physical emotional and educational needs of the children are currently met in the care of the mother. She has acted in a reasonable and sensible manner in restricting the father's contact and reporting her concerns. The father is able to meet the physical and educational needs of the children whilst in his care. However, the children's emotional needs remain at risk in his care. I have clear evidence that the father has placed his son at risk of exposure to adult material on-line by providing his son with a driving licence and credit card. 99. The likely effect on the children of a change in circumstances. Allowing the children to have unsupervised contact would meet CB's express wishes and feelings. The children would have a more ordinary relationship with the father as a result. However, this would put them at a risk of harm. Were CB to have unsupervised contact with the father and DB's time to remain supervised there is a risk that the sibling relationship might be subject to tension. DB may wonder why she was not able to see her father on her own or without adult supervision. It could result in resentment between the siblings if not handled appropriately. Finally, if both children's contact remained supervised this would be contrary to CB's express wishes and feelings and could result in CB 'voting with his feet' or lead to tensions between the children. 100. The children's age, sex, background and other characteristics. CB is an articulate 14 year old boy who still requires some assistance about making safe decisions online. CB is aware of the allegations about the father. DB is functioning at 3 years below her chronological age. DB is unaware of the allegations about the father. 101. The harm or risk of harm. In this case the risk of harm to the children is of

the gravest level. The risk of harm is that the father commits a child abuse image offence or that he commits a contact sexual offence. The statistics quoted by The Clinical Psychologist places these risks as follows: a. 4.6% or 1 in 21 will commit a new sexual offence of some kind; b. 3.4% or 1 in 29 will commit a new child abuse image offence; and c. 2% or 1 in 50 will commit a contact sexual offence. 102. Were any of the above to occur the impact on the children would be life altering and the repercussions could take years to undo, if indeed they could be undone. 103. The Clinical Psychologist's report is one piece of the evidence. As outlined above The Clinical Psychologist has not had a full and unvarnished account provided by the father. The report is based on the father's self-reporting in which he minimised his conduct and omitted facts that I have found to be true. The Clinical Psychologist has assumed that the Sexual offender support group program was an appropriate intervention. Equally, The Clinical Psychologist was not aware of the ancillary findings of fact relating to the father's unhealthy interest in the mother as a 13-year-old which is suggestive that the father's interest in children was not limited to the AI prohibited images. For those reasons, I do not accept the overall analysis provided by The Clinical Psychologist that unsupervised contact is safe. 104. I have had the benefits of hearing from the Cafcass officer who has heard all of the evidence that has been provided by the parties. Her overall analysis of the risks in this particular case remain unchanged. The Cafcass officer's view was that The Clinical Psychologist's statistics could be outdated, and she referred me to a piece of research from 2026 which noted as follows: "Normalisation of sexual violence against children Consumption of realistic synthetic material reinforces existing sexual interests in children rather than providing a safe substitute and may increase the risk of escalation. Engagement with any form of CSAM has been shown to reinforce existing sexual interest in children. Research by Protect Children Finland (Suojellaan Lapsia) illustrates the potential progression from viewing CSAM to contact offending: their 2021 "Help us to Help You" survey found that 44% of the 5,171 respondents said that viewing CSAM made them think about seeking direct contact with children, and 37% reported having sought such contact after viewing CSAM. These findings are reinforced in Protect Children Finland's 2022 global sample study of the responses of 1,546 anonymised individuals, which showed that 58% of CSAM users experience at least occasional fear that their consumption could lead to sexual acts against children, with nearly a quarter (24%) reporting this fear weekly or almost every time. In the same study, 10% of respondents reported that they had sought contact with children online after viewing CSAM or other illegal violent content at least weekly or more often. This demonstrates a clear link between CSAM consumption, desensitisation, and lower inhibition towards further online, or offline, sexual offending." 105. The Cafcass officer's view is that that further work on the part of the father is required. I agree with this analysis. 106. I am satisfied that the risk of the children being exposed to harm remains at a high level and that risk is heightened given: a. The father does not accept the extent of or the reasons behind his use of prohibited images, b. The father's unhealthy attitude towards pubescent girls extended into his relationship with the wife, c. The father has yet to complete and learn from a suitable course as identified by the Cafcass officer. 107. Even were I to accept the statistics provided by The Clinical

Psychologist, I remain of the view that a 1 in 50 risk of direct sexual harm to a child is too great especially when viewed alongside the heightened risk factors identified above. This must be ameliorated with direct work and further analysis of the father. 108. The capabilities of the parents and any other person. I have considered this aspect above in relation to the parents. The only other person to consider is the father's partner. The question is whether she can act as a contact supervisor. I have not had the benefit of hearing oral evidence from the father's partner and am therefore reliant upon the observations of Cafcass. I accept that the father's partner is repulsed by the idea of child abuse. However, she does not accept that the father poses a risk to the children. Her desire to act as a contact supervisor appears to be linked to her view that she does not want the father to be falsely accused of inappropriate behaviour. 109. I am urged by the father to accept that his partner's desire to protect him would be a strong indicator that she would be a suitable contact supervisor. Whilst I accept that her desire to avoid the father being accused of inappropriate behaviour is a strong motivator, it would also mean that the father's partner might be less able to identify more subtle behaviours that might lead to direct or indirect abuse. 110. I am told that the father's partner would undertake any courses that might be suggested. I believe that this would be a helpful starting point, along-side the findings I have made and/or a redacted version of this judgment being provided to the father's partner. Decision 111. I have considered whether I need to adjourn proceedings to obtain an updated report from The Clinical Psychologist, and/or for the children to be separately represented. I do not believe that either of these steps are necessary in order for me to determine this application. I have had the benefit of hearing the oral evidence, surveying the written evidence and I am satisfied that I have been able to undertake a thorough and balanced risk assessment departing from the recommendation of the psychologist for the reasons provided. I am also mindful of the delay that such steps would cause. 112. I have considered the totality of the evidence and balanced the factors in the welfare checklist. I am satisfied that the risk the father poses to the children is currently too high for there to be unsupervised contact between the father and DB. 113. I have weighed up the advice from Cafcass, the consent of the mother and CB's own desire to have unsupervised contact with the father. CB has already undertaken protective work and is better able to seek help if the father's behaviour were to deteriorate. On balance I am satisfied that CB has the skills to protect himself such that he can have unsupervised contact with the father. 114. I have considered the potential conflict between DB not having unsupervised contact and CB being able to have a more ordinary relationship with the father. I accept the evidence of the mother that she feels she will be able to manage DB's expectations so as not to cause a rift between the children. 115. Finally, I have considered whether the contact between DB and father can be unsupervised in the community. I disagree with the Cafcass officer's analysis on this point. The father was able to expose CB to a risk of harm by providing him with a credit card and driving licence. This was done whilst contact was being supervised. Until the father has undertaken sufficient work it remains my view that unsupervised contact in the community remains too great a risk. 116. The Cafcass officer suggests that CB's contact should progress at a slow measured pace. The father's working pattern is currently 2 weeks on and 2 weeks off. The Cafcass

officer's plan would mean it would take 13 weeks before CB got to spend a full day in the father's home. This appears to be an appropriate time scale as it would allow for protective work to be undertaken by the father and his partner. However, the Cafcass officer's recommendation appears to be overly proscriptive. I would expect that by week 18 the appropriate order would be for contact to take place in line with CB's wishes and feelings as he will be 15 (or at least a week away from his 15 th birthday). 117. Before unsupervised contact with DB can safely take place the father will have to work with an agency like the Lucy Faithful Foundation. He will have to accept that he viewed the images repeatedly and on purpose and that he did so for sexual gratification. He will need to show some level of insight into the impact that viewing that sort of image would have on him and the impact that it has on children generally. The father would have to show some insight into risky behaviours including giving his children access to documentation that would allow them to bypass safety mechanisms like the Online Safety Act. Finally , the father will need to gain an insight into the lack of boundaries in his personal relationships. Child arrangements order a. The children shall live with the mother. b. The children shall both spend time with the father once a week (when he is onshore) on a Wednesday after school from 3pm to 6pm to be supervised by the maternal grandmother. CB need not attend if he does not wish to. c. The children shall, either together or separately, spend time with the father for such other times as may be agreed between the parties subject to a suitable contact supervisor being identified. d. CB may spend unsupervised time with his father, to be gradually built up at the rate of: i. 4 onshore weeks at 3 hours per session in the community ii. 4 onshore weeks at 6 hours per session in the community and in the father's home, iii. 4 onshore weeks for a Saturday or Sunday for 8 hours, iv. Thereafter for CB's time to progress in line with his wishes and feelings. e. The mother shall facilitate 3 telephone calls per week between the father and children at times and dates to be agreed. The length of time that the children spend on the phone shall be led by them. f. There shall be such further contact as may be agreed between the parties. 118. I am invited to consider granting a family assistance order to support the family in helping to identify when the father's partner might be a suitable person to supervise contact between the father and DB. I agree with the submissions on behalf of the mother that a piece of work will be required in the foreseeable future, and that the Cafcass officer is best placed to advise and assist the parties to ensure that the necessary work is undertaken. I therefore direct a family assistance order for a 6 month period. This will tie in with contact between CB and the father progressing to taking place in line with his wishes and feelings and also allow the father to undertake the course recommended by Cafcass. 119. At the conclusion of the family assistance order I would expect Cafcass to consider whether the risk posed by the father has been reduced sufficiently to enable unsupervised contact between DB and the father to take place in the community. 120. That is the judgment of the court BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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