



Neutral Citation Number: [2026] EWHC 415 (Fam)

IN THE HIGH COURT OF JUSTICE
FAMILY DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 26/02/2026

Before :

THE HONOURABLE MRS JUSTICE JUDD

Between :

John
- and -
Jane

Applicant

Respondent

June Venters KC and Rebecca Franklin (instructed by **Chase Morgan Solicitors**) for the
Applicant
Edward Lamb KC and Kate Lamont (instructed by **Dawson Cornwell Solicitors**) for the
Respondent

Hearing dates: 2nd-6th, 9th-13th February 2026

Approved Judgment

This judgment was handed down remotely at 10.30am on 26th February 2026 by circulation to the parties or their representatives by e-mail.

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THE HONOURABLE MRS JUSTICE JUDD

This judgment was delivered in private. The judge has given permission for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of the parties, alleged children and members of their family must be strictly preserved. All persons, including representatives of the media and legal bloggers, must ensure that this condition is strictly complied with. Failure to do so may be a contempt of court.

In this published version the applicant is referred to as “John” and the respondent as “Jane”.

The children are referred to by the names “Shiloh” and “Aryeh”. The respondent’s address and other details which might lead to the identification of the family, whether alone or pieced together with other information (“jigsaw identification”), have been removed or anonymised.

The applicant is currently seeking permission to appeal. The question of anonymisation, including whether and to what extent this judgment should be further anonymised or published in a different form, may in due course be the subject of further argument at the conclusion of any successful appeal.

Mrs Justice Judd :

Introduction

1. This is a private law application with respect to two children, who are said to be two and a half years and one and a half years old respectively. In the ordinary course of events this would be a very common type of case, dealt with routinely by the family court.
2. This is, however, anything but an ordinary case because there is a dispute as to whether the children exist at all.

Chronology and background

3. The applicant, who believes himself to be a father of two children, is in his mid-thirties. The respondent, his former partner, is in her early fifties. They met about five years ago around the start of the Covid pandemic. The applicant always retained his own home, but he spent a lot of time with the respondent, who lived, at times, with one of her adult daughters. In late 2022 the respondent told the applicant that she was pregnant. His evidence is that she sent him an ultrasound image of the pregnancy in January 2023, and that she became visibly pregnant as time went on, with a due date in May 2023. He said that he touched her stomach on many occasions, and that it was hard, like a pregnant stomach. The respondent would say, at times, that the baby was moving but he himself was unable to feel this.
4. In early May 2023, the parties had an argument at the respondent's home and she called the police. She made allegations of assault. He was arrested and imprisoned on remand for several months. Two days after he was arrested the respondent sent a message to the applicant's stepfather stating '*She's here everybody! Shiloh Rose 5lb 9oz 1.44am [May 2023].*'
5. This was followed up by the respondent sending some messages to the applicant's mother at 3am, including a voice note in which a crying baby could be heard in the background.
6. Over the course of the following months the respondent sent a number of photographs of a baby she said was Shiloh. She sent messages suggesting that Shiloh was being cared for by relatives, and/or that the local authority was involved.
7. When the applicant was released from prison the relationship resumed, but he says the respondent told him that the baby was with a family member. She said that the local authority had said he was not permitted to see her but she did show him lots of pictures of the baby. In the meantime, the respondent told the applicant that she was pregnant again. She said the baby was due in August 2024. In early August 2024, there was an argument between the applicant and respondent at her home. The applicant's mother came to pick him up. She says that the respondent was visibly pregnant on that day. The parties have not reconciled since.
8. In August 2024, the respondent sent a message to the applicant's mother, saying '*I've had him, that same night, 2.07am. I got discharged yesterday, he is in SCBU, I don't*

know for how long for but social services have said they would support me with anything I need and to go home and rest’.

9. The respondent sent photos to the applicant and his mother, of a baby she named ‘Aryeh’. She made allegations against the applicant to the police, saying that he had tried to break into her house. He was arrested and subjected to bail conditions until the charges were dropped in October 2024.
10. The applicant regularly sent money to the respondent for herself and the children, although he says she told him at some point in August 2024 that she had sold the children for £500. She continued to send messages and photos to the applicant, his mother, and other people about the children, including that they were with her niece. The applicant became very concerned about what had happened to the children and made enquiries with both the local authority and the police. He then made an application to the court in October 2024 to ascertain the whereabouts of the children and for parental responsibility. The respondent applied for a non-molestation order alleging verbal, physical and sexual abuse.
11. During the on notice non-molestation hearing the respondent, through her counsel, informed the judge that she and the applicant did not have any children together. She said she had been pregnant twice but miscarried on each occasion. Directions were later made, at the first hearing dispute resolution appointment with respect to the application in the children matters, including the filing of a safeguarding letter. He also filed an application for a declaration of parentage.
12. Thereafter, the respondent failed to appear at a number of court hearings. She appeared to be evading service of documents from the process server. She did not engage with Cafcass. She did not attend the Dispute Resolution appointment. The court made orders pursuant to section 33 of the Family Law Act requiring one of the respondent’s adult daughters to attend court to give information about the whereabouts of the children. Matters escalated with the non-cooperation of the respondent and her daughter, so much so that they were eventually arrested following the making of a location order, and brought to the Royal Courts of Justice. That hearing was before me. At that hearing, the respondent said that she had no children with the applicant and had never told him otherwise. She said that the messages and photographs she produced were not from her.
13. When she subsequently filed a witness statement she said that she had indeed told the applicant that they had had children together but said this had been the idea of her daughter’s partner, by way of revenge because the applicant had been violent to the respondent and her adult son.
14. The applicant would not accept that no children existed, particularly because he and his mother were convinced that they had seen the respondent to be visibly pregnant.
15. There followed a number of directions to enable further evidence to be sought. Evidence Matters interrogated the respondent’s phone. Searches were made of hospitals to find if children by the names given had been born there, and searches made of the register of births. Whilst the interrogation of the phone revealed the respondent had sent many messages and posts about the children, including photos, they did not reveal any independent evidence of the actual births.

16. There are no records from the local authority or the police. The respondent's medical records were obtained. There was no record of her receiving ante-natal care, albeit she did not attend the GP for the periods where it was thought by the applicant that she was pregnant. The matter was set down for hearing before me to determine the preliminary issue; namely whether the children exist.

The hearing

17. I had a bundle which included a large amount of evidence, including statements, mobile phone and health records. I heard evidence from the applicant, his mother, a friend of the applicant's, the respondent and the respondent's two daughters. All her children (she has an adult son as well as two adult daughters) had been repeatedly referred to in the respondent's messages. Her daughters were present at times when the respondent had said she was pregnant, and were also referenced in the messages as being present when the children were collected. One of the daughters lives with the respondent. I make this plain because it was obvious that the daughters, in particular, would have relevant evidence to give, whether it supported the case of either the applicant or the respondent. The respondent did not seek to call them, and, in the end, the applicant applied for them to be served with witness summonses to attend. I will say a little more about their evidence below.

The applicant's case

18. The applicant's case is a simple one, namely that he believes he is the father to two children. Not only did the respondent repeatedly tell him so, but he saw her to be visibly pregnant in the weeks leading up to the dates they are said to have been born. His mother saw that the respondent was visibly pregnant in August 2024. He acknowledges that there are no records of any children by these names being born at any hospital in this country, or of any births being registered, but says that he believes that the respondent must have given birth in secret somehow and given the children to a family member, or someone else in the travelling or other community.

The respondent's case

19. The respondent's case is that there are no children. At the time that she was supposed to have given birth she was in fact menopausal, so it simply would not have been possible. She admits telling the applicant she was pregnant when they were together, and afterwards, but says that this was a series of elaborate lies which were also repeated to other people. She says she did it because she was angry with the applicant because he had hurt her son (it is said that he spent a lot of time involved in a particular religious movement).
20. The respondent states that the photographs of children that she sent to the applicant and others, including his mother, had been obtained from the Facebook account of a woman who she did not know but had followed for a while. She had identified children who looked as if they had parents of a similar ethnicity and were about the right age, downloaded the photos and sent them.

Legal framework

21. The summary of relevant principles set out by Baker J (as he then was) in *Re JS* [2012] EWHC 1370 (Fam) still provides very helpful guidance for judges in fact finding hearings. The burden of proof lies with the body or individual who makes the allegation. The standard of proof that must be applied is the balance of probability. Findings of fact must be based on evidence, including inferences that can be properly drawn from the evidence, and not on suspicion or speculation. Evidence must not be evaluated in separate compartments, and a judge must have regard to the relevance of each piece of evidence in the context of all the other evidence, and must exercise an overview of all of it before coming to conclusions.
22. At each stage in the process of evaluating the facts, regard must be had to inherent probabilities and improbabilities; see *Re B (Children)* [2008] UKHL 35 and *Re A (No 2)(Children: Findings of Fact)* [2020] 1 FLR 755 (Jackson LJ).
23. There are numerous authorities as to the significance of lies, starting with *R v Lucas* [1981] QB 720, and subsequently *Re H-C (Children)* [2016] EWCA Civ 136, and *Re A, B and C (Children)* [2021] EWCA Civ 451. The fact that a person lies about something does not mean that they are lying about everything. In any event, the court is duty bound to consider the reason(s) for the lie, and the significance within the case as a whole.

Documentary and digital evidence

24. Given the scale of deceit involved in this case, whether this is on the basis of the applicant's or respondent's case, it is helpful to look first at the evidence obtained from the interrogation of the digital devices, and also the medical and other records that have been obtained. It is also important to consider what is absent.
25. In the bundle, there are examples of numerous messages and Facebook posts from the respondent to the applicant, his mother and others, which make reference to Shiloh and Aryeh. I have already recorded the messages the respondent sent which announced their births. Subsequent to that, there are a lot of messages about them which include a huge amount of detail.
26. I will give some examples. One message queries whether or not the respondent should put suntan lotion on Shiloh given her skin colour. In other messages, the respondent said that Shiloh was with her niece in a city in the north of England, and on other occasions that she was in a seaside town. She said her niece was looking after the children. She said that she was part of a travelling family. She spoke of the local authority being involved, saying at one point that she had had a meeting with social services in a city in the Midlands. She said that she was emotionally exhausted and that she could not afford to keep her (this is one of a number of messages in which she asks for money). She said that she was taking Shiloh to Turkey on a holiday with her older daughter and partner. As stated above, she left voice notes with a baby crying in the background.
27. One typical message reads '*Hi [the applicant's mother] I will get a photo when I go back the hospital, I was told not to go today because the baby has an infection and they don't know where it has come from but there trying to say it's down to codine...because he was born with a fever and they think it is down to codine, which is something I have been prescribed even though they knew I was pregnant. I'm having a hard time*

communicating with [the applicant]. I'm sorry but for my own mental health I am going to block you all. All I can tell you is that my son has a wide nose, big lips and blue eyes...when he is better I will unblock you and send photos'.

28. Throughout this time the respondent sent pictures of children, said to be Shiloh and then Aryeh. There are lots and lots of pictures of babies and then of them as toddlers. The respondent sent pictures of a little girl who she said was Shiloh on holiday in Turkey.
29. No WhatsApp messages were recovered from the respondent's phone before November 2024. There are significant gaps in the disclosure available, which may be because there are other devices, or because material has been wiped.
30. There are bank statements which show that the respondent attended a tanning shop on the day she said she had given birth to Shiloh. There are no entries for buying children's items such as nappies, clothes, prams or otherwise (there is a message about a pram, but nothing in the bank statements). The statements do show money coming in from the applicant, and some money being transferred by the respondent to her daughters.
31. The ultrasound picture of a baby said to have been sent by the respondent to the applicant in January 2023 does bear the respondent's surname on it, but expert evidence has said that from the quality and resolution of the image provided it is more likely to be an image taken between 2001 and 2007 than in the mid 2020s.
32. The respondent's medical records show that a blood test for serum FSH was obtained in 2021 which was of a value (60 IU/L) which her medical practice has stated could indicate that the respondent was menopausal, but given there were no further tests this is not definitive. She was prescribed contraception between 2018 until 2025. She said this was for the symptoms of menopause but this is contradicted by the entry in the records which said she had no symptoms. She did not attend the practice in person at any time within the dates of her purported pregnancies, which is unusual, because she can be seen to seek medical attention at other times. More significantly still, she did not attend an appointment for cervical screening on 8th May 2024 which would have been during the second pregnancy.
33. There are web searches by the respondent, including searches for cancelling passports and changing names, 'temporary care of a newborn' (this being immediately after the time she said she had given birth to her second child), and of foster care sites.
34. There are no records of the respondent giving birth anywhere in this country, despite references in the messages she sent about Aryeh being in hospital. There are no records of babies with these names being registered although the respondent said that Shiloh was taken to Turkey. There are no records of children of these names or children of the respondent being looked after by the local authority although the messages reference meetings with social services. There are no independent sightings of the respondent with any small children.
35. I have a number of photographs of the respondent which show her to have a very rounded stomach. One of the photos also seems to show a rounded stomach with a protruding navel.

The evidence of the parties

The applicant

36. The applicant filed a number of witness statements throughout the proceedings. His evidence and that of his mother, and a friend who he called to give evidence, was all very much of a piece. The applicant said that during the course of their relationship the respondent told him that she was pregnant on several occasions. Before the two alleged pregnancies that I am concerned with, she said she had suffered from some early miscarriages. He said that she spoke about being pregnant a lot, and that her stomach grew dramatically and was hard. She changed the way she walked, and would talk about babies a lot. He never doubted that she was pregnant and produced some photos of the respondent's stomach that he had taken during the course of a video call. He was concerned that she was not going to the hospital for appointments, and that she would agree to go, only to then refuse to go when the day came.
37. He and his mother originally had no reason to doubt that the photos they were sent were of his children, but after reading the respondent's witness statement that she had obtained the photos from the Facebook page of an unnamed woman, he tried to find out who the woman was. By asking around he identified a woman who he did not know personally, but lived fairly locally to him and the respondent. He said he had not seen her for 15 years.
38. The applicant said that the respondent did not appear to be someone who was making up stories more generally, or who suffered from serious mental health problems. There were times when she drank (and there is a video where the applicant is telling her to be careful about drinking because she is pregnant), but for the most part she functioned well.
39. He said that he had sent her money for herself and the children. He produced a schedule which demonstrated that he had paid her the sum of about £30,000 over two years.
40. The evidence of the applicant's mother was that she met the respondent early on in the relationship and said that she was very excited when she heard about the pregnancy from the applicant. The applicant is her only son, and this was to be her first grandchild. She said that she saw the respondent in August 2024, just before she said she gave birth to the second child and that she was definitely, obviously pregnant. During the course of her evidence she said that she had heard the sound of a baby crying when she spoke to the respondent the day after the baby was supposed to have been born. This was the first time that this was mentioned, and it led to her finding some 'voice notes' on her phone, which did have a baby crying in the background. She also sent money to the respondent for things for both children.
41. The applicant's mother said that she had asked several times to see her grandchildren, and this is apparent from the messages. The respondent had told her that the oldest child was being cared for by her niece. She said that she felt that something was not right, and that she was being fobbed off.
42. The applicant's friend stated that he had been sent messages by the respondent in which she made many references to the children. He also paid some money to her on behalf

of the applicant whilst the latter was in prison. He said the respondent was pregnant too, but he saw her much less and at a greater distance than the applicant and his mother.

43. All of these witnesses appeared to be entirely genuine in the evidence they gave, further their evidence was consistent and fitted together in a coherent way with the other evidence.
44. The respondent's evidence, by contrast, has changed materially over time. She accepts that she has been very dishonest, indeed that is the basis of her pleaded case.
45. At first, she did not engage with the court process. When she was finally visited by the Tipstaff following the making of a Location Order, she said that the children did not exist and that she knew nothing of children by the names of Shiloh and Aryeh. She said that she believed the application was motivated by malicious harassment from the applicant. She said that he had abused her many times and attacked her, and that she had been referred to MARAC because of the high risk he posed to her. She said he had made up the names of the children and that he was involved in an extremist group.
46. In her first statement filed in May 2025, she stated that she was the victim of serious abuse from the applicant, which included violence not only to her but to her son. She said that this led to a collapse in her mental health and that her daughter and her boyfriend were so disgusted with his behaviour that the boyfriend came up with a plan of obtaining revenge on the applicant by pretending that the respondent had had children by the applicant, first Shiloh, and then later, Aryeh. She said that her daughter's boyfriend used her phone to send messages about the children to the applicant and others. She said that she was in a very dark place mentally, having unstable borderline personality disorder and PTSD. She said that the money that the applicant had sent to her was for ordinary living expenses when they were together.
47. It transpired that the respondent had carried on sending messages about the children after her daughter's boyfriend had died. In her following statements and evidence before me, the respondent accepts that she sent the messages and photos herself. In her third statement, she explained that she had obtained the photograph of children from a Facebook page of someone else and said that she had redacted her name 'to protect her identity'.
48. The respondent gave oral evidence over a period of two days. She did so with the assistance of an intermediary following a ruling I made earlier in the proceedings after receipt of expert reports.
49. The psychiatric report, prepared by Dr. Judith Freedman, concluded that the respondent has suffered from lifelong depression and anxiety, together with complex PTSD and alcohol use which reduces her ability to function in everyday life. The difficulties she has stem from a very difficult childhood involving serious abuse. The intermediary report made a number of recommendations, including breaking down questions, giving explanations, and having frequent breaks. There was a request for questions to be prepared and submitted to the intermediary in advance.
50. Counsel for the applicant did as they were requested and provided their proposed questions well in advance, but for some reason, which I have not managed to find out so far, no intermediary was appointed by the company until the night before the

respondent was due to give evidence. She had neither seen the questions, nor met the respondent. Some time had to be given to enable her to do both of these things, and then she stood beside the respondent whilst she was asked and answered questions and intervened when she considered it to be necessary.

51. As it happened, the respondent was, at times, asked some quite complex questions, although she always sought help if she did not understand. To my mind, she appeared to function quite a lot better than the intermediary report suggested, albeit I recognise the need to be cautious in my interpretation of this. I was satisfied that the respondent was able to give her best evidence in all the circumstances, and that her evidence could be sufficiently probed on behalf of the applicant. For the sake of completeness, I should also record that she gave evidence whilst the applicant was behind a screen and the courtroom was, at all times, configured so that she was not able to see him, nor he her.
52. The respondent repeatedly denied that she had given birth or been pregnant during the course of her relationship with the applicant. She said, time and again, that it was all a fiction. She pointed out that she had always been somewhat on the large side, with a large stomach. That had always been the case, and remains the case now.
53. Confronted with one photograph where she was looking slim, she said that this had been altered by her daughter so as to make her appear more attractive for Facebook.
54. She was asked a lot of questions about her medical records, the messages she had sent, where she had gone at various times, and challenged about what she had done with two children that she had given so many details about to the respondent, his mother and others. This included sending voice notes to the applicant's mother in the middle of the night with the sound of a baby crying in the background. The respondent said that this was a soundtrack from YouTube, something that she had searched for and deliberately put on in the background in order to make it seem authentic.
55. On any view, she has been extremely deceitful (whether by telling the respondent he had children when he did not, or by hiding them now). She also changed her accounts on various occasions, after being confronted with incontrovertible evidence. She apologised to the applicant's mother, but appeared to try and justify her behaviour to the applicant himself. I would not rely on any of her evidence as being the truth without there being support from other sources.
56. I then heard from the respondent's two children. Both were, in different ways, very reluctant indeed to come to court. The youngest, D, finally gave evidence over the video link from home, in the presence of someone from the respondent's solicitor's firm, and whilst one of D's children was asleep in another part of the room.
57. D was an extremely difficult witness. D found it very hard to answer questions without challenging the basis of the question. Although I reminded D on a number of occasions that D should simply focus on answering the question D seemed completely unable to do so. D was repeatedly rude to counsel, and swore both under D's breath and at counsel. D appeared to be doing as much as D could to avoid assisting the court and repeatedly said that D's mother was crazy, and that she told scary, crazy lies.

58. Following D's performance, I would also find it very difficult to rely on any of D's evidence as she seemed to be deliberately obstructive.
59. N, the respondent's second child did come to court in person, together with another sibling, in accordance with the witness summons. The other sibling was said to be extremely agitated outside court, and a decision was taken by myself and counsel that the other sibling's evidence would be unlikely to assist very much and so that sibling was not called.
60. N gave evidence last. N was less argumentative than D, but N appeared to be under the influence of alcohol or drugs so that N appeared drowsy at times and unable to concentrate on what N was asked. N said on numerous occasions that N was an alcoholic and that N did not remember anything. N asked to have a comfort break and then, together with the other sibling, decided to leave the building in the middle of N's evidence. Given N's demeanour, counsel wisely decided to leave it at that.

Assessment of the evidence as a whole

61. In this case I am left with two extremely unlikely, if not to say bizarre, scenarios. The first is that the respondent engaged in a campaign of deception lasting for about three years in order to make the applicant believe that he was going to be, then was, the father of children. Even though she had done this once, she went on to do it again. The deception required her to go to very significant lengths to convince him, which included maintaining to him that they were expecting a child when they were intimate together, and sending or posting messages and photographs to him and those around him, as well as the provision of an ultrasound picture to maintain that fiction. I also believe the evidence of the applicant and his mother that the respondent maintained that she had suffered miscarriages as well.
62. The second scenario is that the respondent has indeed given birth to two children by the applicant but did so in secret (by which I mean away from the care of any registered doctor or midwife) and has placed those children somewhere else, where they have not yet been traced. She told the applicant that she was part of the travelling community and that may account for the whereabouts of the children.
63. I am satisfied that the respondent has lied repeatedly and about multiple events. She has also acted to withhold evidence by wiping messages and concealing either SIM cards or digital devices. She deliberately did not seek to call her daughters to give evidence to corroborate certain aspects her evidence because she knew it was likely they would not.
64. In their closing submissions Ms. Venters KC and Ms. Franklin on behalf of the applicant have prepared detailed schedules of the evidence which make reference to numerous lies and inconsistencies in the respondent's evidence. This all points to a deliberate effort by her to obstruct the court's enquiry. In my judgement, the respondent's children were also deliberately obstructive although the reasons for this are less clear. Ms. Venters and Ms. Franklin invite me to draw inferences as to the false evidence that has been given, and the obstruction of justice by means of wiping/withholding phones, but in a case such as this it is not that simple.

65. The evidence from the respondent and her family stands in contrast to the evidence of the applicant, his mother and the applicant's friend.
66. There are a number of matters which point towards the respondent having been pregnant and giving birth.
67. So far as the respondent's conduct is concerned, the notion that she would mount a campaign of deception of such detail, and over such a long period of time, is hard to countenance. The lengths that she is said to have gone to are extraordinary, including talking to the applicant about the pregnancy frequently and at length, and inviting him to touch her stomach. She told numerous individuals (including the police at one point) that she was pregnant and also sent photos to third parties. There is corroboration from some of the bank statements that the respondent was where she had said she was at the time she sent messages to the applicant or others about the children.
68. The respondent looked at videos on YouTube about crying babies and how to soothe them. A baby was heard crying in the background when the applicant and his mother spoke to the respondent.
69. One of the features of deception is that it is very difficult for anyone to lie convincingly for such a long time, especially in a case like this when the applicant and respondent were intimate partners.
70. The applicant and his mother were both (as I find) truthful and sincere in their evidence about the respondent's visible and tangible pregnancy, albeit the applicant's mother did not see the respondent very often. There are pictures of the respondent with a very rounded stomach, one of which shows the picture of a stomach (the respondent's head is not in this photograph) with the navel being prominent.
71. The reasons that the respondent gives for deceiving the applicant and those around him do not make any sense. Why on earth would anyone invent such a story by way of revenge? Even if that happened, why invent two children rather than one? Despite the psychiatric report from Dr. Freedman, the respondent does seem to present well, and there do not seem to be examples of her inventing things, or behaving in an extraordinary way outside of these events. No doubt she has had difficulties with alcohol but, unlike N, she is able to maintain sobriety as is evident in the hearings before me and when she has been seen by experts.
72. The respondent did (as I find) tell the applicant that she was part of a travelling community and she did tell the applicant's mother that she had dreamt of giving birth in a field. She told him that she had placed the children elsewhere. On any view, she is capable of sophisticated deception, so she could have arranged to give birth clandestinely and placed the children with relatives or other people. This could explain her failure to go to her GP at the relevant times and the non-attendance for the cervical screening. It is true, as pointed out by the applicant's team, that she was in a coastal town on several occasions, which the applicant states can be linked together with messages she sent which referred to collecting or handing over a child (which she says now were false).
73. The respondent has repeatedly lied and changed her evidence, and she has also been obstructive in the way she has withheld digital evidence. Her children were very

obstructive about giving evidence although they eventually all attended to do so. N has been living with the mother at times over several years and N has been present on various occasions. I am satisfied that N was fully aware that N's mother was claiming to be pregnant and to have given birth to two children. D appears to have been complicit in some of D's mother's activities, and D's anger at D's mother when giving evidence appeared to be manufactured. D's anger was directed at the applicant, I thought, through his counsel. This level of obstruction could arise out of a desire to prevent the applicant and the court from being able to probe their evidence and get to the truth.

74. The respondent not only received money from the applicant, but she also transferred some significant sums to her two children after the purported births of the children.
75. Compelling though these matters are, the factors which point away from the respondent having been pregnant and giving birth are compelling too. The respondent would have been almost 50 and 51 at the time of the births. Women of that age do have babies, but it is not as likely as it would be in a younger woman. More than that, giving birth in secret and hiding children can be done but, on any view, would not be easy. The respondent told the applicant that she was taking the oldest child to Turkey, which would require a birth certificate and then a passport, neither of which has been found. Not only would the respondent have to give birth secretly but the people to whom she gave the children would have to have an explanation for their sudden appearance. The respondent conducted web searches of local authorities and foster care but these are limited, and there are no records of these children or children like them, being relinquished into official foster care.
76. The ultrasound image was sent to the applicant in 2023, and the expert evidence I have about this is that it is more likely to emanate from the early 2000's than now. In any event, if it was taken in 2023, how was it obtained if the pregnancy was hidden from the authorities? Ms. Venters suggested that the scan could have been obtained from a private ultrasound but it seems to me that that is unlikely.
77. Further, if the respondent really wanted to give birth to and hide children, why would she have sent the applicant and his mother so many details about them? Or if that can be explained by the fact that they had seen her to be physically pregnant, why tell other people as well? We also now know that the pictures she sent were of someone else's children following confirmation from the woman whose Facebook page the respondent said she had used.
78. There are a number of photographs which show the respondent with a very rounded stomach. These date from both purported pregnancies. I have also looked at photographs of her taken at other times, although there are not many of them. The photographs taken in Turkey in July 2024, which must have been very shortly before she gave birth to the second child, do not make her look pregnant although she could be. These photographs are taken in the height of a Turkish summer and she is wearing shorts and a strappy top. In one, she is sitting on a quad bike. In a photograph taken at the very beginning of August, just a day or two before the purported birth, her stomach does look larger. It is difficult to compare different photographs because of the different clothing the respondent is wearing at different times, and the angle of the camera. I must also bear in mind that it is possible now to doctor photographs.

79. It is obvious to me that the respondent can look pregnant when she is not. She is, as she says, generally quite large in stature, with a very rounded stomach. I have seen the photograph of the respondent looking much thinner at one point, but that is very difficult to account for. She does not look like that now, and I do not think I can rely at all on the evidence of N to the effect that there was a time N's mother did look like that. I think the evidence that this was a digitally altered photograph is likely to be right, because the respondent was newly single.
80. As I have noted above, there are no records in the bank statements of money being spent on baby clothes, food or equipment. There were no baby items in her property when either birth was said to be imminent. There is an entry which suggests that the respondent went to a tanning studio on the day that the first child was said to have been born.

Decision

81. This is the most extraordinary case for all the reasons that I have set out above. In many, if not most, cases where there has been continuing deceit and obstruction on the scale that has happened here, the judge would draw inferences that the person concerned had indeed behaved in the way that was being alleged against them. Here, however, the factual matrix is much more complex.
82. I fully recognise that the applicant and his mother really believed that the respondent was pregnant and that the applicant actually felt and saw her unclothed stomach. They did so in the full and understandable belief that the respondent was pregnant as she maintained. She had even sent the applicant an ultrasound image of the baby. In those circumstances, and given the respondent's deliberate deceit – and body shape – it seems to me wholly plausible that they were convinced that she was pregnant when she was not.
83. Looking at all the evidence before me, and assessing it both individually and as a whole, I have come to the conclusion that it is more likely that the respondent fabricated the pregnancies and the children than that she genuinely gave birth. In coming to this conclusion I recognise that there is no piece or part of the evidence that is conclusive, and I make it clear that this is a finding on the civil, not the criminal, standard of proof.
84. Nonetheless, the factors that weigh against the children genuinely existing are very strong, stronger than the factors pointing the other way. For this respondent to hide the births of two infants and their existence for so long seems to me to be extraordinarily difficult and I do not believe that this could have happened, nor do I believe that the respondent could possibly have taken one of the children to Turkey as suggested. The messages which the respondent sent include references to the involvement of social services and hospitals but searches have not revealed any records of this which strongly suggest that this was false information.
85. The suggested reasons for her to publicise the children and then give them away do not withstand scrutiny. Her behaviour in deceiving the applicant so is inexplicable and inexcusable, but ultimately that is what I find that she has done.
86. In my judgement, the applicant was the victim of sustained and elaborate campaign of deceit which also involved his mother and closest friend. Added to this, the behaviour

was cruel, leading a man and his mother to believe they had children and grandchildren respectively.

87. I am not able to come to any conclusions as to the respondent's motive for behaving in this way, save to say that I am entirely unpersuaded that she was seeking revenge on the applicant for his behaviour. Financial fraud is a possibility as she did receive a considerable amount of money from the applicant but this was not explored in detail given the parties' respective cases before me. She is said to suffer from complex mental health problems, based upon the history she gave to the expert, Dr. Freedman, and this may too play a part. A detailed investigation as to this is beyond the scope of the inquiry before me, although it may be taken up elsewhere.