

Life & Arts

FTWeekend



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Families in the balance

Each year, thousands of parents go into battle over the custody of their children. *Camilla Cavendish* investigates the looking-glass world of family courts, the lives that have been damaged – and what can be done

When Sarah finally got up the courage to leave her cruel, manipulative husband, she hoped her life would get better. A middle-class professional, she had been belittled by him for so long that she had come to believe she was the problem. If he could no longer turn his rage on her, she hoped, he might enjoy their three children more – and she arranged for them to see him regularly. But it didn't take long before two of the children started saying they were scared and didn't want to see him. At which point the father took her to court, claiming that she had turned them against him, and demanding full custody.

Illustration by
Simon Pemberton

Sarah (not her real name) entered the looking-glass world of the family courts – a world in which, it turned out, whatever you say can be used against you. If she told the court her husband was abusive, her solicitor advised, the judge might think she was making it up. If she said her children were afraid, she could be accused of alienating them from their father. And then she might lose them altogether.

"I only hung on to my children because I kept paying for lawyers," she says. She forced them to see her ex-husband, even though her youngest would scream and hide before every visit. He brought hearing after hearing, first to try to get the children, then to get her money. After she sold her house, and was virtually penniless, this seemed to defuse things: he moved away. His visits with the children had been always erratic, she says: his attacks had been about her, not them.

"If I were not an articulate, literate woman with a strong family safety net," she says now, "the court process that my abusive ex-husband used to perpetuate his abuse would have had terrifying, possibly fatal, consequences for me."

Fatal consequences? According to researchers at the University of Manchester, dozens of children in England are being forced to keep in touch with fathers accused of abuse, including some who are convicted paedophiles. The effects on the health of mothers can be devastating, including thoughts of suicide. While the study of 45 women has not yet been published, a concurrent BBC investigation reported one mother killed herself after being accused of parental alienation – in other words, of having manipulated her child into becoming hostile towards the father. The term is controversial, but seems to be increasingly used in recent years.



Who should we believe, in these heart-rending cases, when it's just one person's word against another's? As a journalist, I started writing about the family court system of England and Wales many years ago, exposing how children were being removed from families, on sometimes scant evidence. My campaigning led the government to change the law in 2009, to give accredited journalists access to family courts. But I never wrote about parental custody battles, because I could only ever hear one side of the story.

One case still haunts me: that of a mother who had lost custody of her only daughter to her former partner, who she was convinced was a paedophile. The girl would come home from staying at his house pale and anxious, she told me, and be afraid to go back. But when the mother went to court to stop him having overnight contact, a court-appointed expert claimed she had coached her daughter to lie. A judge gave the former partner sole custody of the child.

This story was so horrific that I didn't want to believe it. But now, there are growing concerns that family law is not properly protecting children from abusive and controlling parents.

Every year, about 55,000 families end up in the family courts – civil courts that try to resolve family disputes over children or finances. More than half of these cases will involve allegations or actual evidence of domestic abuse. The vast majority of alleged abusers are granted contact with their child, mostly without that contact being supervised.

"The family court is the biggest issue in my inbox," says Labour member of parliament Jess Phillips, the party's spokeswoman on domestic violence and safeguarding. "We have got to the point where any woman who tries to protect her child from a violent partner will be accused of alienation and that will work against her."

Another MP, Taiwo Owatemi, told a parliamentary debate this year about a constituent who had been granted sole custody of her son after escaping a violent ex-husband, only to lose him after being accused of alienation. "Thanks to the deeply embedded pro-contact culture of Cafcass [the Children and Family Court Advisory and Support Service, a non-departmental public body]," said Owatemi, "an eight-year-old boy is now in the clutches of a man who beat and sexually assaulted my constituent."

Is the system biased against mothers? Matt O'Connor, founder of campaign

group Fathers4Justice, argues that it's the other way round. "I'm not comfortable with these media stereotypes of mothers as victims and fathers as perpetrators," says O'Connor, who has spent two decades supporting fathers in court battles. "The vast majority of applications in private law proceedings are from desperate dads just trying to see their kids." He also thinks that some claims of domestic abuse are driven by the fact that it is now almost the only way to get legal aid. "A lot of women game the system," he says.

Stopping a parent from seeing their child is one of the most draconian things the state can do. So there is, rightly, a high bar. The Children and Families Act 2014 requires the courts to presume "that involvement of [each] parent in the life of the child concerned will further the child's welfare . . . unless there is some evidence . . . to suggest that [this] would put the child at risk of suffering harm". But harm is not defined, and a finding of domestic abuse is no bar to contact. Judges face the challenge of trying to balance the risk of domestic abuse, against the less tangible harm of there being little or no relationship.

The adversarial culture in the courtrooms can be 'pulverising for both parents'

In 2020, the Ministry of Justice published the report of an expert panel that had taken evidence from more than 1,200 people, both fathers and mothers, who had direct experience of private law children's proceedings in England and Wales. The report warned that the "pro-contact culture" of the family courts may be resulting in the "systemic minimisation of allegations of domestic abuse" and a pattern of "selective listening", whereby children who want to see both parents are listened to, but those who do not wish to have contact "are not heard or are pressured to change their views".

One father echoed this sentiment, telling the panel that he and his children had "been subjected to years of direct abuse, with indirect abuse through the court system also being used as a weapon of intimidation. The result after years of this, was long and intensive therapy to overcome the trauma. The financial harm has also been devastating and almost at the age of 50, I feel my life has been ruined by an unjust system."

In the 10 years up to 2017, direct contact was allowed in about 90 per cent of cases that involved allegations of domestic abuse. That seems a very high number, even if you assume some of the allegations were untrue. "Direct contact" includes seeing the parent at a centre where the meeting is supervised – but in most cases there is no restriction.

("Indirect contact" can mean nothing more than being allowed to send a birthday card and a Christmas card, which is really no relationship).

Black, Asian and minority ethnic women seem more likely to experience their children being ordered to live with the abusive parent, according to the expert panel. In evidence, the charity SafeLives described a case in which "the perpetrator argued that because the victim was living in refuge she was homeless and couldn't offer a stable environment. The judge agreed and gave residency to the perpetrator as he was in work and had family to support him. The victim returned to him soon after, stating she couldn't leave her children with him knowing what he was like."

"The whole attitude of the courts", says Sarah, "is 'stop bickering'. They

don't seem to understand what coercive control is like." Her children were interviewed by an independent social worker. "They had to sit there and talk about their father who they're frightened of. They kept asking 'will it get back to Daddy?' The social worker said it wouldn't, but of course it did."

Asking a third party to assess a family is a rational response from courts trying to gauge the truth. But the experts who give evidence in trials are not always what they seem. In medicine, a professional title (paediatrician, surgeon) means that someone is qualified and regulated. In the family court, "clinical psychologists" are trained professionals, who are registered with the Health and Care Professions Council. But any-

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Arts

Steps from the street

Lubaina Himid | The celebrated artist talks to

Rachel Spence about coming close to homelessness

and her show exploring cities and social inequality

will never forget the day the bailiffs came. I remember running up the street to try to stop them." The picture of elegance in her navy pleated blouse and chunky yellow beads, Lubaina Himid does not look as if she has grappled with the threat of homelessness.

Her air of composure is to be expected. Himid is one of Britain's most acclaimed contemporary artists. Yet despite winning the Turner Prize in 2017, and having a retrospective at Tate Modern four years later, she knows what it is to be vulnerable. For decades, the black artist – like many of her peers – was consigned to the margins by a white arts establishment.

Himid built up a fine career as a curator, focusing on black artists such as

Claudette Johnson and Sonia Boyce, and as a teacher, becoming professor of contemporary art at the University of Central Lancashire. Yet sometimes, as she puts it, "a bill or two didn't get paid" and she found herself "just two steps away" from the streets.

These experiences are part of the engine driving *A Fine Toothed Comb*, a new show that Himid has curated and in which she participates at HOME, a culture centre in Manchester. Although the northern metropolis has more multi-millionaires than anywhere other than London, it is also stricken by inequality. Currently, nearly 7,500 people are without a fixed address.

On the day I visit, in mid-installation, a vast swath of cotton flows through the main gallery. Printed with an illegible cartography of overlapping scarlet bands, it is based on real urban plans including those for the development of a patch of wasteland close to HOME.

The 2023 work by Rebecca Chesney – entitled "Cause and Effect" – bears witness to the city's history of development, from its incarnation as Cottonopolis, the textile hub of Britain's 19th-century industrial revolution with its engine fuelled by slave labour in the Americas, to its current identity as a beacon of British regeneration.

"Manchester lacks the green spaces you find in London," Himid observes as she escorts me through the show which, she hopes, will reveal sides to the city that have slipped under the radar.



Above: Lubaina Himid at HOME in Manchester. Photographed for the FT by Christian Cassiel

Top right: 'Fire Brigade' (2023); left: 'Man in a Pyjama Drawer' (2023), both by Himid



As for Hill, Himid cheerfully admits that originally she had "no affinity at all" for her work. "Tracy works in the rural; she is interested in the geology of the countryside, how it affects your body as you walk through it," Himid chuckles. "I never go near the countryside if I can help it!" Their differences provoked Himid's fascination. "I thought: what will happen if [Hill] walks in the city?"

By now we've found ourselves in front of Himid's own work. Frequently, her paintings find their home on found objects: a wooden door bears fragments of patterns from east African kanga textiles. "It's that fear of losing what you have," she murmurs as I ask her about the back story. "You're looking at doorways and thinking: that's a possibility."

Inside wooden drawers, black faces, their expressions inward and opaque, are painted in profile. "I was talking to an artist who used to have to keep moving and she described that feeling of opening a chest of drawers in a flat that

'Magda taught me that Vienna sounds different to Istanbul. Manchester sounds different to London'

No work does this more sensitively than "Surgere" (2023). Tracy Hill's charcoal drawing flows and stutters across a temporary wall as if a flock of birds had left the imprint of their flight. Based on the magnetic energy fields of the city's underground rivers and springs, "Surgere" emerged out of Hill's collaboration with water dowsor Deborah Bell and retired geologist Ros Todhunter.

The work's mystique is intensified by the strains of a string instrument navigating an avant-garde solo. The sound leads me around the corner to "Music and Silence" (2023). The four-screen installation by Magda Stawarska juxtaposes a cellist, Alexandra Rosol, playing Janáček in a music school in the Polish city of Łódź, with performance artist Heather Ross reading (in her head) a poem about silence in Manchester Central Library.

Filed so that the eye is drawn into architectural heights and hollows, the sounds and visuals spark through the space to transport the viewer into a hybrid Borghesian city of the imagination.

"Magda taught me how to listen," Himid tells me. "I used to stumble through the world, not

listening. She taught me that Vienna sounds different to Istanbul. Manchester sounds different to London."

A Fine Toothed Comb was born out of Himid's longstanding ties with the other artists. All based in Preston, they have enjoyed "constant conversations for years and years".

Chesney's second work at HOME is "Red, Amber, Green" (2020), a sequence of prints, from *The Popular Handbook of British Birds*, in which many species have been greyed out to show they are in danger of being wiped out, in part by construction projects such as those on her textile map. "Rebecca is very interested in how wealth shifts place. The more buildings there are, the less natural world there can be."



'Music and Silence' (2023) by Magda Stawarska

isn't yours – there's a bit of dust, piece of paper, a hair grip. Somebody else's life," says Himid.

Despite her own success, Himid is "still pretty furious" about inequality in the art world and beyond. "Creative practices are being squeezed," she says, referring to the government's funding cuts for culture teaching. "I don't know what I'd do now if I was 20 or 25."

She remains wary of the ostensible parity of opportunity that the art sector has championed of late. After years of erasure, she says drily, she would have no difficulty convincing institutions to let her curate black artists such as Sonia Boyce and Ingrid Pollard. "Because we've all got Golden Lions!" (She is speaking rhetorically – only Boyce has one). "But I want artists and art that don't fit into your categories."

That risky, generous spirit pulses through *A Fine Toothed Comb*; its provocative yet organic fabric could be the fruit of an artists' collective. "We're all tired of that lone genius thing," observes Himid. "So much richness is exchanged when you really collaborate."

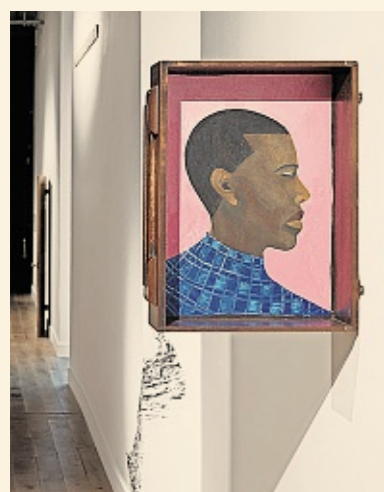
There's little of this arresting impact when the story moves into our present. Commentary consists only of platitudes about people being glued to screens, even if there's something unsettling about the performers being led by phones made to resemble eyes, their faces narcotised. A catwalk that simply parades "big tech" brands and social media icons feels too on-the-nose and schematic.

The pursuit of spectacle also pushes everything into the macroscopic, without smaller moments and subtlety. The relationships particularly suffer, and the storytelling splutters like a machine. It's a series of isolated sequences with no transition or sense of setting, while many routines don't so much develop and progress as drag and repeat. This begins as a sharp parallel with dancers following steps the way a computer runs commands, but wears away as they increasingly look as if they're on autopilot.

It's an adaptation without an idea – or a white rabbit to follow. It misses the modern resonances, referencing neither our fever-pitch paranoia around AI, nor the politicisation of blue/red pill where "freeing your mind" has been co-opted as an alt-right protest. It might not make you question your reality, but for all its glitches, you'd have to be a machine for it not to blow your mind.

Matt Barton

To November 5, factoryinternational.org



Asian Art in London

Indian & Islamic Art: 19 – 28 Oct 2023

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Review

DANCE

Free Your Mind

Aviva Studios, Manchester

★★★★☆

Here's another Danny Boyle-directed opening ceremony, almost as epic as his London Olympics one in 2012. Factory International invited him to co-create a show that would announce the new £242mn Aviva Studios in Manchester as a major cultural landmark. That they have achieved with *Free Your Mind*, a spectacular dance adaptation of *The Matrix* – a source movie that allows them to go big on dazzling, even if they go small on meaning.

The use of dance leaps ingeniously out of a central idea of the 1999 sci-fi film, its source code, where the movement of bodies – swerving, slanting, shifting – distinguishes individuals as sentient or synthetic. A twitch or contortion can suggest the blurring and blending of the two.

It also strikingly communicates an anonymising of people in a crowd, as in the film's scene of the hero Neo, played by Keanu Reeves, wading through a bustling street. Kenrick Sandy's choreography connects this depiction of the mass brilliantly to the film's other metaphor of "virus", "plague" and "cancer". Twitching, jerking dancers are balled together into mutating cells.

Each revolution of the ensemble's pistoning arms appears as though they're charging batteries or cranking motors, though Sandy's slow, flowing whirls look too loose and less effective when he's alone as the resistance leader

Morpheus. Mikey Ureta overplays the robotic movement of the villainous agent Mr Smith with a stiff torso that freezes half his body. The choreography also lacks direction and purpose on the second half's long thrust stage, bundling on and off either side.

But Es Devlin's design creates a gladiatorial stadium for a brilliant final battle in which Corey Owens' Neo and Nicey Belgrave's Trinity gambol through martial arts kicks and jabs in reflective black jackets like rolling dark waves. The synthetics' bodies thud to the floor as if their batteries have stopped, and bullets are shown by lines of code that charge across Luke Halls' video screens.

Other images from the film are stunningly recreated. The ensemble writhe in gossamer sacs on long



Es Devlin's design includes visual ideas from the 'Matrix' film Tristram Kenton

umbilical cords. The scorching of the sky sees a trapeze artist yo-yo through smoke against an orange disc that flames like a supernova while confetti flurries down like pixels or cascading code.

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