

## **PREDATORY MARRIAGE – DAPHNE FRANKS**



**Joan Blass and Daphne Franks at Joan's 90<sup>th</sup> Birthday Party, April 2014**

“Your mother and her man friend – did you know they were married?”

So, with a phone call from Joan Blass's doctor, began a horrific series of events which have highlighted the gaps in safeguarding for the elderly and the vulnerable, both at the time of marriage and in the Law.

In March 2016 Joan Blass was almost 92 years old, with severe vascular dementia (formally diagnosed in 2011) and terminal cancer. She was unable to make the simplest decision and never knew that she had remarried just five months before her death.

Joan's daughter Daphne Franks tells the story of a secret marriage, a revoked will, an unmarked grave, grooming, gaslighting, a Private Member's Bill and a campaign to highlight all the issues. The Franks family hope to fill all the gaps so nothing like this will ever happen to another family in the future – because, as they have learned, it's currently happening to many of our elderly and vulnerable and their families.

This story is “right up there amongst the most shocking we've come across in the ten years that we've been making this programme.” - Angela Rippon, Rip-Off Britain, BBC Television.

Daphne Franks, 67, is a teacher who worked firstly in secondary schools and then at Leeds Medical School for over twenty-five years, teaching Communication Skills and

other non-clinical courses. She still works part-time as a freelance Communication Skills teacher.

Daphne now lives in Newcastle upon Tyne with her husband Stephen and her son, daughter-in-law and granddaughter, two.

She has now given over 200 talks nationally on the topic of Predatory Marriage. Here is some background information which accompanies the talk:

## **PREDATORY MARRIAGE**

This is a term we have borrowed from Canada and it's now becoming widely used in the UK.

Here is a link to a useful document about it from the Ann Craft Trust:

<https://www.kingston.gov.uk/downloads/file/2173/7mb-predatory-marriage#:~:text=It%20is%20a%20criminal%20offence,to%20marry%20by%20any%20means.>

Here is a link to an interesting article about Predatory Marriage from Canada:

<https://perspectivesblog.sagepub.com/blog/research/beyond-the-sensational-headlines-predatory-marriage-is-real-and-doctors-should-be-paying-attention>

Here is an editorial from The Guardian from a couple of years ago which outlines the issues:

<https://www.theguardian.com/commentisfree/2021/oct/03/the-guardian-view-on-predatory-marriage-new-safeguards-are-needed>

There are many other articles now. Here is a very recent one which explains the issues very clearly:

[https://www.thisismoney.co.uk/money/pensions/article-12619317/Vulnerable-dad-victim-predatory-marriage.html?ico=mol\\_desktop\\_home-newtab&molReferrerUrl=https%3A%2F%2Fwww.dailymail.co.uk%2Fhome%2Findex.html&\\_gl=1\\*1e71141\\*\\_ga\\*MTQ0MTE3MTE4LjE2Nzk1Nzk2MjQ.\\*\\_ga\\_XE0XLFFF16\\*MTY5NzE5ODAyOS41Mi4xLjE2OTcxOTg2NDEuMC4wLjA.&\\_ga=2.243517381.1381128908.1697198031-144117118.1679579624&fbclid=IwAR0DSD-1hO2b81OzqI760a-6rtibCPDe-CJohq3PAexEHEFwbip-OyyODr4](https://www.thisismoney.co.uk/money/pensions/article-12619317/Vulnerable-dad-victim-predatory-marriage.html?ico=mol_desktop_home-newtab&molReferrerUrl=https%3A%2F%2Fwww.dailymail.co.uk%2Fhome%2Findex.html&_gl=1*1e71141*_ga*MTQ0MTE3MTE4LjE2Nzk1Nzk2MjQ.*_ga_XE0XLFFF16*MTY5NzE5ODAyOS41Mi4xLjE2OTcxOTg2NDEuMC4wLjA.&_ga=2.243517381.1381128908.1697198031-144117118.1679579624&fbclid=IwAR0DSD-1hO2b81OzqI760a-6rtibCPDe-CJohq3PAexEHEFwbip-OyyODr4)

Predatory Marriage is generally described as when a (usually younger) person marries a (usually older) who lacks capacity to marry, with the express intention of acquiring access to their estate upon their death.

However, having worked on this issue for nearly eight years, I would say it's not so clear-cut – there is a lot of overlap with grooming, gaslighting and in particular coercive control. Many of the predators seem to very much enjoy all of these and

hence I don't think it's just about the money. They always keep the money but I am not convinced it is their only motivation.

Useful definition of gaslighting: [https://www.relate.org.uk/get-help/gaslighting?gclid=CjwKCAiAzJOtBhALEiwAtwj8tpQ0ddbC-Yj4WzohWTp3OftBq0xNafYhkfPxa8NCoAUGNmWZk6mg7RoCSFwQAvD\\_BwE](https://www.relate.org.uk/get-help/gaslighting?gclid=CjwKCAiAzJOtBhALEiwAtwj8tpQ0ddbC-Yj4WzohWTp3OftBq0xNafYhkfPxa8NCoAUGNmWZk6mg7RoCSFwQAvD_BwE)

## **FORCED MARRIAGE**

“Predatory marriage” is not in itself a crime – the crime would be Forced Marriage. (Anti-Social Behaviour, Crime and Policing Act 2014)

Here is the relevant link:

<https://www.legislation.gov.uk/ukpga/2014/12/section/121/enacted>

**It is a criminal offence to marry a person who lacks the mental capacity to consent to the marriage, regardless of any pressure. It is also a crime to pressure someone to marry by any means.**

However, a big problem that we found was that many people – no matter how senior – had little understanding of dementia and the “masking” that many people with dementia learn to do. So we were told again and again that “your mother couldn't have been forced into marriage because she was smiling when she got married.” The registrars quoted her “demeanour” in a letter about the wedding as one reason for going ahead with it, though freely admitted that she could not answer some of the questions.

Even a solicitor from the Crown Prosecution Service thought that the registrars were correct to assume that because my mother was smiling she must have understood. (I have the letter that she wrote). So I don't think that the term “forced marriage” is helpful here - it suggests coercion, rather than lack of understanding.

## **PROBLEMS WITH THE CURRENT SITUATION**

### **MARRIAGE REVOKES A WILL**

In England, Wales and Northern Ireland, marriage revokes a Will, as though the Will had never existed. The only time it would not is if the Will was specifically labelled as a “Will in contemplation of marriage”.

The marriage also gives the spouse complete rights to the funeral - burial or cremation, where, when, who is invited. This can mean – as in our case – that we were not told exactly when and where my mother's funeral was. She was buried, when she had always wanted to be cremated. The man who married her has not put up a headstone and we cannot do this as he owns the grave plot.

My mother had made a Will in 2004 when she was of completely sound mind. The marriage revoked it and the predator inherited her entire estate, plus everything in her house, plus complete rights to her funeral.

Because marriage revokes a Will, if there are no children the spouse would inherit the entire estate.

Please see current case: Lattimer vs Karamanoli:

<https://www.newsquarechambers.co.uk/case-judgment-handed-down-from-4-high-court-in-lattimer-v-karamanoli-2023/>

If the person who had died had children, the spouse would inherit:

- a) all the personal property and belongings of the person who has died, and
- b) the first £322,000 of the estate, and
- c) half of the remaining estate.

Here's the link: <https://www.citizensadvice.org.uk/family/death-and-wills/who-can-inherit-if-there-is-no-will-the-rules-of-intestacy/>

We were now told constantly – and sometimes rather thoughtlessly and dismissively - “your mother died intestate” which was extremely distressing since she had gone to a lot of trouble and expense to make her Will in 2004.

We had a key to my mother's house (which was next door to our house.) People constantly asked us “Why don't you go into your Mum's house and get your things?” The Police had told us that if we did go into the house it would count against us in the criminal prosecution – but also, of course, I kept having to explain, to much disbelief, that they were no longer our possessions – the man had inherited them. There was nothing of real value in the house but many things of sentimental value, such as my wedding dress and my grandfather's letters from the trenches in World War 1.

## **LACK OF KNOWLEDGE ABOUT MARRIAGE REVOKING A WILL**

Many members of the general public do not know that marriage revokes a Will. At the talks I give nationally (over 200 so far) I now ask who didn't know before my talk that marriage revokes a Will – it is generally well over 50% and usually much higher.

## **LAW COMMISSION 2023 CONSULTATION**

The Law Commission has recently had a consultation about whether marriage should continue to revoke a Will: it closed on 8<sup>th</sup> December 2023. The report is currently being prepared.

<https://lawcom.gov.uk/project/wills/>

Anyone could contribute, though it was not widely publicised. The Law Society (solicitors) voted 42 percent in favour of change, 42 percent in favour of keeping the Law the same, and the rest didn't know.

STEP (Society of Trust and Estate Practitioners – solicitors)

STEP believes the current rule that marriage automatically revokes a will should be retained, but that there is a “need to raise public awareness of this rule”. They said: “Greater awareness could prevent potential inheritance disputes, which cause distress for grieving families. We would like to work with government and other stakeholders to achieve this.”

<https://todayswillsandprobate.co.uk/responses-to-the-law-commissions-supplementary-consultation-paper/>

We (Predatory Marriage UK and the solicitors with whom we are working) think that the Law should be changed on this. Marriage revoking a Will dates from section 18 of the 1837 Wills Act – it is old-fashioned and paternalistic. I have not heard a convincing reason for keeping the law as it is – the argument is generally that people will forget to remake their Wills and hence leave their estate to a previous spouse. But the back-up argument is always “and everyone knows that marriage revokes a Will.” Everyone does not know. STEP is aware of this.

## **ANNULMENT OF MARRIAGE**

Many people think, and have suggested, that it should be possible to have my mother's marriage annulled, and that this would sort out everything! It is not the case – it is not possible to annul a marriage after one party has died unless it was bigamous or incestuous.

Further, even if the marriage could be annulled, the Will would remain revoked.

## **POWER OF ATTORNEY:**

After my mother died, many people commented about the marriage along the lines of “But you had Power of Attorney! You must have known!”

There is currently no connection between Power of Attorney and marriage. There is no requirement (and no mechanism) to notify the attorney if the donor plans to marry.

I had the older Registered Enduring Power of Attorney for property and financial affairs. For it to be registered, my mother's mental capacity had been assessed by her GP and all relevant relatives had been informed that the Power of Attorney was going to be registered – nobody objected as they all knew that she had no capacity to manage her finances.

And yet, because marriage revokes a Will, in marrying she revoked her Will – a huge financial effect, of which she had no knowledge.

There is currently no link between the newer Lasting Power of Attorney and marriage either. The attorney would not be told if the donor plans to marry.

Lasting Power of Attorney is for health and welfare and also property and financial affairs – to all of which, of course, marriage is very relevant.

However, the lack of connection with marriage is almost never mentioned, such as here:

[https://www.sueryder.org/how-we-can-help/terminal-illness-information/planning-for-the-future/power-of-attorney?gclid=CjwKCAiA-vOsBhAAEiwAIWR0TYfdwFFHdmWX0sT\\_0uaFlk3Wuwo0ZZN9Wmauezr6igV3G2sdmY3g6RoCI4MQAvD\\_BwE](https://www.sueryder.org/how-we-can-help/terminal-illness-information/planning-for-the-future/power-of-attorney?gclid=CjwKCAiA-vOsBhAAEiwAIWR0TYfdwFFHdmWX0sT_0uaFlk3Wuwo0ZZN9Wmauezr6igV3G2sdmY3g6RoCI4MQAvD_BwE)

I have had it suggested to me “But what if your mother didn't want you to know about the wedding?” This is not a valid argument – my mother did not know that the wedding was planned, and did not know afterwards that she was married. She was still wearing the wedding ring my father gave her until her death.

Solicitors have suggested that, at the time when the Power of Attorney is set up, that the problem could be solved by asking the donor “If you were to marry again, would you agree to your son/daughter being told of the planned wedding?” Then they could say yes, or no – but it would require a system to be set up to notify the attorney, of course.

## **ISSUES AROUND THE WEDDING**

### **No evidence kept at marriage:**

The Police put a case for Forced Marriage to the Crown Prosecution Service, but it failed because of lack of evidence.

We asked for a Victim's Right to Review from the CPS, and were initially told that we could not have one because “you were not the victims, your mother was, and she is dead.” However, finally the senior lawyer agreed to see us.

He explained that the case could not be prosecuted because there is no evidence kept at marriage – no video evidence, no audio evidence.

Because decisions with dementia are time-specific and decision-specific it is therefore impossible to prove that, at the time of the wedding, my mother lacked capacity to marry. This is in spite of the registrars freely admitting that my mother was unable to answer some of the questions.

As far as I know, there have been no prosecutions for Forced Marriage with dementia, and I do not think there will be any until evidence is kept at marriage. There are currently no plans to keep any evidence. The reason I have had given to me is GDPR but I am not convinced that is the real reason. It would add slightly to the cost of the wedding but at present I just don't think there is the political will to do it. Keeping evidence at marriage would, of course, protect the registrars as well as the victims.

One registrar commented (in writing) "There is no need to keep evidence at marriage because that is what the witnesses are for." This is a misconception - it is not the reason for witnesses – they are not there to assess mental capacity to marry, but to witness that the marriage has taken place. If they were supposed to assess mental capacity, I would argue that they would need to be more carefully selected. The witnesses at my mother's wedding were the man's son (who, of course, stands directly to inherit from my mother's estate) and a lady that the man knew from the pub.

### **Lack of training:**

Registrars are not highly paid and not highly trained. Some parts of the country take training much more seriously than others.

Registrars do not have any formal qualifications in safeguarding or in assessing capacity.

It is usually assumed that they are professionals (hence comparable with a solicitor or a doctor assessing mental capacity) and this is not the case. Solicitors have a "golden rule" that if they are struggling to assess mental capacity (for example, to make a Will) they must consult a doctor. Registrars have no such rule.

In effect, registrars have to assess capacity to marry at every wedding they conduct and yet this is hardly mentioned in their job description, if at all. They are very wary of falling foul of the Mental Capacity Act and because of this sometimes assume "you must just assume that they have capacity no matter what they say or do". They are concerned about being blamed and punished if they stop a wedding. I have been told that registrars are often the only people in the building on – for example – a Saturday morning – and if they try to stop a wedding they have been threatened from everything from being sued for the cost of the honeymoon to physical violence.

Registrars tend not to have a safeguarding mindset – most of the information around weddings is all about a happy couple having a lovely time. Even one of the predators freely admitted to the victim's son "The registrars had to help her through the wedding" without understanding the implications of this.

There is a lot of misunderstanding about the rules – one registrar, for example, told me "There is no requirement for informed consent at marriage". Another said that

her understanding was “We are allowed to accept incorrect answers because of the muddles of old age.”

**This lack of training is why I have never blamed the registrars who conducted my mother’s marriage, and I have said this repeatedly.**

I have received many comments from registrars, of which this one (a comment on a newspaper article) is representative:

*As a registrar I wanted to say that I am very glad that you are seeking to improve training for us. We have to make a decision on capacity after mere minutes of discussion, never having met the parties before and mindful of the very low bar for capacity when it comes to marriage. We are fearful of falling foul of Disability Discrimination legislation but equally aware of the possibility of exploitation. It really feels way above our pay grade (most registrars earn about £10-£12 an hour) and way, way above our knowledge, expertise and training. We have virtually no guidance. It's vague and case by case and fence-sitting. I've encountered four cases where I feared capacity (due to dementia) was insufficient. In one or two of them I felt terrible as I felt there was probably a genuine relationship there but they had left it too late. With the others I turned the couples away with a recommendation that they return with a third party eg relative to support (not speak for but simply accompany) the party with dementia and we would "try again". Tellingly, they did not come back. They were the ones I 'felt' weren't right. But it's a tremendous responsibility and more training and support and systems are urgently needed (as you have sadly discovered). Good luck with your work. And my condolences.*

### **Separate Interviews:**

At the notification of marriage (usually a few weeks before the ceremony) and again immediately before the wedding itself the couple should be interviewed separately to check that one of them is not being forced into marriage. This does not always happen. Registrars seem to interpret the meaning of “separately” in different ways – sometimes the couple are in the same room, though for safeguarding they should be in separate rooms. The registrars’ account of my mother’s wedding shows the man trying to interrupt – he should not have been able to do so as he should not have been in the same room. Currently separating the couple is “best practice”. I have spoken to many registrars – the reason given for not separating the couple into different rooms by one registrar was “it’s not mandatory”. I understand that it is going to be made mandatory now, but I am not sure when this will happen.

### **Notification of marriage:**

Notifications of marriage are displayed on notice boards in register offices and are not easily searchable or listed online, though I understand that there are plans to bring this in. It would need safeguarding in place because of abusive ex-partners etc, but I think it would be a modern version of putting the banns on the church door for



everyone to see. We were so concerned about the man that we had a Google alert set up for both their names – if the notification of marriage had been on the internet, we could have found it and stopped the wedding.

### **No connection with medical records:**

Although my mother had had a formal diagnosis of vascular dementia in 2011, there was no way that the registrars who conducted the wedding could have known this. I do *not* believe that there should be a connection with medical records – how would you do this? I think it would also be ethically wrong. It is therefore particularly important that there are strong procedures – such as a robust set of questions with the idea that if you get one wrong you must be referred for a capacity assessment.

### **Accountability:**

The Ministry of Justice assures people who write to them with concerns about predatory marriage that a registrar has a duty to stop a wedding if they are of the opinion that one of the parties lacks capacity to marry.

This misses two important points:

- a) Registrars are not trained to assess capacity to marry. Capacity to marry is below the level needed to make a Will (though many solicitors would argue that it should be the same) but nobody quite knows what that level is! Of course some people with learning disabilities and some people in the early stages of dementia should be able to marry – but procedures are needed and at the moment these are not clear.
- b) If the registrars fail to stop the wedding then there are few, if any, consequences to them (not that I am saying that there should be!) But there are tremendous consequences to the person being married.

### **THE PREDATORS**

The predators all tend to be charming, plausible, manipulative and scary when crossed. This is very difficult for anyone to deal with. The charm and plausibility gets predators a long way (whenever the man who married my mother said “I’m her carer” nobody ever asked another question).

The relatives of the victims, on the other hand, are often perceived as somewhat hysterical in contrast to the calm of the predators and this makes it more difficult to believe them. The stories they are telling sound far-fetched.

### **LACK OF KNOWLEDGE ABOUT DEMENTIA**

#### **From the letter from the Crown Prosecution Service: Decision Not to Prosecute**

*The evidence given by the registrars simply does not support a situation where a person (the registrar) would sense any concern that both parties were not in agreement to the marriage. They identified with a lucid, happy and content woman*

*thus suggesting awareness of the situation and the surrounding matters; thereby giving full and free consent. To imply she did not do so is not enough to prove the case for forced marriage.*

My mother might have appeared “happy and content” but this did not mean that she understood what was happening! Looking happy does not suggest “awareness of the situation and the surrounding matters”. That the solicitor wrote this shows a real lack of understanding of how dementia can present.

In fact, one of the registrars did actually query whether my mother had capacity to marry and we have this in writing from the registrars.

We have found that this lack of knowledge applied in all professions and at all levels. As well as the “she was smiling so she must have understood” idea on the day of the wedding, the man’s assertion that saying she had dementia was somehow insulting to her got him a very long way. “She didn’t have dementia, she was just my Joan” he commented.

I have frequently been asked about my mother’s “relationship” with the man and people are surprised when I reply that I don’t think it was a “relationship” as such. In the early days when he came on the scene, she constantly asked who he was, what was his name (which she never knew), where he came from and where he lived. She forgot about him completely when she wasn’t with him. In later years, as her dementia progressed, she would just say “there are people about”.

My mother did not know that the marriage had taken place and never mentioned it to anyone. The wedding ring she was wearing when she died was from my father.

The man had said to the registrars before the wedding that my mother was very old, terminally ill, very deaf, very forgetful and had had a stroke. All this was true. He never mentioned dementia but this was enough to convince the registrars that it was a genuine relationship.

## **PATIENT CONFIDENTIALITY**

I totally understand the need for this – I taught in Medical Education for many years. However, when my mother was diagnosed with cancer, it was almost impossible for me to find out when her GP and hospital appointments were.

Letters with appointments arrived at her house. She didn’t understand or remember that she had cancer (we have this in writing from one of her consultants). When I asked how I could find out when her appointments were, I was constantly told “You’ll have to ask your mother.”

My mother couldn’t tell me of course and the man who married her did not want me to know so he did not tell me.

Eventually I solved the problem for a short time by going to the hospital on a day when there was an oncology clinic and explaining the situation. The consultant then

asked my mother the next time she saw her whether she would be happy for her medical appointments to be sent to me as well in future and my mother agreed. I'm not sure this was really a valid agreement though as I'm not sure that she understood! When that consultant moved on to another post the whole problem began again. I think that the NHS should have easily-accessible procedures in place for similar situations.

### **MODUS OPERANDI**

Many cases to whose relatives I have spoken follow a very similar pattern. The predator arrives on the scene suddenly, pays the victim a lot of attention with cards and presents ("love-bombing"). The predator then gradually isolates the victim from their family, becomes hostile to the family, and tells the elderly person that the family does not care about them. Sometimes they even move them across the country. A marriage then takes place – often in secret – and the family only find out about it after the person has died, when it is too late.

### **LACK OF JOINED-UP SAFEGUARDING**

Before my mother's death, we had been to all the authorities that we could think of for help.

We had been to my mother's GP (and I had written several letters to them), to Social Services, to the Police, to the family solicitor.

The GP had a practice meeting (suggested by me) and rang me after it to say that I should ring Social Services. I had already thought of this and rang Social Services who visited but I don't think they went in (they do not have right of entry in England). They rang me afterwards to say there was "nothing to worry about, no safeguarding concerns".

The first two police we spoke to simply didn't understand dementia ("He's there at your mother's invitation, so there's nothing that we can do.") Later on we booked another appointment with the Police and that particular officer either did not believe me or did not take the threat seriously, commenting "People will say you just don't like him."

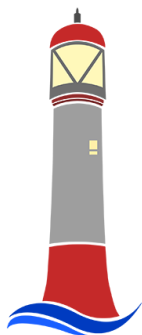
More training in dementia and its effects and more joined-up safeguarding is needed.

### **HOW MANY CASES ARE THERE?**

I am asked this very frequently but there is no way of knowing at present – nobody has been prosecuted, and no organisation is counting, or would have any way of doing so. However, I have spoken to dozens of cases and our MP, Fabian Hamilton, who raised the issue in Parliament for us three times, has heard from hundreds. Many relatives are reluctant to discuss it publicly as they feel ashamed that they could not protect their loved one, or because if they have been to court they have lost ("The law protects the predator" as one relative said to me). Also, any publicity leads to abuse on social media. "She is nothing but an entitled money-grabbing adult brat" was one comment that I received. Many relatives have already been gaslighted by the predator and feel very vulnerable. The man who married my mother said to me, "You don't love your mother and when she dies you will cry crocodile tears."

## TELEVISION DOCUMENTARY:

A Channel Five documentary (3rd episode in “Inheritance Wars: Who Gets the Money”) about our case was shown on 1 October 2023 (and is still available on My5 catch-up).



[www.predatorymarriage.uk](http://www.predatorymarriage.uk)

[www.justiceforjoan.com](http://www.justiceforjoan.com)

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