

# EXHIBIT BB

**Dr Bruce Westmore**

**M.B.B.S., M.CRIM., F.A.C.L.M., F.R.A.N.Z.C.P.  
FORENSIC PSYCHIATRIST  
ABN 78 561 561 981**

Suite 74, 7th Floor  
183, Macquarie Street  
Sydney NSW 2000  
DX 593 Sydney

Tel: (02) 9223.1193  
Fax: (02) 9235.0887

Our Ref: M6471

**CONFIDENTIAL**

16 June 2003

Legal Aid New South Wales  
DX 5  
SYDNEY

Attention: Mr Peter Krisenthal

Dear Mr Krisenthal

RE: Mrs Kathleen FOLBIGG  
DOB: 14.6.67

Mrs Folbigg was psychiatrically re-examined at your request on 11 June 2003. She was re-examined in the Mulawa Detention Centre. I had previously assessed Mrs Folbigg on 13 September 2002 and 21 January 2003.

Since I last assessed her Mrs Folbigg has been to trial where she was found guilty she said of three counts of murder.

I asked her what her situation was now in relation to the charges, particularly in light of the fact that she had been found guilty of the charges of murder. She said, "I haven't changed my position." I asked her to confirm she was maintaining her innocence in relation to these matters and she said yes.

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I then asked Mrs Folbigg would it be fair to say she had a lot of trouble dealing with the children. She said, "Only one really, my third daughter Sarah . . . (and) Patrick when he was sick, but otherwise no." I asked her what problems she had with Sarah and she said, "She just wouldn't or didn't seem to want to go to sleep at any time, day or night, she just wanted to be awake playing." I asked her how had she responded to that behaviour in Sarah and she said, "I attempted a regime, tried to keep a pattern, I hadn't with the first two."

I asked her did she get depressed with the children and she said, "Not with the children, more with myself." I asked her what she became depressed about and she said, "I started to doubt my ability to cope as a mother, there were relationship issues between myself and Craig, my husband." I asked her to confirm that her husband wasn't supportive of her and she said no. I asked her did that make her angry and she said, "Not angry, disappointed in him, a little frustrated."

I then asked her was her childhood difficult and she said, "Not till I was in my teenage years." I asked her what happened then and she said, "I was trying to find and exert my own personality. I was brought up in a strict and controlled environment and when I tried to assert myself, arguments ensued."

I then asked her directly what impact the death of her biological mother had on her and she said, "I don't think it had any impact." She went on to say, "To me it wasn't something I had knowledge of." She said she was eighteen months old at the time her father killed her mother. I asked her how she had found out about that tragedy and she said she had always known she was fostered. When she started asking her foster mother questions about where she came from, she was told what had occurred. She said her foster mother arranged for her to see a social worker at that time and a meeting was organised for her to have contact with her family of origin. She said she met her maternal uncle.

I then indicated to Mrs Folbigg that I was required to deal with her matter at this time, solely on the basis of the outcome of the court case. She understood that. I indicated to her that if I assume that she did kill the children or was responsible for their deaths, I had to ask myself why these things had occurred. She nodded to indicate she understood.

I asked her was there anything she could say to me that would help me understand why such events might have occurred and she said no, going on to state, "I wouldn't know how to answer or where to begin."

I then put to her that on occasions women who are emotionally disturbed or psychiatrically troubled, kill their children. She said she had heard of that. I asked her directly had she ever been so disturbed or so very distressed that she had thoughts about killing the children herself and she said no.

I then indicated to her that the diary entries do suggest that at times she wasn't really coping with the children and she said, "I've always admitted that, at times I wasn't coping." I suggested that the diary entries might also suggest that at times she had angry feelings towards some of the children and she said, "No I don't think there were angry feelings towards the children, I think they were more directed at Craig."

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I then suggested or asked her were the children not an extension of Craig and herself and she said, "I chose to look at my children as individuals, not as extensions."

I asked her was she currently seeing a counsellor and she said she has seen four psychologists at different times since being placed into custody but she has seen no psychologists consistently. She has also seen a psychiatrist.

Mrs Folbigg is currently in a one out strict protection situation in prison because threats have been made towards her. She is locked up for twenty-two hours a day. Some friends from Singleton have visited her and she has some books in her cell but no TV.

I asked her did she suffer for much of her life, feelings of inadequacy and she said not until 1996. I asked her what happened then and she said there were relationship issues with Craig, the same things kept coming up all the time. She stated, "He would make me feel inadequate, standards he had set. He had this idealised view as to what marriage should be like." She said she separated from Craig at the end of June 1999 because she realised they were two different people. She had tried to talk to him but she felt as if she were talking a brick wall.

I asked her had Craig given her much help with the children and she responded as she had done during my previous meetings with her. She said, "He was a good father during play times and happy times but if it came to care or a difficulty he would just assume I would do it." I asked her did she have other help and she said at times Craig's family assisted. His sister helped with the second child. She said she didn't have much help with Sarah but a lot of help with Laura, the last child.

I asked her how her mood was at this time and she said she gest depressed but she is not on medication. She said she is depressed about being in prison and she ponders how her life has ended up in such a way. She said there was a break up with Craig and another relationship ended because of the current situation. She said she has feelings of inadequacy but these are not as bad as they were when she was with Craig. She said these feelings were particularly bad in the late 1990s. She then told me she gets upset with other people thinking they know what she is feeling or how she should be thinking. She said in prison she is the most hated person. She said she cannot get a nice word out of anybody. She said what she has done from the prison's perspective is "the most evil of things." She said she gets on with the prison officers alright however.

I then asked her what happened to her father after he killed her mother and she thinks he was sentenced to fifteen years' imprisonment before being deported to the United Kingdom. He was Welsh. She said her biological mother was an Anglo Australian she thought. She said she has no memories at all of her biological parents.

I then asked her when she had her children were they ill very much or often and she said she didn't think so, just colds or flu's like other children. I asked her had she taken the children to doctors or hospitals very often. She said she only took Laura to hospital after she burnt her arm. This burn occurred when Laura was aged fifteen or sixteen months and she was injured on a spit roasting machine. She was badly burnt

Mrs Folbigg advised me, Laura had artificial skin placed on the wound to help it heal. Craig was present when Laura was burnt on this occasion.

I asked her to describe her personality and she said this was a very difficult question and she generally relies on what other people say about her. She said she has been told that she is stoic and that she has an ability to be calm in horrendous situations. She said she regards herself as being friendly, outgoing and personable. I asked her was she a cold person and she said she didn't think so. I asked her was she a warm person and she said yes, to those she chooses to be warm to.

Mrs Folbigg denied being cruel to animals during her early life, she said she didn't light fires and she didn't think she had an extended period of nocturnal enuresis as a child.

### **MENTAL STATE EXAMINATION**

Mrs Folbigg presented dressed in prison clothing. She was interviewed in a special section of the prison to avoid her coming into contact with other prisoners. She sat quietly in the chair during the course of the assessment and she maintained good eye contact. She spoke spontaneously and expansively but with a relatively flat tone. Her affect was also restricted although she could demonstrate some limited smiling behaviour. Her mood state appeared to be subdued and despondent but I didn't think she was suffering from a major depressive illness. No psychotic features were evident and she again presented as being an alert and attentive historian.

### **DOCUMENT REVIEW**

I have been provided with a large number of documents relating to the trial and its outcome. I have selected to review some of the documents which I feel are more relevant relating to Mrs Folbigg.

On 18 July 1984 a handwritten note indicates that this author received a phone call from Mrs Marlborough, Kathleen Folbigg's foster mother. It is recorded that "Kathleen had finally decided she wanted to know about her background." Mrs Folbigg was described as being very upset on hearing about her family background, she was told that her father had killed her mother and that her father had died after a lengthy prison sentence. I note this is different from the history Mrs Folbigg gave me regarding her father's outcome. It was thought she handled the situation "very well . . ."

A report dated 6 September 1983 describes her as being a sensible young woman who was aware of her status as a Ward which did not appear to be affecting her life generally. It is indicated she was aware that both parents were dead and she didn't have any siblings. It was felt she was enjoying the fairly typical life of a sixteen year old and that she was very much part of the family she was a member of. She is also described as being a very happy, well adjusted girl.

In a statement undated prepared by Kathleen Marlborough, it is reported that Mrs Folbigg had been in the care of Mr and Mrs Marlborough from 12 September 1970 and that she had become very attached to both of those people. She requested a birth certificate to be issued in the names of her foster parents.

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On 6 September 1983 a report form indicates her school results were good and she was cooperative and showing initiative. It was felt her placement was a good one.

On 24 August 1982, a report form describes her as being bright and happy, she saw her foster sister regularly, she was progressing reasonably well at school.

In July 1978 she stole a chocolate from a store and although the author of this document did raise the possibility of counselling, this apparently did not occur. There is some suggestion in some of the reports that the relationship between Kathleen and her foster mother was not always good, but the relationship is reported to have improved after Mrs Marlborough revealed details about Kathleen's past to her.

On 23 June 1970 she was reported to have deteriorating behaviour and that she was brutal to other children and destructive at home.

On 12 June 1970 a medical officer describes her as being "uncontrollable" and as being a "disruptive influence" on the foster parents' marriage. I note that she appears to be called different Christian names and she has had a number of surnames applied to her during her early life.

In January 1969 she presented before a children's court with the complaint that she was destitute. This led to her placement with Mr and Mrs Platt.

There are documents relating to Mrs Folbigg after she presented to hospital following the death of some of her children. One document dated 20 February (? year) described her as being very distressed and very upset.

There is a letter dated 27 February 1992 written to Mr and Mrs Folbigg from the Hunter Area Health Service. This related to death of previous children, Caleb and Patrick. The doctor indicates that investigations were unable to identify the cause of death although the doctor does note that the risk of having a further infant die was one in four (at the highest risk).

#### **OPINION AND CONCLUSIONS**

Mrs Folbigg is a thirty-six year old woman who has been convicted of the murder of a number of her children. Mrs Folbigg had four children, all of whom are now deceased. She continues to deny the charges of murder despite the recent findings of court.

She acknowledges that she was not at times coping with her children, but denies being angry with them. Rather she reports she was angry with the children's father whom she said would not provide her with assistance at times when the children needed care or when they were having difficulties.

The different characteristics of men and women who killed children has been reported. The majority of men who kill children suffer from personality disorders, usually of an antisocial type. The majority of women who kill children suffer from psychotic illnesses. Women who injure children without killing them or where the child's death is clearly accidental, usually have severe personality disorders and are diagnosed as having Munchausen's Syndrome by Proxy.

In this particular case Mrs Folbigg does not suffer from a psychotic illness nor is there a history consistent with the diagnosis of Munchausen's syndrome by proxy. It would be reasonable to assume however that she suffers from a severe personality disorder with anger and impulse control being central difficulties.

Based on the assumption that she was indeed responsible for the death of her children, it is probable in my view that she displaced onto the children her own anger and frustration with the difficulties she was having with her partner. It is unclear to me to what extent childhood difficulties played any immediate role in her behaviours although her childhood history is likely to have influenced her personality development.

It is also probable this woman experienced from time to time significant disturbances in her mood state. She was probably mostly depressed but at times the depression is likely to have expressed itself as anger and aggression.

During my contacts with her I always felt she was a very controlled woman, probably over controlled in view of the serious circumstances in which I was assessing her. She rarely showed emotional distress or, indeed, any emotional response, this despite the very traumatic nature of the charges against her and later, the outcome of the court case. Individuals who are over controlled may be prone to episodes of extreme angry outbursts. It is possible Mrs Folbigg has personality characteristics of this type. Further support for this proposition is noted in her diaries. The diaries may have been an outlet for her to express internal feelings of anger, frustration and perhaps homicidal impulses and thoughts.

Unfortunately, the discharging of her emotions through the diaries was insufficient to contain her emotions or prevent her acting aggressively. Blakiston's Medical Dictionary describes the murder of an infant as infanticide. From a legal perspective however, Mrs Folbigg's behaviour cannot be considered as infanticide because psychiatric and postpartum factors did not play any relevant role in the commissioning of her behaviour. Her mind was not, for example, distorted or disturbed by postpartum depression, nor did she apparently suffer any other clearly identifiable psychiatric illness which led her to behave aggressively towards her children.

Her own concerns about not being a good or adequate mother, combined with her personality difficulties and vulnerability and her problems dealing with emotions such as anger and depression and frustration, are all likely in combination to have led her to feel she could not cope with the children and subsequently her acting towards them in a way which caused their deaths.

What is less clear is why she kept having children. Perhaps she wanted to have further opportunities to try and be a good mother, to prove to herself and perhaps others that she was capable of dealing with the demands of a child but reinforcing her own sense of failure each time she was unsuccessful.

I am unable to find any relevant link between the fact that her father killed her mother and Mrs Folbigg's own behaviour towards her children.

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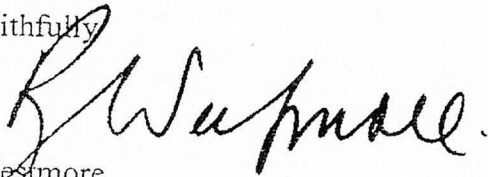
I think it is unlikely that Ms Folbigg will ever acknowledge or be able to acknowledge her offending behaviour. The risks she faces in custody already are extreme and should she ever make acknowledgments that she did in fact kill her children, then it is unlikely that she will ever be able to be integrated into the general prison population. There are also the psychological factors associated with acknowledging her behaviour. Should she ever reach the point where she does acknowledge killing her children then she would be susceptible to overwhelming feelings of depression, regret and remorse and she would at that time be a significant suicide risk. She presents as being a heavily defended person from a psychological perspective in relation to the offences and only years of intense therapy is likely to alter that position.

Obviously, Mrs Folbigg should never be in a position where she again has another pregnancy as any future child in her care would be at significant risk.

I acknowledge, for the purposes of Part 36 Rule 13C of the Supreme Court Rules 1970, that I have read the expert witness code of conduct in Schedule K to the said Rules and agree to be bound by it.

Thank you for asking me to provide this additional opinion.

Yours faithfully



Bruce Westmore  
MB BS, M.Crim, FACLM, FRANZCP