



Neutral Citation Number: [2020] EWFC 66

Case No: LN19C00026

**IN THE FAMILY COURT**  
**SITTING AT THE ROYAL COURTS OF JUSTICE**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 9<sup>th</sup> October 2020

Before :

**MR JUSTICE KEEHAN**

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**Re C (A Child: Adoption)**

Between :

A Local Authority

**Applicant**

- and -

M

**1<sup>st</sup> Respondent**

-and-

F

**2<sup>nd</sup> Respondent**

-and-

C

**3<sup>rd</sup> Respondent**

(by her Children's Guardian)

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**Ms A Thind** (instructed by **Legal Services**) for the **Applicant**

**Mr B Roche QC** (instructed by **Sills & Betteridge Solicitors**) for the **1st Respondent**

**Ms A Cranny** (instructed by **Andrew Jay & Co Solicitors**) for the **2nd Respondent**

**Ms E LeCointe** (instructed by **Bridge McFarland LLP**) for the **3rd Respondent**

Hearing date: 6 - 7<sup>th</sup> October  
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**Approved Judgment**

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

.....  
MR JUSTICE KEEHAN

This judgment was delivered in private. The judge has given leave 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 children and members of their family must be strictly preserved. All persons, including representatives of the media, must

ensure that this condition is strictly complied with. Failure to do so will be a contempt of court.

## **The Hon Mr Justice Keehan:**

### Introduction

1. In these public law care proceedings, I am concerned with one child, C, who was born on 27 December 2018 and is 1 year 9 months of age. The mother of C is the first respondent, M, and the father is the Second Respondent, F.
2. The Local Authority issued an application for a care order in respect of C on 9 January 2019. A further application for a placement order was issued by the Local Authority on 19 May 2020. The Children's Guardian supported the making of both orders and the parents opposed the plan to place C for adoption.
3. The father has made an application for an order for Parental Responsibility.
4. C is the subject of an interim care order and is currently with foster carers. This is the Final Hearing in this matter.

### The Law

5. In considering the application for a care order, my paramount consideration is the welfare of C under s.1(1) of the Children Act 1989. Since the care plan recommends adoption, I also have regard to the provisions of s.1(2) of the Adoption and Children Act 2002. I have regard to the provisions of the welfare checklist set out in s.1(3) of the 1989 Act and those set out in s.1(4) of the 2002 Act.
6. I have particular regard to the paramountcy of C's welfare throughout her whole life. I may not make a placement order, in the absence of the parents' consent, unless I am satisfied that C's welfare requires me to dispense with their consent, s.52 of the 2002 Act.

7. I have regard to the Article 6 and Article 8 rights of C and of the parents and remind myself that where there is a tension between the Article 8 rights of a parent on the one hand and the child on the other, the rights of the child prevail: *Yousef v The Netherlands* [2003] 1FLR, 210.

8. I also take into account a number of authorities. The principal ones are as follows: *Re W (A Child)* [2017] EWHC 829 Fam, the then President of the Family Division, Sir James Munby said as follows:

"There are many illustrations of this principle in the books: J v C is at one and the same time, the classic formulation and the classic application of the principle. I was also referred by Mr Feehan to some words of Lord Templeman in re KD where, shortly after the famous and much-quoted passage beginning, 'The best person to bring up a child is the natural parent.'"

9. In *Re W (A Child)* [2016] EWCA Civ 793, McFarlane LJ, as he then was, giving the judgment of the Court said at paragraph 71:

"The repeated reference to a 'right' for a child to be brought up by his or her natural family, or the assumption that there is a presumption to that effect, needs to be firmly and clearly laid to rest. No such 'right' or presumption exists. The only 'right' is for the arrangements for the child to be determined by affording paramount consideration to her welfare throughout her life (in an adoption case) in a manner which is proportionate and compatible with the need to respect any Art 8 rights which are engaged."

10. In the case of *Re A and O* [2017] EWHC 1293, the then President of the Family Division, Sir James Munby, said as follows:

"The task of the family court will be, a) to decide whether adoption is in the best interests of A and O, judged by the test in s1(2) of the 2002 Act, of the child's welfare throughout his life, having regard to the various provisions in the welfare checklist in s1(4) of the 2002 Act and applying the principles explained in *Re B (A Child) (Care Proceedings: Threshold Criteria)* [2013] UKSC 33 and *Re W (A Child)* [2016] EWCA 6793; and, b) to decide whether the welfare of A and O requires their parents' consent to be dispensed with in accordance with s52(1)(b) as that word was explained in *Re B, Placement Orders: Parental Consent* [2008] EWCA Civ 535, see also *Re W (A Child)* [2017] EWHC 829."

11. In *YC v the United Kingdom* [2012] 55 EHRR 967 at paragraph 134, the European Court said as follows:

"Family ties may only be severed in very exceptional circumstances and everything must be done to preserve personal relations and, where appropriate, to 'rebuild' the family...It is not enough to show that a child could be placed in a more beneficial environment for his upbringing."
12. In *Re P (Placement Orders: Parental Consent)* [2008] EWCA Civ 535, the Court of Appeal, considering the word 'requires' in s 52(1)(d) of the 2002 Act said:

"It has the connotation of the imperative, what is demanded than what is merely optional or reasonable or desirable."
13. The stringency of the test when considering the adoption of a child against parental consent was underlined by the Supreme Court in *Re B (A Child) Care Proceedings: Threshold Criteria* [2013] UKSC 33 and by subsequent judgments of the Court of Appeal in *Re P (A Child)* [2013] EWCA Civ 963 and *Re G (A Child)* [2013] EWCA Civ 965. As the Supreme Court made plain in *Re B*, the test that must be applied is that nothing else will do in the welfare best interests of the child.
14. Finally, I have regard to what the then President, Sir James Munby, said in *Re B-S (Children)* [2013] EWCA Civ 1146, namely that a Court, when considering making an adoption order, must undertake a global and holistic assessment of all the realistic options and consider those against the test for proportionality and must not undertake a linear assessment.
15. In considering the father's application for a parental responsibility order, the Court is able to make an order under s.4(1)(c) of the Children Act 1989. I have been referred to two authorities. In *Re H (Minors) (Local Authority: Parental Rights) (No.3)* [1991] Fam 151, the test was set out as follows by Balcombe LJ:

"In considering whether to make an order under s. 4 of the 1987 Act, the court will have to take into account a number of factors, of which the following will undoubtedly be material (although there may well be others, as the list is not intended to

be exhaustive): (1) the degree of commitment which the father has shown towards the child; (2) the degree of attachment which exists between the father and the child; (3) the reasons of the father for applying for the order.”

16. The leading authority on the approach to determining parental responsibility is *Re C and V (Minors) (Contact: Parental Responsibility Order)* [1998] 1 FLR 392, Ward LJ stated:

“Miss Sawhney, for whose submissions I am grateful, starkly submitted that the judge had correctly addressed the tripartite test of Balcombe LJ, looking to the degree of commitment the father has shown towards the child, the degree of attachment which exists between the father and the child and the reasons of the father for applying for the order. Those, I should emphasise, were suggested by Balcombe LJ as some, though not all, of the factors which might be material in answering a much more general question as to whether or not this particular father shows genuine concern for the child and a genuine wish to assume the mantle of responsibility in law which nature has already thrust upon him.”

17. I must of course also take into account all the relevant circumstances, bearing in mind that s.1(1) of the Children Act 1989 applies and the welfare of the child is therefore paramount.

#### Background

18. The mother is a young woman who has had a difficult and chaotic childhood. C is her third child. Tragically, her first child A died at the age of 4 months, and her second child B was the subject of two sets of proceedings and placed for adoption. These are therefore the mother’s third set of proceedings in relation to her children.
19. C was born on 27 December 2018 and was transferred shortly afterwards to Great Ormond Street Hospital. C was diagnosed with type of brain malformation whilst still in her mother’s womb. This is a potentially serious condition that causes abnormalities to the blood vessels in the brain. The Local Authority’s principal concerns at the time of birth were in relation to the mother’s difficulty in making safe

relationship choices, her lifestyle, associations with criminal behaviour and her reluctance to change since the previous proceedings.

20. Following the Local Authority's application, C was made the subject of an interim care order at a hearing before the district judge on 11 January 2019. The plan was for her to be accommodated by Local Authority foster carers upon her discharge from hospital.
21. The mother subsequently applied for permission to appeal the interim care order, and this was granted at a hearing before the circuit judge on appeal on 17 January 2019. The Local Authority was initially reluctant to change its interim care plan and the possibility of judicial review was raised. The case was referred to me. With my encouragement the Local Authority did amend its care plan so that the mother could move to C's placement.
22. Whilst the mother was living at the mother and baby foster placement, a psychological assessment was completed by Professor Billington on 14 May 2019 and a further addendum assessment was completed on 15 July 2019.
23. On 15 May 2019, a joint assessment of the father and the paternal grandmother was completed. The assessment did not recommend the father and paternal grandmother as full-time carers, nor did it recommend the paternal grandmother as a sole carer. Since the outcome of this assessment, there has been a recognition by the father that he is not in a position to care for C.
24. Following a positive viability assessment, a Special Guardianship Report of the paternal uncle and aunt was completed on 21 August 2019. Sadly, they subsequently withdrew from the assessment as they no longer felt able to be carers for C.
25. A second addendum assessment of the mother was completed by Professor Billington on 9 December 2019. The report praised the mother for the progress that she had

made over the course of the past year and identified the positive changes that the mother had made by engaging with therapy. However, the report continued to underline the need for robust support for the mother and the risk posed by the mother's choice of relationships.

26. At a hearing before me on 24 January 2020, I granted the Local Authority's application for an extension of the proceedings to allow the mother and C to move into the community with a package of support. The aim of the move was to assess the mother outside the heavily supported environment of a mother and baby foster placement.
27. On 27 January 2020, the mother and C moved to supported accommodation. The assessment was completed on 23 April 2020. The outcome of the assessment was negative due to ongoing concerns around the mother's ability to safely care for C.
28. On 1 May 2020, the Local Authority made an urgent application for interim removal due to concerns about the mother allowing C to be around risky individuals. It was subsequently agreed between the parties at a hearing before me on 18 May 2020, that the mother and C would be moved to supported accommodation in another town. The hope was that a new move might motivate the mother and provide her with a fresh start. The mother was accommodated at P House. As she requested a separate room for C, she was then moved to a bigger placement at Q House in July 2020.
29. On 19 August 2020, the Local Authority made an urgent application as they had concerns relating to the mother's new partner Mr X, the mother's drug use and her mental health. At a hearing on 28 August 2020, it was agreed that the mother and C would move to a residential unit on 1 September 2020. As the mother refused to go to the new placement on the day of the move, a further application was made by the Local Authority on 4 September 2020. The mother eventually agreed to go to the placement on 7 September 2020. She left the placement the following day. The matter

was heard by me on 10 September 2020 and I granted the Local Authority's application for C to remain in foster care. C has been at this placement ever since. Happily, she is thriving, and the risks associated with her medical condition have diminished.

30. The mother recently confirmed that she is pregnant with Mr X's child. The mother continues to have 3 times a week contact with C.

#### Evidence

31. Professor Billington was the chartered psychologist instructed to undertake a parenting assessment of the mother in these proceedings. In his initial assessment of the mother, he recognised that the mother has experienced a series of traumatic events throughout her life:

“M's life has been punctuated from birth to the present day with many difficulties, tragedies and trauma which impact upon her current psychological wellbeing. She seems to have struggled to overcome the impact of a train of events triggered when just 7 or 8 years. old i.e. when removed from the care of her maternal grandparents. The return to her mother would seem to have been much against M's wishes and there is evidence that it was a landmark moment in her life.”

These events have understandably greatly affected the mother:

“From conditions of perceived safety, happiness and success (educational and social) and from being the centre of attention, there is evidence that M would have moved suddenly into a situation in which she would have lived in a state of almost constant fear as both she and her mother would seem to have been at risk of physical harm, reportedly from various sources.

M spoke of retreating to her room to avoid the worst of the circumstances but this would not have provided psychological or emotional respite. She would have been keenly aware of the threats to her mother's safety whose own vulnerability would have been experienced by M as acutely as the actual danger to herself.

The potential violence, the separation from her grandparents and the sudden changes in her life circumstances would have been experienced by M as traumatic. She would then have suffered a psychological exclusion within the home should the



step-siblings have been favoured, again, if as reported and it is understandable that M sought to escape these conditions by running away from home at the age of 14.”

32. Professor Billington’s assessment highlighted both the mother’s strengths and weaknesses as a parent:

“M is intelligent, cognitively and emotionally, her sensitivity no doubt honed by the hypervigilance which will have been essential to her survival although her psychological resilience will have come at a cost, born as it has been of separation, loss and trauma...

...There was evidence of M’s determination to care for C but evidence too of her own psychological and emotional vulnerability. For example, while determined to be ‘available’ for C, M still has strong memories and feelings, not only in respect of her own childhood experiences, but of A and B too, all of which are difficult for her to process.”

33. The assessment concluded that the mother would need a great amount of support if she were to care for C in the future:

“She will need much practical support to establish sustainable change but without also attending either to her own potential or to the unfinished business of her distress, M will continue to struggle to make the right choices.”

34. In his second addendum report, Professor Billington praised the mother for the progress she had made since the start of these proceedings:

“M has clearly made great efforts to change aspects of her life and whatever the decision of the court in this matter, the love, commitment and attention she has given to C during the last months can be a source of comfort to both mother and daughter in the years to come”.

35. It was, however, according to Professor Billington, too early to expect the mother to have developed the psychological resilience for her to be able to cope with the moments when she felt isolated or conflicted regarding her personal relationships. He continued to emphasise the need for robust support:

“M has accessed some new forms of support but these do not yet present as sufficiently robust to provide her with the support she will require at specific moments, for example, at moments of exhaustion (night-time when C isn’t sleeping) or at moments

when she becomes acutely aware of her own unmet needs (educational / companionship / more intimate relationships).”

36. He also recognised the ongoing risk of her personal relationships:

“M has been working and engaging in a most mature and responsible manner, with perhaps one notable exception. There is evidence suggesting some concealment on M’s part which, given the issues before the court, would be the source of continuing concern especially since she must know that her relationship choices have implications for her care of her daughter.”

37. I have also read all the other evidence, taking into account both the mother’s and father’s position in their respective statements. An issue arose at the start of the Final Hearing as the mother informed the Court and other parties that she no longer wished to give evidence. Her position was that the issues in dispute were not factual but disagreements over interpretation of those facts. As a result of further discussions between the parties, a document was produced with further concessions made by the mother as follows:

- i) C has been exposed to the harmful behaviour of Mr Y with whom the mother had an association. He called her a ‘little Bitch’. As such the mother has not kept C away from the risk of harm at all times;
- ii) there have been occasions when C should have been the priority of the mother when she has not. Returning from the residential unit was a failure to prioritise C;
- iii) the mother continues to be involved in relationships that put her in danger and are likely to put C in danger if C was in her care;
- iv) the mother has continued to associate with Mr X who assaulted her on 23<sup>rd</sup> August 2020;
- v) the mother despite this has become engaged by 2<sup>nd</sup> August 2020 to him and not informed either the Local Authority or the Court of this;

- vi) the mother accepts that she has been dishonest with the Local Authority about the state of her relationships with people including X. She told the social worker she was not with him when she was;
- vii) C was brought into contact with Mr X during contact on 30<sup>th</sup> September 2020 whilst the mother was having contact;
- viii) despite the mother being aware of the recommendations of Professor Billington for the need for continued therapy the mother has been inconsistent in her engagement and most recently failed to attend scheduled appointments on 3<sup>rd</sup> and 9<sup>th</sup> September 2020;
- ix) the Local Authority offered continued support throughout the proceedings in terms of placements and early help work support. Despite all professional advice being given to go to the residential unit the mother did not remain and her refusal to do so was unreasonable;
- x) the mother has been dishonest with the Local Authority in respect of her relationships with Mr Z and has failed to heed the professional concerns regarding the men with whom she associates herself;
- xi) the mother has twice fallen pregnant during the course of these proceedings;  
and
- xii) C has suffered harm by witnessing verbal abuse of the mother e.g., by witnessing verbal abuse of her by Mr W.

38. The evidence at the Final Hearing was therefore limited to the social worker and the Children's Guardian. The social worker told the Court that despite a prolonged period of support, which included five different placements, the mother had been unable to demonstrate that she was able to provide the long-term stability that C needs. As the risks were unmanageable and no family member had been identified to care for C,

sadly adoption was the only option. She told the Court that long term foster care was not considered an appropriate option as it would not provide C with the security, stability and primary care needed.

39. When challenged by Mr Roche QC, the mother's leading counsel, that the Local Authority had been unable to provide the recommended support for the mother when she left the foster placement, the social worker recognised that although there were challenges in living in the supported accommodation, the mother had not taken the opportunity to fully engage with the support that had been offered. Furthermore, supported accommodation had been the only option for the mother as a transition to fully independent living would have posed too many risks for C.
40. In her evidence, the Children's Guardian confirmed that she supported the Local Authority's plan for C. She also confirmed that it would have been unsafe for the mother to live in a placement such as council housing, and that even if a quieter placement had been found for the mother, there would still have been a risk regarding the mother's unsafe relationships.
41. When asked by Mr. Roche QC whether there were other placement options that could be identified to enable the mother to care safely for C, the social worker and the Children's Guardian agreed that there were not.
42. Both the social worker and the Children's Guardian supported the father's application for an order for Parental Responsibility. This was on the basis that the father had shown that he was committed to C by participating in these proceedings and that his interactions with C had been described as positive in the contact notes. The Children's Guardian also stated that it would be in C's best interests as it would provide her with the reassurance that her father had been committed to her welfare.

Analysis

43. I have considered the reports of Professor Billington with great care. Mr. Roche QC placed great emphasis on the Professor's assessment of the mother and of her continuing need for support both in his position statement and in his closing submissions. I was particularly struck by the Professor's observation in his second addendum report of December 2019 that:

“Despite her engagement with support and also counselling services, however, it is too early to expect [the mother] suddenly to have developed the psychological resilience to withstand those moments when she feels either isolated or else under pressure without the support to cope with C's demands; or should she experience a conflict of interest regarding her personal relationships.....[The mother] has undoubted potential and qualities and she has in most respects been working hard to demonstrate a sense of responsibility. While she clearly loves her daughter, she is a young single parent who will at times continue to be troubled by her history of behaviours and adverse life experiences as well as relationship choices”

44. These observations have been borne out by numerous events over the course of the last nine months when the mother has placed herself and/or C at risk of harm.

45. Mr. Roche QC also placed great emphasis on the mother's many positive qualities. These were readily acknowledged by the Local Authority and the Children's Guardian in the course of Ms Thind's and Ms LeCointe's closing submissions. There is no doubt about the very great love that the mother has for C and her desire to be able to care for her. She has given C a great deal of positive physical and emotional care which has, in large measure, enabled C to develop into a healthy toddler despite her serious ill-health as a small baby. The relationship between mother and daughter is noted to be loving, warm and nurturing.

46. From the outset of these proceedings I have striven to enable C to remain in the care of her mother and to be brought up by her. From time to time, and despite the opposition of the Local Authority and the Children's Guardian, I have refused to sanction the removal of C from her mother's care and given her every conceivable

chance to prove she could provide C with a safe, secure and stable home. This Final Hearing was listed in June 2020. The mother has known from then what she had to do to persuade the professionals and ultimately the Court that she could provide such a home environment for C.

47. Very sadly, matters have gone from bad to worse over the last three months. She has engaged in a number of relationships with wholly unsuitable and risky young men. The latest, X, assaulted her on 23 August 2020. Nonetheless and having become engaged to marry him, she thereafter remained in a relationship with him and on 2 September 2020 posted a personal and intimate message to him on her Facebook account.
48. On 8 August 2020 she had denied being in a relationship with him when asked by the social worker but in a subsequent statement she admitted to having been in a relationship with him from July 2020. She failed to disclose to the professionals or to the Court that she had become engaged to Mr. X. In her final statement she disclosed that she is currently pregnant, and that Mr. X is the father.
49. Despite acknowledging the need for therapy, the mother has not consistently engaged with her counsellor.
50. Over these months the mother has, with increasing frequency, requested C be placed for a few days with the respite foster carer.
51. During these times the mother has taken drugs and drunk alcohol with friends and fellow residents of her supported living accommodation. On 17 August 2020, she assaulted a fellow resident in the course of an argument. The mother was arrested and spent the night in police custody. Fortunately, C was in the care of her respite foster carer and had been over the course of the previous weekend.

52. On 24 August 2020, I heard an application by the Local Authority for the immediate removal of C from the care of her mother. This application was supported by the Children's Guardian. The social worker and the guardian were of the view that, in light of recent events at the supported living accommodation, C was a risk of suffering significant harm in the care of the mother.
53. I did not dissent from this assessment but I was extremely concerned as to how the mother could receive what she perceived to be a fair hearing if the Court sanctioned the removal of her daughter some six weeks before this Final Hearing. The Local Authority agreed to look for other options to enable C to remain in her mother's care. After a considerable search the Local Authority identified a residential unit. At a Court hearing on 28 August 2020, the mother agreed to move to the centre with C.
54. On 1 September 2020, the date when the mother was supposed to move into the residential unit, she refused to go. The matter was restored on an urgent basis before me on 4 September 2020. At this hearing the mother, once again, agreed to move to live at the centre with C. I urged the mother to make the very best of this new placement and to use the intervening weeks before the Final Hearing to prove she could provide C with a safe, secure and stable home environment. The social worker drove the mother and C to the residential unit on 7 September 2020. Within less than 24 hours of her arrival the mother was demanding to leave the placement even before an initial planning meeting had been held. She made a litany of complaints about the centre and the accommodation with which she had been provided. The social worker drove the mother back to the supported living accommodation and returned C to the respite foster carer.
55. Once more the matter was restored before me on an urgent basis. There were no other options available by which C could be safely returned to the care of her mother. In the light of recent events, I considered the child would be at risk of significant harm if

returned to the care of her mother at the supported living accommodation. I made an interim care order.

56. I readily acknowledge that the mother had been under very considerable stress and pressure with this Final Hearing looming over her. Her mental health had deteriorated. Nevertheless, in all of the circumstances of this case, the mother's decision to leave the residential unit within 24 hours of her arrival was inexcusable and was yet the latest example of the mother failing to prioritise the needs of C. I note that in her final statement and in the further concessions made on the first day of this hearing, set out at paragraph 38 above, the mother acknowledged that her actions were unreasonable the residential unit and were not in the best interests of C.
57. In this statement the mother asked the Court to give her one final chance to demonstrate she could care for C and invited the Local Authority to find alternative placement options. The Local Authority supported by the Children's Guardian told me that there were no other safe options available. In my view, I gave the mother her final chance at the hearing on 4 September 2020.
58. This is a very sad case because the mother's difficulties and vulnerabilities result from the emotional and psychological harm she suffered in her own childhood. As Professor Billington noted, the mother needs to improve her psychological resilience. She needs to mature and to learn how to cope with the adverse experiences she suffered as a child. I do not doubt how difficult this will be for the mother to achieve but without doing so, she remains very vulnerable to the attention of undesirable young men and she is incapable of controlling her own needs and emotions.
59. Prior to her final statement, it had been the mother's case that she had only taken illegal drugs when C was not in her care. In her statement, however, she admitted using cannabis on occasions when C was asleep in bed. C is not a good sleeper and regular wakes up and gets out of bed during the night. Thus, the mother could not



have known when C would have woken up and would require her mother's care and attention when she was under the influence of cannabis. This is yet a further example of:

xiii) the mother's inability to prioritise the needs of C; and

xiv) to work open and honestly with the professionals involved in her life and with the Court.

60. In her closing submissions, Ms Thind reminded me of what the mother had said in one of her first statements in these proceedings. It was in the context of referring to her second child B, who in 2017 was made the subject of care and placement orders and was subsequently adopted. She said she had learned from the mistakes that she had made with B and that she had changed and grown up a lot. Most regrettably, this was not the case. The issues and risks of harm which led to the removal of B from her care have been replicated in relation to her care of C.

61. The father played a limited role in these proceedings, but he has played an active role in C's life to the extent that he has regularly attended his fortnightly contact with her. The reports on his contact were wholly positive and described a warm, happy, and loving relationship between father and daughter. He has been entirely realistic about his inability to provide a home for C. The father supported C being cared for by the mother. He opposed C being placed for adoption because he wanted to continue to play an active role in her life.

62. The father made an application for an order granting him parental responsibility. I am satisfied that his motives for making this application are entirely genuine. The Local Authority and the Children's Guardian supported him being granted parental responsibility, but the mother opposed the application. She did so primarily because of the father's alleged lack of interest in C.

63. I do not accept this assertion. His role in her life has been limited but he has developed a close and loving relationship with C. I accept that he loves his daughter very much indeed. She has been observed to be happy, relaxed and comfortable in his care. Accordingly, I am satisfied that he should be granted parental responsibility and I am satisfied that there are no cogent reasons why I should not make this order.
64. For the reasons I have set out above C cannot be cared for by either of her parents in a way which would protect her and promote her welfare best interests. There are sadly no other members of the wider maternal or paternal family who could care for her.
65. Even if there were some alternative placement options by which C could be reunited with her mother, I regret to find that history would, once again, repeat itself. I have no confidence whatsoever that the mother is presently, or for the foreseeable future, capable of consistently meeting the welfare best interests of C or of providing her with a safe, secure and stable home.
66. Given her age it would be wholly contrary to C's welfare best interests for her to be placed in long term care. It would have the advantage of C maintaining her relationships with her mother and her father. It would, however, have very considerable disadvantages for C. There would be the ever-present risk of placement breakdown or of having to move to a new foster home. She would be the subject of regular social worker visits and Looked After Children reviews and she would not achieve the sense of security, stability or of belonging that would be gained from being placed with a parent or in a permanent adoptive home.
67. A placement for adoption would secure a permanent, stable and loving home for C. Once settled she would be able to gain a tangible sense of belonging to a new family which would be of huge benefit to her throughout the whole of her life. There is a chance she could be placed for adoption with the adopters of her half-brother, B. These adopters have been asked if they would consider adopting C. They will, but

quite understandably, they would like to have further information about C. The Local Authority is only able to provide them this information once a placement order has been made. It would be of inestimable benefit to C if she could be placed for adoption with these carers.

68. Adoption would, however, sever C's legal relationship with her mother and her father for the whole of her life. Given the close and loving relationship she enjoys with both of them, this is a very significant disadvantage for her.
69. Standing back and considering the three options, a speculative and unknown placement with the mother, placement in long term foster care or a placement for adoption, I am wholly satisfied that the only option which would meet the welfare best interests of C throughout the whole of her life is a placement for adoption. It is a proportionate and necessary order for the Court to make. This is a case where in the welfare best interests of C, nothing else will do.
70. I very much regret being compelled to come to this conclusion. The mother has very many positive qualities. She is undoubtedly an enduring victim of the abuse she suffered in her childhood. There comes a time, however, when the welfare best interests of C, which is the Court's paramount consideration, must come to the fore and be given precedence. The time may come when the mother has gained the psychological resilience and has matured to the degree that she is able take control of her needs and her emotions and to give priority to the needs of her child. The timescale for the mother to achieve this are, in my judgment, considerably outside the timescales for C to live in a stable, secure and loving permanent home. At the age of 22 months and with the large number of placements she has had in her life, that time for the latter is now.

71. Notwithstanding the great love that the mother and the father have for C, I am satisfied that her welfare best interests require me to dispense with the consent of both of them to C being placed for adoption and being adopted.

## Conclusion

72. The Local Authority and the Children's Guardian supported the father's application for an order for Parental Responsibility to be made in his favour. The mother opposed the application. I am satisfied that the father has demonstrated a sufficient degree of commitment towards C and has established a relationship with her which justifies the making of an order for Parental Responsibility in his favour.
73. I am satisfied that it is in the welfare best interests of C that I make her the subject of a care order in favour of the applicant Local Authority on the basis of an approved plan to place her for adoption.
74. I am satisfied that it is, therefore, in the welfare best interests of C that I make a placement order. Neither the mother nor the father agree with the plan for C to be adopted and accordingly, pursuant to the provisions of s.52(1)(b) of the 2002 Act, I dispense with the consent of both of them on the ground that the child's welfare requires their consent to be dispensed with.
75. I know the making of a care order and a placement order will be a bitter blow to both the mother and the father but, most especially, the mother. I had sincerely hoped over the course of these proceedings that arrangements could be made which would enable C to remain living with her mother in a safe and secure environment. For the reasons given above, it has very sadly not proved possible to achieve. C is of an age when she needs and requires a decision about her future permanent placement to be made now. It would be wholly contrary to her welfare best interests, now and throughout the whole of her life, to delay making this decision whilst yet further attempts are made to

rehabilitate to the care of her mother. I regret to find that any such steps at the present time, or for the foreseeable, would be futile and bound to fail.

76. I do not doubt, however, the very great love that the mother and the father have for C.