



Neutral Citation Number: [2020] EWHC 2335 (Fam)

Case No: WV17C00664, WV18C00394 & WV2020C00030

IN THE HIGH COURT OF JUSTICE
FAMILY DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 10/08/2020

Before :

MR JUSTICE KEEHAN

Re A, B & C (Children: Adoption)

Between :

A LOCAL AUTHORITY

Applicant

- and -

MOTHER

1st Respondent

-and-

FATHER

2nd Respondent

-and-

A, B AND C

(Children through their Children's Guardian)

3rd - 5th
Respondents

Ms L O'Malley (instructed by **The Local Authority**) for the **Applicant**

Ms W Frempong (instructed by **Living Spring Solicitors**) for the **1st Respondent**

Mr S Roy (instructed by **Mould Haruna Solicitors**) for the **2nd Respondent**

Ms K Taylor (instructed by **Anthony Collins Solicitors**) for the **3rd - 5th Respondents**

Hearing dates: 5th - 7th August

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. I am concerned with three children, A, who was born on 23rd February 2017 and is 3 years of age, B, who was born on 29th July 2018 and is 2 years of age and C, who was born on 26th September 2019 and is 10 months of age. The mother of all three children is the first respondent, and their father is the Second Respondent.
2. The local authority issued an application for a care order in respect of A on 22nd December 2017. This matter was listed for a fact-finding hearing to determine the facts in relation to the parents' relationship and the events of 6th May 2017 and the degree to which the parents had or had not cooperated and engaged with the local authority in an honest and open basis.
3. This judgment should be read with the fact-finding judgment I gave on 29th March 2019.
4. An application for a care order in respect of B was issued by the local authority on 30th July 2018 and an application for a care order in respect of C was issued on 22nd January 2020. The children are the subject of interim care orders and are placed together with foster carers.
5. The local authority issued placement applications in respect of A and B on 9th October 2019 and a placement application in respect of C on 21st May 2020.

The Law

6. The burden of proving the findings of fact sought and that the threshold criteria of s.31(2) Children Act 1989 ('the 1989 Act') are satisfied in respect of each child rests solely with the local authority. The standard of proof is the balance of probabilities *Re B* [2008] 2 UKHL 35.
7. When considering the evidence, particularly the evidence of the mother and of the father, I give myself a revised Lucas direction, namely I should only take account of any lies found to have been told, if there is no good reason or other established reason for the person to have lied.
8. I also take into account the decision of the Court of Appeal in *Re H C (Children)* [2016] EWCH Civ 136, where McFarlane LJ, as he then was, said at paragraph 100,

“One highly important aspect of the Lucas direction, and indeed the approach to lies generally in the criminal jurisdiction, needs to be borne fully in mind by family judges. It is this: in the criminal jurisdiction, the ‘lie’ is never taken, of itself, as direct proof of guilt. As is plain from the passage quoted from Lord Lane’s judgment in Lucas, where the relevant conditions are satisfied, the lie is ‘capable of amounting to a corroboration’. In recent times the point has been most clearly made in the Court of Appeal Criminal Division in the case of *R v Middleton* [2001] Crim.L.R.251,

where it was said, ‘In my view there should be no distinction between the approach taken by the criminal court on the issues of lies, to that adopted in the family court. Judges should therefore take care to ensure they do not rely upon a conclusion that an individual has lied on a material issue as direct proof of guilt’.

9. I entirely accept that the mere fact that a lie had been told does not prove the primary case against the party or witness, should they have been found to have lied to the court. I also bear in mind there is no obligation on the party to prove the truth of an alternative case put forward by way of defence and the failure of the party to establish the alternative case on the balance of probabilities does not, of itself, prove the other party’s case, *Re X (Children) (No 3)* [2013] EWHC 3651 Fam, and *Re Y (No 3)* [2016] EWHC 503 Fam.
10. Counsel for the mother referred me to a number of leading authorities in her closing submissions, including *Re A* [2015] EWFC 11, *Re L (Care: Threshold Criteria)* [2007] 1 FLR 1050, *Re KD (A Minor) (Termination of Access)* [1988] AC 806, *Re L (Care: Threshold Criteria)* [2007] 1 FLR 2067, *Re A (A Child)* [2015] EWFC 11, *Re O (Care or Supervision Order)* [1996] 2 FLR 755, *Re C & B* [2001] 1 FLR 61 and *YC v. United Kingdom* [2012] 2 FLR 332. I have taken account of all of these authorities.
11. In considering the future care plans for each child I have had regard to and have taken into account:
 - i) s.1(1) of the Children Act 1989, namely the welfare of each child is the court’s paramount consideration;
 - ii) s.1(3) of the 1989 Act, the welfare checklist;
 - iii) s.31(2) of the 1989 Act, the threshold criteria for making public law orders;
 - iv) s.1(2) of the Adoption and Children Act 2002 (‘the 2002 Act’), the paramount consideration of the court is the child’s welfare throughout his life,
 - v) s.1(4) of the 2002 Act, the welfare checklist,
 - vi) s.52(1)(b) of the 2002 Act, the welfare of the child requires the consent of the mother and/or the father to be dispensed with; and
 - vii) the Article 6 and 8 rights of each child and of both parents but noting that if there is tension between the Article 8 rights of a child, on one hand, and a parent, on the other, the rights of the child prevail: *Yousef v The Netherlands* [2003] 1 FLR 210.

Background

12. The mother and the father were both born in Ghana; they lived in Ghana for the whole of their respective childhoods and during their early years as adults. The mother entered the United Kingdom as a student in 2007 and on 22nd June 2012 she became a British citizen. In October 2015, the parents went through a customary marriage

ceremony in Ghana and later, on 16th April 2016, the parents were married at a registry office in the United Kingdom. On 23rd February 2017, A was born.

13. There was an incident on 6th May 2017 in which the police attended the family home and because of an injury sustained by A, he was taken to hospital. He was kept in overnight for observations and was discharged from the hospital on 7th May. The details of this incident are set out in paragraphs 23-33 of my fact-finding judgment of 29th March 2019.
14. On 8th May 2017, mother asserted that she had no intention of resuming a relationship with the father. The father underwent an interview with the police in relation to the alleged events on 6th May.
15. On 12th May 2017, after the father had been interviewed, the mother was contacted by Detective Constable P; the mother confirmed to her that the account she had given to the police on 6th May was a true account of what happened, but nevertheless she did not wish to attend court or to give evidence against the father.
16. Thereafter, the mother entered into a working agreement with the local authority, one condition of which was that the father was not to attend at the family home. In July 2017, the local authority requested a safe and well check be undertaken by the police and, in breach of that working agreement, the father was found at the family home, hiding in an upstairs cupboard.
17. During the course of October 2017, and indeed throughout the rest of 2017, the local authority, on numerous occasions, attempted to contact the mother and the father, but with no success.
18. On 21st December 2017, the mother and A left the jurisdiction of this court after the local authority had served papers relating to the issue of these care proceedings on the parents, having posted them through the letterbox of the family home.
19. On 22nd December 2017, there was a first hearing before HHJ Helen Hughes; a second hearing followed on 11th January 2018. The order made on this latter date contained certain recitals in relation to the whereabouts of the mother. I shall return to this issue in a moment.
20. There was a hearing before me on 23rd January 2018, the mother was represented but did not attend and the father did not attend. The matter was adjourned until 2pm that day, with an order for the father to attend with a warning that a warrant for his arrest would be issued if he did not.
21. Later that day, on 23rd January, the father did attend before me and there were further recitals set out in that order relating to the mother. Again, I shall refer to these in a moment.
22. On 31st January, there was a further hearing which mother attended and was represented, as did the father. An order was made that the mother should not leave the jurisdiction of this court until further order and a penal notice was attached to that order.

23. On 23rd March, at a further hearing before me, the mother was represented but did not attend. In that order, I made, amongst other orders, a respectful request to the judicial and administrative bodies in the state of Ghana to assist with ascertaining the whereabouts of A, who was a ward of this court. On 15th May, I made a further order for the return of A to this jurisdiction by 4pm on 29th May.
24. On 11th June, at a further hearing before me, various orders were made including an order that both parents should not leave the jurisdiction of this court until further order. Extensive efforts had been made to discover the whereabouts of A, whether he be in Ghana or elsewhere. Nothing was heard from the parents despite the local authority's extensive efforts and I was invited to make a publicity order on 29th June 2018, which I did.
25. B was born on 29th July 2018 in Jacksonville, Florida. As a result of the publicity order, it became apparent that a nursing professional at a hospital in Jacksonville, Florida, saw the publicity about this case on social media and recognised the mother as a patient who had just given birth. She contacted the American authorities who took steps which resulted in the father being arrested and both of the children being placed in care in the United States of America.
26. There were various court proceedings before the courts in Florida. They resulted in A returning to this jurisdiction on 4th August 2018 and, after a further series of legal proceedings in the United States, a judge in Florida made an order for B to return to this jurisdiction on 24th September 2018 and his return was secured on 24th October. Both children were placed in the same foster home. Further directions provided for a fact-finding hearing to be listed in March 2019 and for further evidence to be filed and served.

Findings of Fact made on 29th March 2019

27. I found that the mother had lied with outstanding alacrity throughout the whole of her evidence to a degree to which I have hitherto not encountered. I was satisfied so that I was sure that the mother had lied about Mr D's role in this case (her former solicitor) and about the recitals to the orders of 11th January and 23rd January. I was entirely satisfied and found that what was set out in those recitals was precisely what the mother had told Mr D and/or counsel then representing her and I entirely rejected the account of the mother.
28. I was satisfied so that I was sure that the mother had lied about the manner in which her police statement of 6th May had come into being; I was entirely satisfied that PC J had taken that statement from the mother at the hospital as he had described, namely he had written down what the mother had said to him about the events of 6th May.
29. I was satisfied on the balance of probabilities that the mother had lied:
 - i) about the evidence and the events of 6th May 2017;
 - ii) that there was no bruise or injury on A on 6th May 2017; and
 - iii) about the fact that a letter and messages had not been left by the local authority at the family home.

30. I found that the father had also lied in his evidence and I found, on the balance of probabilities that he had lied when he had asserted:
 - i) that there were no problems in the marriage between him and the mother;
 - ii) about the events of 6th May 2017;
 - iii) when he asserted that he had placed A on a cot, so-called, on a sofa; and
 - iv) when he denied that the mother had grabbed him around the throat and/or had intended to strike him with the iron.
31. I found that the father had deliberately sought to minimise the role of the mother in the events of 6th May to protect her. Both had lied about what occurred in the family home on 6th May 2017. I declined to find that the mother's account was true and that the father had thrown A onto the sofa, where he struck his head on a wooden arm, because both had chosen not to tell me the truth about what had occurred in their home.
32. I found that a 72-day old, non-ambulant baby had sustained a bruise above his right eyebrow. This bruise occurred when he was in the care of the mother and/or the father; neither of them had made any attempt to offer any sort of explanation for that injury and in so young a child I was satisfied and found, on the balance of probabilities, that this was an inflicted injury.
33. There were only two people in the pool of possible perpetrators, namely the mother and the father. It is plain from the matters and circumstances that I had described in that judgment that neither the mother or the father had cooperated or engaged in any meaningful way with the social workers or with this local authority. Neither of them had been open and/or honest with professionals with whom they have been involved, most particularly the social workers.
34. The mother had abducted A in breach of court orders to take him to the United States of America; I found the father had failed to disclose to the local authority or to his instructing solicitors that he was leaving the United Kingdom for Russia and/or for the United States of America. Both failed to disclose the whereabouts of A. I found that they had sought to thwart the local authority's intervention and role in their lives and, importantly, in the life of A.
35. It was only as a result of happenchance and the publicity order that I made in 2018 that a nursing professional in Jacksonville was able to identify the mother and thereby notify the American authorities who then notified the court and the local authority about the whereabouts of A and of his new born brother B.
36. I found the father was complicit in the abduction of A to the United States or, at the very least, was complicit in the wrongful retention of A in the United States. I had no sense from either the mother's or the father's evidence, especially that of the mother, that they then had any insight into the gravity and seriousness of their actions.
37. I had, accordingly, no confidence that the mother and the father would, in the future, work with the local authority and the social workers in an honest and cooperative

manner. I was satisfied in all the circumstances of this case and in light of my findings that both the mother and the father remained a flight risk.

Subsequent Events

38. At a court hearing on 3rd May 2019 the mother applied for the return of her passport to enable her to register with a medical practice. The application for the return of her passport was refused by the court.
39. In court, the father also made an application for the court's permission to travel to Ghana for one week as a family member was unwell. This application was refused on account of the father giving instructions which were not consistent with the evidence he had given at the finding of fact hearing in respect of the location of his father. The order prohibiting the parents from applying for a passport or travel documents was maintained.
40. On 3rd June 2019 the local authority received an email from the HM Passport Office ('HMPO') stating that it had received a replacement passport application from the mother and sought clarification from the local authority as to the status of the family proceedings.
41. At the hearing on 12th July 2019, in light of:
 - i) HMPO confirming that the mother had applied for a replacement passport in breach of paragraph 4 of the Order dated the 22nd October 2019; and
 - ii) her breach of an order to attend this hearing, a warrant was issued for the mother's arrest.

The father's application for permission to travel to Ghana for his father's funeral on 24th July 2019 for one week was granted.

42. At the hearing on 20th September 2019, the father first informed the court that he had separated from the mother and sought to care for A and B as a sole carer.
43. In the late evening of 21st September 2019 Police officers in Scotland stopped a BMW on the road to Stranraer. The car was registered in the name of the father. The driver produced a provisional driving licence in the name of the father: it was a photocard driving licence. He was reported as having said he was travelling to the ferry in Stranraer and he was accompanied by his wife. The father and the mother deny it was them.
44. The local authority issued placements applications in respect of A and B on 9th October 2019.
45. The matter was listed for a final hearing on 14th and 15th November 2019 at which I heard evidence from the social worker and the father. The mother did not attend and accordingly, I adjourned the matter part-heard until the 18th and 19th December 2019 and directed the local authority to prepare a rehabilitation plan for A and B to live with the father.

46. On the 11th December 2019 the father issued a part 25 application for a residential assessment which was opposed by the local authority and the children's guardian.
47. At the adjourned final hearing on 18th and 19th December 2019 the mother did not attend. I indicated that the father's part 25 application for a residential assessment was not the appropriate type of assessment. The father accepted this indication and did not pursue this application. The father then made an oral application for an independent social worker assessment on the basis that he asserted that MD, the social worker was not an independent assessor and that the local authority had reached a concluded view against him. I did not accept this submission and I acknowledged MD's extensive experience as a social worker. Neither the local authority nor the children's guardian agreed with the rehabilitation plan being implemented because of their concerns about the parents' unwillingness to work openly and honestly with professionals. Nevertheless, I directed that the rehabilitation plan should be implemented.
48. I made case management directions in respect of the progress of the rehabilitation plan. I required the father to return to the witness box, and with the assistance of a Twi interpreter, under oath, the father agreed and confirmed the following matters in response to questions from me:
 - i) he had fully understood what had been said in court at this hearing;
 - ii) he understood that the court had found him to have lied to the court in the past;
 - iii) he understood that the court had found that he had not engaged openly and honestly with professionals;
 - iv) he understood that the court was of the view that there had been times in the past when he had allowed himself to be ruled by the mother, although the father did not think he had;
 - v) he understood that this was his final opportunity to prove that he was able to separate from the mother and to work openly and honestly with the local authority;
 - vi) he understood that the timescales for the children and the need for final decisions to be made for their future could not be delayed any further;
 - vii) he understood that it was a condition that from today he did not have any contact with the mother whatsoever, including direct or indirect communication including by telephone, text, email or social media or via a third party;
 - viii) he understood that if the court found there was any communication between him and the mother, the assessment period would come to an end;
 - ix) he understood that this was his final opportunity to put his children first and promised the court that he would do so;
 - x) he understood that if he sought the support of the local authority for assistance with housing, then he must be open and honest with the local authority in terms of financial disclosure; and

- xi) he understood that he must contact the police and local authority promptly in the event that the mother made contact with him or attended at the family home.
49. I imposed a condition that father was to have no contact whatsoever with the mother and the father fully accepted this condition. The father sought protective orders against the mother in favour of himself. I also granted an occupation order to allow the father to occupy the family home to the exclusion of the mother. I also made an injunction against the mother that she was not to have any contact, directly or indirectly, with the father.
50. On 20th December 2019 the mother made an application to discharge the occupation order on the basis that the father was not entitled to stay at the family home, she was the tenant, and the landlord did not agree to the father residing at the property. The application was refused.
51. On 22nd January 2020, both parents attended the directions hearing. The evening before, the parents had been stopped by the police whilst together in a car near to Gatwick Airport with a baby, now known to be their third child, C. The local authority applied:
- i) to suspend the rehabilitation plan in respect of the boys; and
 - ii) for an interim care order in respect of C.
- I granted both applications. On the application of the mother, the injunction made against her on 18th December was discharged. I made police disclosure orders in respect of the West Midlands Police and the Sussex Police.
52. Both parents attended the directions hearing on 13th February 2020. The father confirmed that he had resumed his relationship with the mother. The mother confirmed to the court that she had remained in a relationship with the father and that, as far as she was concerned, she and the father had never ceased to be in a relationship. The parents made an application to discharge the interim care orders and to have all three children returned to their care: I refused the same.
53. On 5th May 2020 I refused the parents' application for the instruction of an independent social worker to complete a further parenting assessment of them.
54. On 17th June 2020 the mother wrote a letter to the court applying to re-open the findings made at the finding of fact hearing in 2019.
55. On 22nd June 2020 the mother wrote a letter of apology to the court.
56. The matter was listed for a final hearing on 6th July 2020. For the reasons I set out below, on 8th July this hearing had to be adjourned to 5th August 2020.

The Evidence

57. I heard evidence from the allocated social worker, MD, and from RM, a Ghanaian social worker who assisted MD in undertaking the parenting assessment.

58. MD told me that this was a unique case given the degree of non-engagement by the parents with any professional involved in theirs and their children's lives. The parents had had three years to understand the seriousness of this case and to work openly and honestly with the local authority. He had expected over this time for there to be some positive movement in the stance of the parents but there had been none at all.
59. In relation to the placement of the children for adoption, MD agreed it was extremely important, and in the welfare best interests of all three children, that they were placed together in the same adoptive home.
60. RM made a number of important points about Ghanaian society and culture:
- i) there are no domestic violence support services in Ghana;
 - ii) family members intervene to resolve marital and familial problems;
 - iii) the attitude towards domestic violence in Ghana is similar to approach in this country but we are more aware of the extent and impact of domestic violence, although the position in Ghana is changing;
 - iv) the family would advise and encourage parents to work with social workers;
 - v) there were no cultural reasons for these parents not engaging with or not working co-operatively with the local authority;
 - vi) the decision of the parents not to engage or work co-operatively with the local authority was a matter of their personal choice; and
 - vii) some parents choose to not engage or work co-operatively for a wide variety of reasons and when they do so there is very little a social worker can do.
61. The mother began her evidence on 7th July. Having been referred to each of her statements, her counsel asked her if she stood by them. The mother said she did. When I asked her if each of her statements were true to the best of her knowledge and belief when she made them, she replied '70%'. When I asked which 70% was true and which 30% was not true, the mother said she could not recall because she had not read her statements for some time. I adjourned until the following morning to enable the mother to read all of her statements. I ordered the mother to attend the Royal Courts of Justice ('RCJ') to give her evidence in person rather than remotely, as she had appeared at the hearing to that point.
62. Early in the morning of 8th July I received a message that the mother believed she was suffering from Covid 19 and could not attend the RCJ to give evidence. She asked to give evidence remotely or by telephone. Having heard submissions from counsel I ruled that if the mother was too ill to attend the RCJ she was too unwell to give evidence. Accordingly, I adjourned the matter part heard until 5th August.
63. The mother gave evidence on 5th August and the father gave evidence the following day.
64. Prior to the mother giving evidence, a short statement, dated 15th July 2020, was filed and served on her behalf. In it she sought to explain her answer that 70% of her

evidence in her statements was true. She said she had been confused by the legal terminology used when her counsel asked her if the contents of her statement was true. Three matters:

- i) first, it was not her counsel who had asked her if the contents of her statements were true, I had asked the question;
- ii) second, I did not use any legal terminology; and
- iii) third, at the beginning of her oral evidence she said she had understood my question and she had understood that she was simply being asked if what she had set out in her statements was true.

The explanation given in this statement was blatantly false and was made to mislead the court and the other parties. It was an extremely stark beginning to the mother's evidence. Sadly, matters then went from bad to worse.

65. A midwife had reported that on 15th May 2019 the mother had told her, at an antenatal appointment, that she had received antenatal care in respect of her current pregnancy in Ghana. When asked why she had said this, the mother first replied that she did not know why the midwife would have made such a statement. Then, when pressed on the issue, the mother said that the midwife had probably misunderstood what she was saying. Once more the mother's answers were contradictory and unsatisfactory.
66. Initially in her evidence the mother had said she had taken a ferry from Liverpool to Belfast in June 2019 as part of a business trip. She then asserted she had taken the ferry from Stranraer to Belfast. Counsel for the local authority then asked the mother about the occasion when she and the father were stopped by the police on 21st September 2019 near to Stranraer. She said she had not been in Scotland, she denied she and the father had been stopped by the police near Stranraer and then said she had not taken the ferry from Stranraer but had taken the ferry from Liverpool.
67. It is of note that the owner of the car stopped by the police for various alleged driving offences was the father. The driver gave the police the name and address of the father and produced a photocard provisional driving licence with a photograph of the father. The driver is further recorded as having told the police that the passenger was his wife and he was taking her to the ferry terminal in Stranraer.
68. On 13th February 2020, I ordered the mother and the father to file and serve a statement setting out the circumstances in which C came to be born in the Republic of Ireland. They failed to file and serve these statements. When asked why she had failed to do so, the mother was unable to give, or refused to give, any answer.
69. C was born in a hospital in Drogheda. On her admission to hospital a few days before the birth of C, when the mother thought she was in labour, and on her admission to hospital on the day of C's birth, the mother was admitted under a false name and as being resident at one of two addresses in the Republic of Ireland.
70. The mother said she had not been staying in the Republic of Ireland but at various addresses in Warren Point in Northern Ireland. She then gave a detailed account of being taken to the hospital in Drogheda by a taxi driver when she thought she was in

labour. He was a family friend of some of her relatives. When asked why he had not taken her to a local hospital in, say, Newry, but had driven for the better part of an hour to Drogheda, the mother said she did not know, she was screaming in agony and had just left the choice of hospital to the taxi driver. She asserted the taxi driver must have given the false name and address for her to the hospital.

71. The difficulty with this explanation is that:
- i) there is no reference to this account in any of the mother's statements;
 - ii) the only matter which is referred to in her penultimate witness statement about these events, is a complete denial of any knowledge as to how the hospital came to be given a false name; and
 - iii) at a consultant paediatrician's appointment for C in the Republic of Ireland on 9th October 2019, the mother signed certain documentation in the given false name.
72. When asked about an absence of any reference to the taxi driver in her statements, the mother claimed she had been waiting to check some details before giving this account. The mother could not explain why she had not checked these details in the preceding ten months. When asked why she had signed the documentation in a false name, the best answer the mother could give was she should not have done so.
73. After a further medical appointment on 10th October, the mother failed to engage or co-operate at all with any health and social work professionals in the Republic of Ireland. At some point in October or November 2019 the mother returned to this jurisdiction with C.
74. The mother could not remember any details of her return journey from Ireland other than it has been by ferry and she had travelled alone. When asked when she had returned, she said she could not remember but C had been about 2 months old. She said she and C had lived at a rented property in Croydon and that she had engaged a nanny to look after C when she had occasionally attended court hearings in this matter.
75. The mother had lied to health care professionals in June 2019 when she had said she had miscarried the child she was carrying. Thereafter, she claimed she had not told anyone, including the father, the local authority or the court, of her continued pregnancy nor of the birth of C because she feared her baby would be removed from her and deprived of her breastmilk, as had occurred with B.
76. The mother told me she could not remember whether the father had telephoned her after the conclusion of the court hearing on 18th December 2019. She said she considered the plan for the rehabilitation of A and B to the care of the father, on the basis of his separation from her, to be a 'ridiculous order'. She had not been aware of any time when she and the father had been separated and she claimed that she and the father had never spoken about the rehabilitation plan proposed by the court.
77. When asked about the adverse impact on A and B caused by her disappearing from their lives during her pregnancy and immediately after C's birth, the mother was

entirely dismissive that her absence had caused them any harm. She insisted she had not missed many contact visits at all because the boys had been away on holiday with their foster carers: this was manifestly not true. It is deeply troubling that the mother appeared to have no or little regard for the welfare best interests of either of her boys.

78. Neither parent told the social worker, the guardian or the court of the mother's 'visit' to the family home in the West Midlands on 26th November. It was only when police disclosure was received that it became known that the police had been called to this address because of a domestic incident. The mother, and the father, played down the incident and denied it had been another episode of domestic abuse between them, notwithstanding that the police log records a woman being heard screaming and shouting during the father's telephone call to the police. The mother denied C had been present insisting that:
- i) she had not told the father about the birth of the child because she knew he would tell the social worker; and
 - ii) she had left C with a nanny in London.
79. The mother was asked about my findings of fact made in March 2019. She continued to deny A had suffered any injury or that there had been any incident of domestic abuse between her and the father.
80. During the course of examination in chief the father asserted that he had not known the mother planned to travel to the Republic of Ireland to give birth to C. He said she had never mentioned Ireland to him.
81. When asked about the court hearing on 18th December and the promises he had made and the assurances he had given to the court, he said he had subsequently changed his mind. When asked why, he gave a number of answers including that 'my wife and I had no problems'. When I asked why he had broken his promises to me he apologised but then said 'it was not my fault this had happened'. Quite whose fault it was, he did not say.
82. He was asked by counsel for the local authority whether he had told the court the truth when he had said on 20th September that he was separated from the mother and that their marriage was over. He replied 'yes' about his separation from the mother, but he denied he had ever said the marriage was over. This is a blatant lie because he most certainly did tell me the marriage was over. (I note that in her evidence the mother had alleged that the father made this claim about a separation only after he had instructed new solicitors and the idea of a separation from the mother had been suggested to him).
83. When asked why he had not told the social worker or the court about the events of 26th November 2019, he said it was not necessary or relevant to tell the court about this event.
84. He was asked about his promises given to the court on 18th December 2019. He said that he wasn't told anything save he must not talk to the mother. When it was put to him that he had understood what had been said in court and that this was his final chance to care for the boys, he replied 'I should have been given the reason why and I

wasn't'. The father accepted he had breached the court's order and he said 'I apologise'.

85. I make all due allowance for the fact that the father gave his evidence through a Twi interpreter, albeit that he has a reasonable command of English. I am in no doubt whatsoever the father completely understood what was required of him and the reasons why. For him to have suggested otherwise in his evidence is a clear and plain lie.
86. The father claimed he had telephoned the mother after court on 18th December 2019, and subsequently, about matters unconnected with this case, namely business matters, and that they did not discuss this case. I am completely satisfied this is a lie. Moreover, I note that the mother had claimed she had travelled to Ireland in June, not September, on a business trip. If so, I do not understand why she did not tell the father, as they both claimed, about her business trip, whether it be to the Republic of Ireland or Northern Ireland.
87. At one stage in his evidence the father said:
- i) that the mother had gone to Ireland to have the child, she returned and we looked after the child together; and then
 - ii) she supported me and the child.

It was suggested by counsel for the mother that what the father had said and meant was that the mother had supported the father and the boys in contact. The father readily agreed. This 'corrected' account may have explained point (ii) above, it does not, however, begin to explain point (i).

88. Save for the foregoing, the father maintained his account that the first time he ever saw C was the day he was stopped by the police near Gatwick Airport. However, when he was asked whether he had been aware in 2019 of the birth of C, he said he could not remember.
89. The father denied it was him who was stopped by the police near Stranraer on 21st September 2019. It was his car but he had lent it to a friend he named as K. The father said he was still looking for the contact details for K. He explained that K had been able to produce the father's photocard provisional driving licence because he had been in the habit of storing it on top of the visor shield. He agreed the person stopped by the police had given all of his correct details including his employment as a car trader in the West Midlands. The father continued to deny it was him despite the police noting that the man said his passenger was his wife and they were travelling to the ferry terminal at Stranraer.
90. The father was asked about the events of 21st January 2020 when he and the mother were stopped by the police near Gatwick Airport with C in the car. He denied giving the police the address of the property rented by the mother in Croydon: he said the police were lying. He denied he was driving to Gatwick Airport rather they were travelling to a hotel around the airport which had been booked by the contractors engaged by the mother to work as a surveyor on the M23 construction project. The father could not remember the name of the hotel. (I note the mother had claimed it

was the Holiday Inn but when the local authority had made enquiries of the hotel it had no record of a booking for the mother).

91. It was put to the father that they were travelling to the airport for the mother, with or without the father, to flee the country with C. The father was afforded three opportunities to answer this question. On each occasion he failed to do so.
92. In July 2019 the father travelled to Ghana to attend his father's funeral. On this return, he said he could not understand why the mother had moved out of the family home, she would not tell him where she was or why she had left. The father said he thought the mother was hiding something from him, namely that she was pregnant. He was asked what explanation the mother had given to him on 21st January 2020 for (as he alleged) concealing C's birth from him. He gave the feeble reply that he had been very quiet on the journey to Gatwick and had not asked the mother for any explanation.
93. I remind myself of the ready and supportive role played by the father in the concealment of the birth of B and of the wrongful retention of A in the USA.
94. Towards the end of his evidence the father denied he had ever told the guardian that he had no control over the mother. Two minutes later, or less, he admitted he had said this to the guardian. When asked why then he had initially denied ever saying this to the guardian, he replied 'no I never said that'. The father appears not to know when he is telling the truth and when he is lying.
95. On 7th August I heard evidence from the children's guardian. She confirmed the evidence had not caused her to change her professional opinions or her recommendation to the court. Indeed, she said the evidence of the mother and of the father had merely served to confirm and reinforce her opinions and recommendation.
96. Counsel invited me to receive written, rather than oral, closing submissions. I agreed and I reserved judgment.

Analysis: The Factual Matrix

97. The mother and the father have serially lied to the court, to the social workers, to the children's guardian and to every other professional with whom they have had contact, including the police and health professionals.
98. The mother is the most egregious liar I have ever encountered. The father has also serially lied to the court, to the social workers and to the children's guardian. Worst of all he lied to me about:
 - i) his separation from the mother;
 - ii) his commitment to maintain that separation and not to have any contact with the mother; and
 - iii) his commitment to put caring for A and B to the fore, which led me to require the local authority to pursue a rehabilitation plan for the boys to live with the father, which was contrary to the local authority's care plan and contrary to the recommendation of the children's guardian.

99. They were right and I was wrong to have placed trust in the father.
100. At the hearing on 18th December 2019 I had carefully explained to the father that:
- i) I did not want to find myself forced to place his children for adoption;
 - ii) I wanted to give the children the chance to be cared for by a capable and loving father; and
 - iii) I required him to promise he would not have any further contact with the mother.

I warned him, however, that if he breached my requirement for him not to have any further contact with the mother, it would be likely that I would be compelled and left with no choice but to place his children for adoption. I called him into the witness box, with his Twi interpreter, to explain these matters to him and to ask him if he understood. He said he did.

101. Nevertheless, as the parents phone records reveal, within moments of the father leaving court he breached his assurances to me and he contacted the mother by her mobile telephone. He then repeatedly breached his assurances to me by repeatedly contacting the mother. He demonstrated an utter and complete disregard for everything I had said and he had said on oath at that hearing.
102. I am bound to conclude, on the totality of the evidence that I have heard, that I cannot trust a single word said by either of these parents.
103. At several points in her evidence the mother, as did the father when he gave evidence, admitted making mistakes in the past, apologising for these mistakes and asking the court to give them another chance. The mother used the word ‘mistakes’ as a euphemism for ‘lies’. However, when one delved beneath these spoken words it was clear the sentiments expressed were hollow and unfounded. The mother, like the father, does not regret any of her past actions during the course of these proceedings: she does not regret fleeing with A to the USA, later joined by the father, to give birth to B and she does not regret concealing the birth of C. She, like the father, does regret and resents the involvement of the local authority in her life and these court proceedings. She, like him, does not even begin to understand or accept the significant harm the children have suffered in their care and the significant harm they would each be at risk of suffering if they were returned to the parents’ care in the future. I consider, the prospects of the mother making any positive changes for the better are remote, whether in the short, medium or long term.
104. These observations and comments apply with equal force to the father.
105. If any of the children were returned to the care of either or both the parents they would immediately be removed from this jurisdiction and/or would not be made available to the local authority or the children’s guardian.

Findings of Fact

106. I make the following findings of fact, on the balance of probabilities:

- i) neither the mother nor the father accept my findings of fact given in my judgment of 29th March 2019 but, in particular, that A sustained an injury on 6th May 2017 during the course of domestic abuse incident involving both parents;
- ii) the mother lied to a midwife on 15th May 2019 when she told her that she had received antenatal care in Ghana in respect of her pregnancy with C;
- iii) it was the father and the mother who were stopped by officers of the Police Service of Scotland on 21st September 2019;
- iv) the father was driving his motor car to take the mother to the ferry terminal at Stranraer;
- v) the father knew the mother was pregnant, knew she wished to conceal her pregnancy and colluded with her to do so;
- vi) the mother travelled to the Republic of Ireland to give birth to C at a hospital in Drogheda;
- vii) she gave a false name and a false address to the hospital professionals in order to avoid the birth of C being made known to the local authority and to the court;
- viii) thereafter the parents colluded with each other to conceal the birth of C and her presence in the jurisdiction;
- ix) in truth the father was never separated from the mother whether between September 2019 and January 2020 or at all;
- x) the father never had any intention of being a sole carer for A and B to the exclusion of the mother;
- xi) there was a domestic abuse incident between the mother and the father on 26th November 2019 which led to the parents telephoning the police;
- xii) the father had seen C prior to on or around 21st January 2020;
- xiii) the parents were stopped by officers from the Metropolitan Police in the evening of 21st January near Gatwick Airport.;
- xiv) the parents' intention had been to flee the jurisdiction on a flight from Gatwick either the mother alone with C, the most likely, or together with the father, the least likely; and
- xv) if the father's car had not been stopped by the police, the parents would have carried out their joint plan.

107. In relation to the children, I make the following findings of fact, on the balance of probabilities:

- i) in her efforts to conceal her pregnancy with C, the mother absented herself from most contact visits with A and B between June and January 2020, which inevitably caused both boys emotional harm;
- ii) in her efforts to conceal her pregnancy with C, the mother failed to provide her unborn child with appropriate antenatal care and, save in the immediate days after her birth, appropriate post-natal care, putting C at risk of suffering physical harm;
- iii) the parents' failure to engage with the local authority or with any professionals with whom they have had contact is wholly irrational and is not founded on any objectively reasonable grounds;
- iv) there has been no change in the approach of the parents towards professionals over the course of the last three years and there is no basis for concluding there will be any change in the foreseeable; not least because, in truth, they discern no reason to change;
- v) accordingly, if the children were returned to the care of the parents and any professional, most especially a social worker, was to seek subsequently to involve themselves with the family, the parents' instinctive and immediate response would be, at least, to refuse to engage and co-operate and, most likely, to flee irrespective of the welfare best interests of the children;
- vi) therefore, the children would be at a real risk of suffering significant emotional and psychological harm from the stability of their lives being disrupted and abruptly changed over the years to come; and
- vii) moreover, in light of the events of 6th May 2017 and 26th November 2019, which the parents have consistently downplayed and minimised, the children would be at a real risk of suffering significant physical, emotional and psychological harm if they were returned to the care of the parents.

Threshold Criteria

108. On the basis of the findings of fact made at the conclusion of the hearing in March last year, set out in paragraphs 26-36 above, and the findings of fact made in this judgment, at paragraphs 104 & 105 above, I find the threshold criteria of s.31(2) of the 1989 are satisfied in respect of each of the three children.

Analysis: Welfare

109. I have expressed the clear view on numerous occasions in the history of this case, especially at the hearing on 18th December 2019, that I did not want to find myself contemplating the placement of A and B, and now C, for adoption.

110. The parents deeply love their children and the children love them. There is no question, and never has been, that the parents are more than able to meet the basic care needs of the children.

111. The stumbling block is the parents' irrational and extreme over-reaction to the involvement of professionals in their lives and those of their children, most especially social workers.
112. In closing submissions made on behalf of the mother and of the father it was submitted that the facts of this case did not warrant the making of orders which would separate the children from their parents for the remainder of their lives or, at least, for the remainder of their respective childhoods. It was submitted that if the local authority had desisted and/or would desist in the future from involvement in the lives of the parents and the children, all would be fine and the children would be well cared for by their parents.
113. These submissions completely ignore the history of this case and the findings of fact that I made in March 2019. The local authority has constantly sought to work in partnership with these parents and to support them in their care of the children. At each turn their efforts to work with the parents have been rebuffed and/or apparent co-operation has subsequently been found to be based on lies and deceit.
114. The only long-term future options for the children are:
- i) a return to the care of the parents;
 - ii) placement in long term foster care; or
 - iii) placement for adoption.
- No other alternative or familial placements have been advanced by any party.
115. On the basis of my findings of fact set out in paragraphs 26-36 and 104 & 105 above, there is no prospect of any real or significant change being made by the parents, and most certainly not within the timescales of the children. Accordingly, a return to the care of the parents would place the children at a high risk of suffering significant harm in the future and throughout their respective minorities.
116. Given their very young ages, it would be wholly inimical to the welfare best interests of all three children to be placed in long term foster care. There is the ever-present risk of the placement breaking down or of the children having to move to new placements because of a change in the circumstances of the foster family. A social worker would always be involved in their lives with the usual periodic reviews of their care and placement.
117. On the other hand, a placement in foster care would leave open the option of the children possibly returning to the care of the parents at some unspecified and ill-defined point in the future.
118. The parents do not even begin to accept my previous findings of fact. I have no hope they will ever accept those findings of fact or the findings of fact that I have made in this judgment. The prospects of the parents' changing their irrational and baseless views of social workers are remote. Accordingly, if the children were to return to the care of the parents they would, throughout their respective minorities, be subject to the risks of harm I have set out in paragraph 105 above.

119. On the other hand, they would be cared for by their biological and loving parents and the importance of this cannot be underestimated.
120. Placing all three children for adoption would sever their respective legal ties with their biological parents for the whole of their lives. It would entail the risk that, whatever the current best intentions of the local authority, they may ultimately be placed separately for adoption which would be wholly contrary to the welfare best interests of all three children.
121. The cessation of contact and of a relationship with the parents is bound to have an adverse impact on the children, most especially A. I note, however, that all three children have settled well into their foster homes. A and B missed seeing their mother in contact last year when she was in Ireland and/or in London with C but neither of them was unduly upset. I must balance the adverse impact of a cessation of contact and of a relationship with the parents against the potential life-long benefits of an adoptive placement in a loving, safe and secure home. I am satisfied the balance falls decisively in favour of an adoptive placement for all three children.
122. Standing back and considering the three options in the round and against the background of the totality of the evidence, it is with a heavy heart and with great reluctance that I conclude that the only option which will meet the welfare best interests of each of the children throughout the whole of their respective lives, is a placement for adoption. It is the proportionate, indeed the only, course the court can adopt to secure the future welfare of all three children.
123. I place huge importance and emphasis on the need to place all of the children together for adoption. I cannot require the local authority to do so. It would, however, be my clear expectation that if the local authority, despite their best endeavours, could not place all three children together for adoption that they would restore this matter to court. Because, if this position were reached it may be, I would have come to a different conclusion on the placement for the children which was in their welfare best interests.
124. In all of the circumstances I am satisfied that the welfare of each child requires me to dispense with the consent of both parents to the adoption of each child and I so dispense with their consent.

Conclusions

125. On the totality of the evidence and for the reasons set out in this judgment I am satisfied and find the threshold criteria of s.31(2) of the 1989 Act to be met in respect of each child.
126. I am satisfied that the care plan for each child of placement for adoption is in the welfare best interests of each child and I make a care order in respect of each of them.
127. I have dispensed with the consent of the parents to the adoption of A, B and C. I am satisfied that the placement of each child for adoption, but all placed together, is in the welfare best interests of each child. Accordingly, I make a placement order in respect of each of them.

128. I repeat my deep regret that the actions of the parents have forced the court to reach this conclusion. I had real hopes last year that there was some prospect, albeit slim and against the weight of the evidence, and contrary to the considered professional opinions of the social worker and the children's guardian, that the father could care for A and B and, as later became apparent, C. I am very sorry it was not achievable.