

Re K (Care Order)

[2007] 2 FLR 1066

12/06/2007

Barristers

Rebecca Foulkes

Court

Civil Division

Summary

A judge had failed to give adequate reasons for rejecting a mother's application for a family assessment and fairness to the mother, in resisting the final care order, would be jeopardised if the assessment was refused.

Facts

The appellant mother (M) appealed against a case management decision in care proceedings refusing her application for a family assessment. The local authority sought a care order in relation to M's seven-month-old child. Various assessments had taken place and, in its final care plan, the local authority stated that it did not propose to undertake any further assessments given M's reluctance to address issues already highlighted. M applied for a two-day assessment by specialists in family care. The judge refused the application on the basis that the court would not be assisted by the assessment as it would not address the issues in the case.

Held

HELD: The judge had given insufficient reasons for rejecting M's application. The relevance of the assessment was underlined by expert evidence that M had done well in contact sessions and that a further assessment would be helpful. The judge had failed to refer to that opinion. If the order was allowed to stand the essential requirement of fairness to M, in seeking to resist the final care order, would be jeopardised.

Appeal allowed

Permission

Lawtel 