

X Local Authority v N J & 6 Ors (2008)

(2008) 2 FLR 1389; [2008] EWHC 1484 (Fam)

24/06/2008

Barristers

Jo Delahunty KC
Alistair G Perkins

Court

Family Division

Summary

A mother who had placed her children at risk by her marriage to a man with a history of child sex abuse and with whom she was still emotionally enmeshed was not suitable for further assessment of herself and her parenting capacity as a single carer for one of those children where it was unlikely she could change her parenting style within a short period of time.

Facts

The applicant local authority sought supervision, care and placement orders in respect of three children (C1, C2 and C3). Two of the respondent fathers (F1 and F2) sought residence orders in respect of C1 and C2, and the third father (F3) sought a contact order in respect of C3. The children's mother (M), supported by her husband, F3, sought a further assessment of herself and her parenting capacity as a single carer for C3. Following an earlier fact-finding hearing, the three children had been removed from M's care because of her breaches of court orders that they should not have contact with F3, who was found to have seriously sexually assaulted his son from another relationship and two nephews. C1 and C2 currently resided with F1 and F2, respectively, while C3 was placed into foster care. M did not oppose F1 and F2's applications for residence orders for C1 and C2, which were supported by the local authority and children's guardian. However, she did oppose the local authority's application, which was supported by the guardian, for a care order and a placement order for C3. She maintained that she had split from F3 and should be allowed to recover the care of C3; but the local authority and guardian believed that the separation was a fiction.

Held

HELD: (1) The evidence showed that M had not separated from F3 when she claimed to have done so, and even if she had more recently separated from him physically, which was by no means certain, she was still emotionally enmeshed with him. She had little or no sense of the horror and harm which F3 had caused his victims or the risks he posed to her children. Without that sense she could not protect them; and given the risks, her deception of the local authority and guardian and her breaches of the court orders, it was clear she could not be relied upon to protect them. M had cognitive limitations and although she had made adjustments, they were not sufficient to demonstrate that she could continue to

make changes in her parenting style which would enable her to care for and parent C3 throughout her childhood. Even if she could make some of those changes, they would not occur within a short period of time, or a time within which C3 could wait. Therefore, it would not be appropriate to countenance any form of parenting assessment of M to parent C3, and her application for such an assessment would be rejected. The local authority's care plan was that C3 should be placed for adoption as soon as practicable. There was no other option than to consider a long-term placement for C3 outside her family; and, given her age, adoption seemed to be the appropriate way forward. The local authority's care plan, including the proposals for contact with her parents, would be approved and a care order made in respect of C3, while the placement application would be heard in the near future. (2) The residence orders and supervision orders in respect of C1 and C2 would be made.

Permission

Lawtel 