

Re C (Adoption: Disclosure to Father) (2005)

(2006) 2 FLR 589; [2005] EWHC 3385 (Fam)

25/07/2005

Barristers

Court

Family Division

Summary

In adoption cases the position of a father without parental responsibility had still to be considered, with notification being the norm. Where family life was established, there had to be very compelling reasons why a parent was shut out from notice of the existence of a child or proposals for its future.

Facts

The applicant local authority sought directions as to whether an unmarried father (F) without parental responsibility should be notified of a decision by the mother (M) to place their child (C) for adoption. F and M had known each other for 14 years and F had fathered four of M's six other children. However, C was born while F was in prison and he knew nothing of her existence. M contended that she did not want F or either of their respective families to be told about C prior to her adoption as she feared violence from F on his release or pressure being placed on her from either family to change her mind.

Held

(1) In adoption cases the position of a father without parental responsibility had still to be considered, with notification being the norm. Where family life was established, there had to be very compelling reasons why a parent was shut out from notice of the existence of a child or proposals for its future, H (A Child) (Adoption: Consultation of Unmarried Fathers), Re (2001) 1 FLR 646 Fam Div and M (Adoption: Rights of Natural Father), Re (2001) 1 FLR 745 Fam Div applied. Although there was some history of violence in the relationship between F and M, it was not extreme and M had felt able to tolerate it. Furthermore, there was a real prospect that F would find out in due course, which might create problems for C's placement and long-term welfare. There were not the exceptional circumstances required to justify non-disclosure, and F would be notified by social services while he was still in prison. (2) The local authority was invited to apply under the Children Act 1989 s.100(3) for C to be made a ward of court with the local authority as applicant and M and the guardian as first and second respondents. The order was to contain two recitals to the effect that M, in the exercise of her parental responsibility, consented to C's being accommodated by the local authority, and authorised it to place the child for adoption.

Permission

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