

A London Borough v A [2012]

[2012] EWHC 2203 (Fam)

27/07/2012

Barristers

Alison Grief KC

Court

High Court (Family Division)

Practice Areas

Public Children Law

Summary

Decision to adjourn the Local Authority's application for final care orders, enabling the Mother to attend therapy.

Fact

An earlier fact finding hearing found that the Father had been responsible for the death of one of the parents' children. A month after that judgment the parents separated. The Mother was assessed as having a number of strengths. However, the professionals agreed that she was at that time unable to ensure that the children would be kept safe and to meet their emotional needs to understand the family's history as a result of her finding it difficult to accept the fact finding outcome. The Mother also accepted that at this time she was not in a position to care for the children but sought an adjournment for her to receive therapeutic intervention.

The issue was whether the Mother had capacity to meet the children's needs which could only be achieved by her participating and benefiting from psychotherapy and whether this would be within the children's timescales.

The Local Authority and Guardian considered that given the Father was responsible for the death of one child, nothing less than the Mother's unqualified internalised acceptance of the court's findings would be sufficient to protect the children's physical and emotional needs. Mr Justice Peter Jackson did not accept this, finding that it was possible that a substantial and genuine acknowledgement that the Father may be dangerous combined with a genuine emotional distancing from him would be sufficiently protective. He considered that a chance of change is sufficient, even if it did not amount to a probability.

Held

An adjournment was granted for 6 months allowing the Mother to receive therapy to assist her in adjusting to the fact finding decision and assist her in being able to protect the children. In making this decision Mr Justice Peter Jackson considered the delay that an adjournment would cause, but decided,

given the Mother's strengths, that the potential for the children to remain within the family outweighed such considerations. Updating assessments by the professionals of the Mother would be undertaken to consider whether the therapy had assisted in a significant change in her ability to protect the children.

Permission

Family Law Week 