

RCW v A Local Authority [2013]

[2013] EWHC 2129 (Fam)

16/07/2013

Barristers

Robin Barda

Court

High Court (Family Division)

Practice Areas

Public Children Law

Summary

Adoption order made in favour of a woman suffering from visual impairment.

Facts

This application followed the injunction granted by Cobb J under the Human Rights Act 1998 to prevent the local authority in question from removing the child, SB, from the care of RCW: see **RCW v A Local Authority** [2013] EWHC 235 (Fam).

SB had earlier been placed for adoption with RCW. RCW subsequently had surgery for a brain tumour. This surgery left RCW without sight and shortly afterwards the local authority (LBX) sought to remove SB from the care of RCW. Following the injunction, the matter was listed for directions before Cobb J at which hearing he directed an assessment by the Great Ormond Street Hospital Child Care Consultation Team and encouraged the local authority to explore the possibility of occupational therapy support from Focal Point UK, an organisation that specifically provides this support to the visually impaired.

Held

This judgment relates to a hearing on 16th July 2013, by which date both of these pieces of work had been undertaken. The application before the court was the application by RCW to adopt SB. Both the Great Ormond Street team and Focal Point UK had provided glowing reports of the care being provided by RCW to SB with the support that had been put in place. The current support arrangements are to remain in place for the time being. The local authority had changed its stance and was now in support of the application by RCW to adopt SB, as was the Guardian appointed to represent SB.

Cobb J concludes at para. 26 that:

“RCW has demonstrated, in my judgment, an outstanding ability to manage the stresses of sudden disability, to make substantial practical adjustments to her life, and to weather the acute anxiety of the court process. She has further had to support SB through her own operative treatment in recent weeks. In short, she has had to overcome (what she described as) the “dreadful ordeal” of many aspects of the

year thus far. Throughout this difficult period, I am satisfied that she has demonstrated that she can conscientiously prioritise the needs of her infant charge, providing obviously nurturing and loving care to a very high standard for SB.”

Following agreements between the local authority and RCW about ongoing support from Focal Point UK and that the local authority would reimburse RCW for the majority of the costs of that support, the adoption order was granted.

Permission

Family Law Week 