

RE H (2004)

[2004] EWHC 1628 (Fam)

20/07/2004

### **Barristers**

Brian Jubb  
Nicholas Fairbank

### **Court**

High Court (Family Division)

### **Practice Areas**

Public Children Law

### **Summary**

A mother had made significant changes in her lifestyle since her earlier problems with parenting and should be granted a six-week residential assessment with her baby.

### **Facts**

The applicant mother (M) applied under the Children Act 1989 s.38(6) to undergo a six-week residential assessment at a unit with her child (C) who was four months' old. When M was pregnant with C the local authority had decided, given M's history of deficient care of her children, that C should be adopted. C was therefore placed with a foster carer following birth. Subsequently, M met a new partner (P) who formed a significant part of her proposals for a residential assessment with C. M's application was supported by the guardian ad litem and a consultant psychiatrist. The local authority agreed that a further assessment was necessary for the purposes of the impending final hearing but argued that a community based assessment, consisting of twice weekly attendance at a family skills group for 13 weeks followed by the possibility of a residential placement, was more appropriate.

The local authority's proposed course of action would inevitably result in a delay of the final hearing, and in the determination of an outcome for C, which would be detrimental given C's age. This was the last chance for a residential assessment as C would suffer more serious "adjustment" consequences if removed from his foster carers when older. The advantage of a residential assessment was 24-hour observation allowing skilled staff to identify difficulties when they arose whereas periodic attendance at a family skills group would not provide an in depth analysis of M and her capacity to care for C. M should be given the opportunity of a residential assessment since she had made significant changes in her lifestyle to include her relationship with P who was essential to any assessment as M could not operate to the appropriate standard as a single mother. A residential assessment was necessary as without it the court would have difficulty in reaching a full and reasoned decision as to what was best for C's future, *Re L & C (Minors)*, *Re (Unreported)*, April 25, 1997) and *G (A Child) (Interim Care Order: Residential Assessment)*, *Re (2004) EWCA Civ 24*, (2004) 1 FLR 876 .

Application granted.

**Permission**

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