

Re LRP (A Child) (Care Proceedings – Placement Order) [2013]

[2013] EWHC 3974 (Fam)

12/12/2013

Barristers

Alistair G Perkins
Greg Davies

Court

High Court (Family Division)

Practice Areas

Public Children Law

Summary

Judgment of Pauffley J following the final hearing of an application for placement orders in respect of a baby aged just 10 weeks.

Facts

The parents' previous two children had been removed from their care at the ages of 19 months and 6 months respectively, following a three week fact-finding and final hearing concluding in March 2013. At that hearing various findings as to physical and sexual harm as well as inability to protect the children were made. At the time of the hearing the parties had sought to persuade the court that their relationship was simply platonic, a position which was undermined by the subsequent birth of LRP.

Following LRP's birth the mother and child were placed in a specialist mother and baby foster home. However the mother remained there for only 11 days before returning to live with the father, leaving LRP with the foster carer. Thereafter, the mother failed to attend for any arranged contact sessions.

Held

Neither parent attended the substantive hearing but both attended for judgment, presenting as a couple. Pauffley J found that the threshold criteria were established and considered the report of the ISW which indicated a poor prognosis for the parents achieving the requisite change within reasonable timescales. The ISW recommended adoption for LRP as soon as possible. Pauffley J explored the position of the parents, who opposed the orders in principle although not actively, accepting that adoption was the likely outcome. Her Ladyship noted that although the parents seemingly acknowledged the need for change they clearly struggled to understand the findings and judgment and the resulting implications. Both parents sought indirect contact with LRP post-adoption.

In considering the limited options for LRP, Pauffley J rejected long-term foster care as being "an

extraordinarily precarious legal framework for any child” and as such that the remaining options were either a return to the parents or placement for adoption. Her Ladyship went on to weigh the advantages and disadvantages of adoption, including that adoption would mean that LRP was not brought up within her natural family. On balance Pauffley J concluded that LRP’s interests would best be served by adoption and accordingly dispensed with the parents’ consent before making a placement order.

Permission

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