

N (A Child) (Adoption Order) [2014]

[2014] EWFC 1491

02/05/2014

Barristers

Dermot Main Thompson

Court

Family Court

Practice Areas

Public Children Law

Summary

Consideration of special guardianship orders against adoption orders particularly in light of *Re B-S* [2013] EWCA Civ 813

Facts

The child subject to the proceedings spent the first 7 months of her life in hospital due to a number of serious and continuing disabilities. She moved from hospital to the applicants and has lived with them for 5 years. The applicants applied for an adoption order. They were supported by the Local Authority and the Guardian, both finding that after considering the advantages and disadvantages of all options (in line with *Re BS*), the only appropriate order was an adoption order.

The mother was not involved in the proceedings. The father, supported by the paternal grandmother, however opposed an adoption order. He stated that a special guardianship order was the appropriate form of order. He also applied for a contact order.

Held

Mr Justice Moor considered the law, in particular in light of *Re B-S* [2013] EWCA Civ 813 in which the Court of Appeal emphasised the need for a holistic and rigorous evaluation of all options. He considered the advantages and disadvantages to this child of a special guardianship order and an adoption order.

Moor J. found that nothing but an adoption order was appropriate for this child. In light of the exceptional circumstances of this child, in particular her disabilities, he found that a special guardianship order would not provide her with the permanence that she required.

The need for a contact order was considered. Moor J. accepted that the applicants were committed to direct contact between the child and the father and paternal grandmother, they having already facilitated such contact. He found that the child required finality and the father's ability to apply to vary a contact order would not be in the child's interests.

Accordingly Mr Justice Moor dispensed with the father's consent and made an adoption order. He refused the father's application for a contact order.

Permission

Family Law Week 