

# Prospective adopters v LB Tower Hamlets

**[2020] EWFC 26**

03/04/2020

## **Barristers**

Rob Littlewood  
Chris Barnes  
Harry Langford

## **Court**

Family Division

## **Practice Areas**

Public Children Law

Parents' application for leave to oppose adoption refused. The court considered that previous decisions relating to the family were highly relevant to the decision

PJ was born in July 2019 and was removed from her parents' care some 4 days later. She was the eighth child of the family, all of whom were involved in care proceedings. Care and placement orders were made on 10.11.16. Permission to appeal was refused.

In January 2018, the court considered an application to revoke the placement order. Leave was granted and assessments directed but in June 2018 the application was rejected, Mr Justice Baker delivering an "exhaustive" judgment meticulously analysing the position of the parents at that time. In March 2019 the parents made a further application for leave to revoke the placement order, which was heard in June 2019 by Mr Justice Hayden. Leave was refused and permission to appeal was refused. OH, a full sibling to PJ, was born in April 2019. He was placed with the parents in a supported placement which broke down. Care and placement orders were made in January 2020 by Mr Justice Hayden following another "exhaustive, forensic analysis" of the parents' position. The court of appeal refused permission to appeal. The parents then made this application to oppose the adoption of PJ. Leave was refused

- Applications for leave under s 47(7) (leave to oppose adoption) or under s 24 (leave to revoke a placement order) are a 2 stage process – 1st a factual condition precedent of a change of circumstances and 2nd a judicial evaluation as to whether the application should be allowed to proceed, which includes an evaluation of the prospects of success (para 4)
- In order to qualify as a relevant change of circumstances, the change must be unexpected or outside the realisation of expectations – in other words, a change that was not foreseeable at the time of making the order (para 5)
- The approach to the 2nd stage is different under the 2 provisions, for s 24 the welfare of the child is not

the paramount consideration, and the applicant must have a “real prospect of success”; for s 47 the “child’s welfare throughout her life” is the paramount consideration and the applicants must have “solid” prospects of success (para 6 &7)

- Hearing oral evidence in such leave applications is rare
- When considering whether there has been a change in circumstances, the previous judgments drew a “line in the sand” in relation to qualifying, material changes of circumstances. In practise that meant the parents needed to show changes since the last judgment in January. They did not discharge that burden.

To read the full judgment, please click [here](#).

**Permission**

 **Family Law Week**