

IMPORTANT NOTICE

This judgment was delivered in private. The judge has given leave for an anonymised of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of the child[ren] and members of their [or his/her] family must be strictly preserved. All persons, including representatives of the media, must ensure that this condition is strictly complied with. Failure to do so will be a contempt of court.

Case No: LS19C00088

IN THE FAMILY COURT SITTING IN LEEDS

IN THE MATTER OF THE CHILDREN ACT 1989

AND IN THE MATTER OF X, A CHILD

Date: 30.10.19

Before :

HHJ Lynch

Between :

A Local Authority

Applicant

- and -

Y, A Mother (1)

Z, A Father (2)

X (a child) (3)

Respondents

Chris Elliott for the Applicant
Adam Hall for the 1st Respondent
Helen Camidge for the 2nd Respondent
Sarah Hills for the 3rd Respondent

Hearing dates: 30 October 2019

JUDGMENT

Introduction

1. These proceedings are about X, a young baby. Her parents are Y and Z and they both have parental responsibility for her. Although X is the parents' first child, Y has had two older children. The other important person to X who figures in this judgment is her grandmother on her dad's side, J.
2. Before X was born the local authority social worker met with Y to see if she would be able to bring up her daughter. There were worries that Y would not be able to look after a baby well enough because of the things which had led her older children to be removed from her care, her own mental health problems, the kind of adults she mixed with and problem she seemed to have seeing who was risky, the people with whom she got into relationships with, and not working with people who were trying to support her. Y also said that there had been domestic violence in her relationship with Z but despite that she had kept seeing him.
3. The local authority made an application for an interim care order when X was born. A care order was made but rather than removing X from her mother's care, Y and her daughter moved into a mother and baby foster placement, where they could live together and Y could have the best possible opportunity to care for X long term. They remained there for a few months when Y left the placement. Since that time X has remained in foster care, with her parents being able to see her with someone else present. During that time Z's mother, J, was assessed to care for X. That assessment was positive so X moved to live with her. Z lives in that household so he sees X there and Y has continued to have time with her supervised at a contact centre.
4. During the case there has been more than one person looking at whether each of the parents would be able to care for X. The social worker met with both parents, a psychologist met with Y, and there was also a shorter psychological report regarding Z to look at whether he might need some extra help in being involved in these proceedings. There has also been a drug test of Z. I have looked at all of those people's reports when considering what X's future should be.
5. The issues in this case had narrowed a lot by the time of the final review hearing and have since been sorted altogether. At the review hearing, Y's solicitor told the court that she agreed to X staying with her grandmother. There were some things she did not agree about, the wording of the document that says why this case began and what the risks were to X then, and also how

often X and her mother would spend time together. Since the last hearing both those things have been agreed by Y after some changes were made so everyone now tells me the same thing about what should happen to X. I have written out at the end of this judgment the ‘threshold criteria’, the words that were agreed by everyone today that say why X was at risk of harm when this case began [edited from anonymised version for reasons of confidentiality regarding other children].

6. In preparing for this hearing, given nobody was arguing about what I should do, I read just the most important parts of the written evidence, and I know this case well because I have been responsible for it all the way through. Nobody has given evidence in court, but I have heard from the lawyers about what people want to happen.

The Issues and the Evidence

7. The social worker and the guardian both agreed in their final evidence that X could not live with either of her parents. The guardian, in relation to Y, says in her report how Y was affected by her childhood: “It is important to acknowledge that Y has had a very difficult background, growing up in a home environment where there was violence and substance misuse before spending the rest of her childhood in the care system. [Edited for reasons of confidentiality for the mother.] Y’s parenting capacity is inevitably affected by her own experiences of being parented and as a looked after child and young person.” So, in simple terms, what the guardian tells me is that the kind of mum Y can be is hugely affected by what happened to her when she was a child, that the way she was brought up and her experiences living in care have caused her to have problems which stop her being the mum she needs to be.
8. The psychologist who met with Y also talked about that, how the number of places Y had lived when in the care system had taught her to keep her feelings to herself and keep others at arms’ length. Y’s experiences have also made her someone who desperately needs love and affection but then does not understand what a loving relationship should look like. When there are problems in a relationship, she is not someone who will go and get help from other people.
9. Although Y has tried incredibly hard to be the right kind of mum for X, very sadly she simply cannot do this and that is not her fault. When you look at what has happened in her life, it is hard to imagine anyone could come out of that without being affected. She actually did surprisingly well when she was

living in a foster placement and caring for X. There she was able to look after X in a practical way and people could see that she had a close and loving relationship with X.

10. However when people realised that she and Z were still in touch, which they should not have been, she left the placement, leaving X there. This shows people that when things are difficult Y cannot put X first, even though she wants to. She has problems and they stop her being the best mum that she could be. And she has continued to be in touch with Z and that is not good for X, given the problems there have been in their relationship. Y has told people there was violence between her and Z. Z admits that as a minimum they argued and things got broken by them in those arguments. It would not be good for a child to grow up with that happening around them.
11. Another problem that that example of Y's dishonesty shows is that Y hides things from people, indeed hides them very well, which makes it very hard to trust her. If X was living with her mum, Y would have lots of professionals in her life and would need to be able to talk to them honestly about how she was feeling and what was happening in her life. Even if she was having problems, she would need to be able to admit that so that people could make sure X was safe and that Y could get any help she needed.
12. The good thing is that Y knows what she needs to change if she is to look after X in the near future. The social worker has written that out in X's care plan and Y's lawyer has talked to her about it so she understands what is needed. She is also involved with a team of workers who are going to be helping her make the changes she needs to. Whilst X cannot wait forever for her mum to do this, there is a real hope that Y may with support be able to get to the point she needs to in the next year. If not, it would probably mean that X would simply stay with her grandma with maybe the kind of order changing to a special guardianship order if the social workers did not need to stay involved.
13. In the meantime X will be able to go on seeing her mum. The time that X and Y spend together is going to go down a bit from twice a week, so it will be once a week for two hours during the winter months and three hours in the summer. The idea is that the time they spend together will be out in the community doing play activities, indoors in the winter but maybe outdoors in the summer, and someone in Z's family will also be present during the time they are together. While the social worker stays involved under the care order,

she will keep an eye on the arrangements for family time and check that they are working for X.

14. Y realises that at the moment she is not in a situation where she could look after her daughter full-time, much as she wants that. It is important to her that X knows her mum is not giving up on her. Y knows she has things to change before she will be in the right place to look after X and she sees she is not in that place now. That must have been an incredibly hard thing to admit and it seems to me she is very brave putting X first. Y is pleased that, if she cannot look after her, X will be living with her grandma and that Y will go on seeing her every week.
15. Z has never asked to care for X. He has some learning difficulties which make it harder for him to do many things, and that would include looking after X. He needs help with life generally and he has stayed living at home with his mum. He got into trouble with the police when he was a teenager but seems to have moved on from that now. He is trying to deal with his own problems including his use of drugs and he would like to find work. He is always been happy with the idea of X growing up being looked after by his mum. He will be living in the same house as his daughter so he will be able to see her but he understands that the person responsible for X will be his mum.

My Decision

16. I now turn to think about what orders if any are needed for X. Wherever possible, children should be brought up by their parents and if not by other members of their family. I know that X and her parents have a right to a private family life. And when I make my decision I must remember that X's welfare throughout her life comes first in my thinking.
17. Everyone agrees that X should stay living with her grandma and that there should be a care order. In thinking about whether that is right for X, I have thought particularly about the list of things in what is called 'the welfare checklist' which can be read in the most important Act of Parliament about children's cases, the Children Act.
18. X is a little baby who has all the obvious needs of a child, to be properly fed and housed and generally looked after, to be loved, to be educated, to be kept safe, and because she is a baby all of that has to be done by the adult looking after her. It is agreed by the people involved in this case that X was at risk of harm when she was born and I can see that that risk is still there because Y has not done the necessary work. She therefore is not able to meet X's needs at

this time, and nor is Z. Fortunately J is able to do all that X needs. I know that any little baby would want to live with their mum or dad if they could but the next best thing must be a grandma. X is settled where she is living and so making the order I am does not mean any change for her.

19. So, looking at the options for X, I do agree that the right thing for her is for her to stay living with her grandma under a care order. I am satisfied that the local authority's final care plan for X, including the arrangements for her to see her mum and dad, is the best thing for her. I am satisfied that a care order is proportionate, the right level of order for the problems in this case, and **I do therefore make a care order. I also reserve any future applications about X to myself if I am available** as it seems sensible that a judge who knows her case keeps responsibility for decisions about her.

20. There is one further order I wish to make. I think it is hugely important for children who are not living with their parents that they have information available to them, through the people bringing them up, so they can make sense of their early life. This judgment, in setting out what I have read and heard in court today, gives at least a summary of that start. I propose therefore to order that **this judgment must be given by the Local Authority to J so that it is available to X when she is older. That however is on the basis that she should keep it private so apart from looking at it herself she may only show it to any medical or therapeutic staff working with X or family.** It is very important therefore that the judgment is passed on to J. I have written this not for the benefit of the grown-ups but for X and I wish to be sure it reaches her.

21. Finally, I also make the **usual order about court costs** in this matter.

THRESHOLD CRITERIA
AS AGREED BY THE PARTIES
AND APPROVED BY THE COURT

[Edited from anonymised version to protect other children's confidentiality.]