



Neutral Citation Number: [2023] EWFC 127

Case No: ZC220/22

IN THE FAMILY COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 26/07/2023

Before :

MRS JUSTICE JUDD

Between :

(1) SR

Applicants

(2) MF

-and-

AE

Respondent

(by her Guardian, Allison Baker)

**The Applicants were in person
Maria Stanley (instructed by Cafcass Legal) for the Respondent**

Hearing dates: 24th July 2023

Approved Judgment

This judgment was handed down remotely at 10.30am on 26th July 2023 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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MRS JUSTICE JUDD

This judgment was delivered in private. The judge has given leave for this version 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 children and members of their 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.

Mrs Justice Judd :

1. This is an application for an adoption of a young person (AE) who will be 19 early next year. The application was issued in time before her 18th birthday. The applicants are A's uncle and aunt who have taken over the care of her following the death of both her parents in 2018. Before they died, AE's parents were looking after her in a country (X) in North Africa.
2. The applicants obtained an order for Guardianship (Kafala) in X country in 2021. Before that they began the process to adopt her here, following the intercountry adoption and approval process as prescribed by s83 of the Adoption and Children Act 2002 and the AFER Regulations 2005. The Intercountry Adoption Centre carried out the stage 1 and stage 2 assessment (with some delays due to Covid) and in late 2020 the applicants were approved as adopters. A Certificate of Eligibility was issued in March 2021, and the case transferred to Adoption West Regional Adoption Agency, the agency for the area in which the applicants live. AE was granted a residence permit and entered the country in December 2022.
3. Once AE entered the country and went to live with the applicants the local authority was notified of her arrival. They allocated a social worker and an Independent Reviewing Officer was allocated. The adoption application was issued within two weeks of AE's arrival. At the first hearing before me I joined AE as a party and appointed Cafcass to represent her. A report pursuant to rule 14.11 Family Proceedings Rules 2010 was prepared by Margaret Byrne of Adoption London West and filed in June.
4. This hearing was listed immediately after the filing of the Rule 14.11 report. The applicants have represented themselves, and AE has been represented by Maria Stanley of Cafcass and her Guardian Alison Baker.
5. All the parties invite me to make an adoption order today. Ms Stanley has provided a detailed position statement for which I am very grateful. In it she has set out the requirements for the making of an adoption order under the 2002 Act (ACA 2002), the 2005 (AFER 2005) and 2010 (FPR 2010) regulations. I am satisfied that the applicants have satisfied all the requirements of assessment and notification by the various agencies prior to and after AE's arrival in this country.
6. The applicants are a couple who are over 21 years of age, and both are habitually resident in the United Kingdom. The local authority has prepared a report pursuant to Rule 14.11 FPR 2010, which complies with the requirements of PD14C. There are summaries of medical information for both the applicants and for AE. The applicants do have some health issues, but given the fact that AE is now 18 this does not give a cause for concern as to their suitability. AE also has some health needs but I am satisfied that she is receiving good advice and care for this. The applicants have filed statements setting out the history and their reasons for making this application.
7. AE has been seen on several occasions in her new home. The social worker has observed a warm and trusting relationship between AE and the applicants, and there is no doubt that she very much wishes to be adopted by them. The social worker strongly supports the making of an adoption order. Whilst AE had only been living in this country for a very short time before they made the application for an adoption order

(the requirement is that the child must have her home with the applicants for six months), the applicants were appointed her Guardians in Country X in 2021 and to all intents and purposes they have been acting as her parents at least since then, by speaking to her every day and taking responsibility for her welfare and education whilst going through the adoption process. I am satisfied that this means that she had her home with them since 2021 although she has not been physically with them, following the approach taken by Cobb J in *Re TY (Preliminaries to Intercountry Adoption)* [2019] EWHC 2979. Even if this was not so, I would have granted the applicants permission to make the application pursuant to s42(6) ACA given all the facts of this case. This would have led to the need to dispense with the formal requirement that notice of intention to adopt could only be given after leave has been obtained to apply for an adoption order as no further application can now be made as AE is over 18.

8. The Guardian has spoken to AE and visited her and the applicants at home. She is satisfied that AE wishes to be adopted and that she fully trusts the applicants. She is happy in this country.
9. AE was born and brought up in Country X, and very sadly lost both of her parents in 2018 when she was only 13 years old. She went to live with her grandparents but made clear from the earliest stages that she wished to live with the applicants. They are her godparents as well as her uncle and aunt. She is now a young adult but given her life experiences she needs to have strong family relationships. She already regards the applicants as her parents. It is undoubtedly in her best interests throughout her life to be adopted. Her wishes are clear and unequivocal. She will maintain her family relationships with other relatives, for example her brother and grandparents after this order is made. An adoption order will cement her position in the family and ensure security and stability for her future.
10. I saw both the applicants with her in court and the strength of the relationship is obvious. AE's parents have both sadly died, so there is nobody who has parental responsibility for her which would need to be dispensed with pursuant to s52 ACA.
11. The process to adopt AE has taken a very long time, given the need to comply with all the regulations at a time when the pandemic made work in international cases very challenging. It is very important for AE and the applicants that matters are now dealt with as quickly as possible. This is a clear and strong case for the making of an adoption order now, and I therefore do so.