

IN THE LIVERPOOL FAMILY COURT

Neutral citation: [2024] EWFC 137 (B)

Case No. LV23C50658

Courtroom No. 25

35 Vernon Street
Liverpool
L2 2BX

Monday, 22nd April 2024

Before:
HIS HONOUR JUDGE PARKER

B E T W E E N:

THE LOCAL AUTHORITY

and

A & B

MS POWELL appeared on behalf of the Applicant
MR ROGAN appeared on behalf of the Respondent Mother
Nobody appeared on behalf of the Respondent Father
MR A HAGGIS appeared on behalf of the Child through the Guardian

JUDGMENT

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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.

HHJ PARKER:

1. *This is an ex tempore* judgment. The Local Authority is represented by Ms Powell, the mother, A, represented by Mr Rogan, the father, B, not in attendance and not represented and the child, C, appearing through the Children's Guardian, D, represented by Mr Haggis.
2. I am dealing with C. C is about seven months old. The Local Authority have applied for care and placement orders in his case. The hope and expectation is that C might be placed pursuant to the placement order with the adopters of his full sibling, E.
3. Whilst the father and Children's Guardian agree with the Local Authority's applications for care and placement orders, the mother does not. She has agreed that the threshold for the making of a care order is met in this case and accepts that C would need to remain in foster care for the time being. However, she asks for the opportunity to prove that she can provide good-enough, safe-enough care for C and invites the Court to adjourn the final hearing of this matter to give her time to prove herself. She asks for a period of three to six months. The father has not engaged in these proceedings and I am satisfied that he knows of the hearing today but has chosen to stay away. He has conveyed that knowledge to the social worker and also does not oppose the Local Authority's applications.
4. The mother accepts that her parenting assessment conducted by the independent social worker in this case was negative, largely through poor engagement by her. The mother attended two out of eight sessions. She also accepts that her attendance for contact or family time has been really poor. She has attended 18 out of 71 sessions. She blames that on the fact that the contact was supervised by the social worker instead of a contact centre worker and, in essence, she asks the Court to adjourn this final hearing on the basis that she wants a new social worker. She wishes to instruct a new solicitor; she is not happy with her current solicitor, taking the view that her solicitor is siding with the Local Authority, and wishes for another opportunity to prove that she can safely parent.
5. I should say that I was moved by the mother when she gave oral evidence. At times, she showed genuine raw emotion when dealing with these difficult issues and I recognised at the start of her evidence that this would be a very difficult day for her. She is still very young. I think she is only 20 years of age; if I remember correctly, 21 in July. It requires some bravery on her part to engage in the process and to turn up at the court hearing today. Unfortunately, for the reasons that will be set out in this judgment, I cannot accede to her request to adjourn these proceedings for three to six months.

6. In terms of the background, the Local Authority applied for care or supervision orders on 26 September 2023. The mother made an application for a section 38(6) residential assessment on 26 June 2023 which was dismissed by the Court largely on the basis that the issues in this case were all community based. The mother and father met in autumn 2021. They started to live together in January 2022 and remained as a couple until just before C was born. They primarily lived with C's mother, F. Both the mother and father were previously known to Children's Services. The Local Authority had substantial involvement in the mother's life from 2003 due to issues of parental neglect, emotional harm and parental substance misuse.
7. The mother was open to the child exploitation pathway between 2019 and 2021. The father moved with his family to [redacted] in 2019 when he was 15. On 21 October 2021, he was placed on a child exploitation pathway and deemed to be at high risk of exploitation. On 25 November 2021, he was placed on a child protection plan due to his mother's then drug use and exposure to domestic abuse. Within weeks of them moving in together, the mother became pregnant. That triggered Children's Services involvement. Central amongst the issues identified were parental drug taking, criminality and their associations with persons connected with organised crime and the possession and supply of drugs. They exhibited a chaotic lifestyle made no better by a level of domestic abuse and violence within their relationship and they lacked insight into their own safety and well-being.
8. The background led to care proceedings in respect of E, C's older full sibling, and she was made subject to care and placement orders on 6 September 2023. During the proceedings in respect of E, the mother became pregnant again. On the basis of the events set out in the social work evidence template, the history was largely repeated. At the hearing on 29 June 2023, the mother asked the Local Authority to set out what she would need to do in order to prevent removal of her then unborn baby and the Local Authority did so but it did not lead to change.
9. In terms of family time throughout proceedings, C, of course, remaining in foster care, the plan was for the mother to see him five times a week. However, due to non-attendance or at least irregular attendance, that was reduced to three times per week, then twice per week because of ongoing poor attendance without explanation or prior communication. Although the Local Authority were willing to facilitate contact between C and his father, the father has not engaged in the proceedings nor in the pre-proceedings process.

Threshold

10. At the time the child protection procedures commenced, C was likely to suffer significant harm and such likelihood of harm was attributable to the care likely to be given to him such care not being what it would be reasonable to expect a parent to give to a child. The mother agrees the following threshold: the mother is born [redacted]. The father is B, born [redacted]. They remain in a relationship although the mother says they have separated recently. The father moved to the [redacted] area in 2019. On 21 October 2021, he was placed on the child exploitation pathway and deemed to be at high risk of exploitation. On 25 November 2021, B and his younger siblings were made subject to child protection planning due to their mother's then drug use and exposure to domestic abuse.
11. Within her own childhood, the mother experienced significant instability with her being cared for by multiple family members before ultimately being placed in foster care in 2013. The mother had also previously been on the child exploitation pathway. The couple had a child, E, born [redacted] subject to proceedings. Those concluded on 5 September 2023 by way of care and placement orders.

Parental Conflict

12. C was exposed to adult conflict and suffered emotional harm as an unborn child, with increased risk of physical harm because of domestic abuse between the parents. The parents have a volatile relationship featuring domestic abuse. They have been observed to verbally abuse, with incidents of physical abuse. That placed baby C and C unborn at risk of significant harm. Neither parent has consistently attended with work aimed at improving insight. The father has hit the mother on at least two occasions.

Failure to Co-operate with Professionals

13. The mother and father have had poor engagement with the Local Authority, presenting as unwilling to work with professionals which has significantly impacted on professionals' ability to work with the family and provide support. The mother has failed to attend to improve her parenting having failed to attend sessions at the New Beginnings Programme. The parents have not consistently attended appointments with the independent social worker instructed to provide a further assessment of them.

Drug and Alcohol Misuse

14. The parents have a chaotic lifestyle and lack insight into their own safety and well-being. By admission, the mother misuses cannabis and the father misuses cannabis and ketamine. Within the proceedings for E, hair strand drug test results dated 20 September 2022 confirmed that the father has used cannabis, cocaine and ketamine over the six months prior to testing. Such testing confirmed that the mother either used cannabis and used or alternatively had been significantly exposed to ketamine over the same period that she tested positive for its use. The mother failed to attend updating testing arranged in September 2023. The mother has continued to use at least cannabis during her pregnancy and failed to attend medical appointments during her pregnancy. Such drug use impacted on their ability to meet E's needs and to keep her safe and impacted the health of their then unborn child C and will continue to impact their ability to care for him.
15. The father has failed to engage with the young people's drug and alcohol team. His use of ketamine has led to physical side effects including pain when urinating, water infections, pain in his chest and increased heart rate. He required a scan on his bladder on account of his drug use. He did not provide instructions to engage in further drug testing. The father is awaiting trial for drug offences and his drug use continues to place himself in the company of individuals that pose risks to him, Mother and Child. Such use and/or involvement with drugs is inconsistent with raising a baby and places C at risk of significant harm.

Neglect/Housing

16. The parents do not have stable accommodation, moving between the homes of their mothers and have not engaged with services to help secure the same.

Criminal Involvement

17. A feature of their chaotic lifestyle is also the parents are at risk of exploitation, criminality and involvement with organised criminal gangs. In February 2022, information was shared by the police that the mother's last property was linked to the supply of heroin. On 31 March 2022, police entered the property the parents shared. The father was arrested for possession with intent to supply Class A, B and C drugs, handling stolen property and a large quantity of cash was found. The police located approximately 100 £10 deal bags of crack cocaine, 40 £10 deals of heroin, a golf ball size of white powder and a ball of individual wraps of heroin. During the raid, B made attempts to hide some drugs internally

and awaits trial for such use. Involvement with or proximity of drugs is inconsistent with raising a baby and places Baby C at risk of significant harm.

The Law

18. I have considered the case of *ADA (Children: Care and Placement Orders)* [2023] EWCA Civ 743 in which the Court of Appeal referred to the case of *Re D (A Child: Placement Order)* [2022] EWCA Civ 896. In the lead judgment, Jackson LJ said:

“The proper approach to a decision involving adoption is well established. I have attempted to encapsulate the essentials in these earlier decisions:

Re D (A Child: Placement Order) [2022] EWCA Civ 896:

‘The recent decision of the Supreme Court in *H-W (Children)* [2022] UKSC 17 underlines that a decision leading to adoption or to an order with similarly profound effects requires the rigorous evaluation and comparison of all the realistic possibilities for a child’s future in light of the Court’s factual findings. Adoption can only be approved where it is in the child’s lifelong best interests and where the severe interference with the right to respect for family life is necessary and proportionate. The Court must therefore evaluate the family placement and assess the nature and likelihood of the harm that the child would be likely to suffer in it, the consequences of the harm arising and the possibilities for reducing the risk of harm or for mitigating its effects. It must then compare the advantages and disadvantages for the child of that placement with the advantages and disadvantages of adoption and of any other realistic placement outcomes short of adoption. The comparison will inevitably include a consideration of any harm that the child would suffer in the family placement and any harm arising from separation from parents, siblings and other relations. It is only through this process of evaluation and comparison that the Court can validly conclude that adoption is the only outcome that can provide for the child’s lifelong welfare; in other words, that it is necessary and proportionate’”.

19. I have also considered the decision of *N (Refusal of Placement Order)* [2023] EWCA Civ 364 in which Baker J said this:

“The approach to be adopted by a judge when deciding whether to make a placement order is now well established and need not be repeated at length again here. Under Article 8 of the European Convention on Human Rights, any interference with the exercise of the right to respect for family life should be proportionate to its legitimate aim. There can be no greater interference than the permanent removal of a child. Consequently, the relationship between the parent and the children can be severed only in exceptional circumstances and where motivated by overriding requirements pertaining to the child’s welfare; ‘in short, where nothing else were

do’, per Baroness Hale of Richmond in *Re B (Care Proceedings: Appeal)* [2013] UKSC 33. A judge determining an application for a placement order must therefore carry out a rigorous analysis and deliver a reasoned judgment. The key requirement of the judgment is stated by McFarlane LJ in *Re G (A Child)* [2013] EWCA Civ 965 at paragraph 54:

‘It is a balancing exercise in which each option is evaluated to the degree of detail necessary to analyse and weigh its own internal positives and negatives and each option is then compared, side by side, against the competing option or options’.

20. I have also considered the decision of *Re W (A Child)* [2016] EWCA Civ 793. McFarlane LJ as he then was, said this:

‘Nothing else will do’:

Since the phrase ‘Nothing else will do’ was first coined in the context of public law orders for the protection of children by the Supreme Court in *Re B*, judges in both the High Court and Court of Appeal have cautioned professionals in courts to ensure that the phrase is applied so that it is tied to the welfare of the child. As described by Baroness Hale at page 215 of her judgment:

‘We all agree that an order compulsorily severing the ties between a child and her parents can only be made if it is justified by an overriding requirement pertaining to the child’s best interests. In other words, the test is one of necessity. Nothing else will do’.

‘The phrase is meaningless and potentially dangerous if it is applied as some freestanding, shortcut test divorced from or even in place of an overall evaluation of the child’s welfare’. ‘Used properly...’, as Baroness Hale explained, ‘... the phrase “nothing else will do” is no more nor no less than a useful distillation of the proportionality and necessity test as embodied in the European Convention on Human Rights and reflected in the need to afford paramount consideration to the welfare of the child throughout his lifetime’; section 1 Adoption and Children Act 2002. The phrase “nothing else will do” is not some sort of hyperlink providing a direct route to the outcome of a case so as to bypass the need to undertake a full, comprehensive welfare evaluation of all the relevant pros and cons’; see *Re B-S* [2013] EWCA Civ 1146.

Once the comprehensive full welfare analysis has been undertaken of the pros and cons, it is then and only then that overall proportionality of any plan for adoption falls to be evaluated and the phrase ‘nothing else will do’ can properly be deployed. If the ultimate outcome of the case is to favour placement for adoption or the making of an adoption order, it is that outcome that falls to be evaluated against the yardstick of necessity, proportionality and ‘nothing else will do’.

21. I have also considered the Court of Appeal decision in *V (Children)* [2013] EWCA Civ 913. Black LJ said this at paragraph 95:

“Also entering the picture is C’s view. The judge thought she may have been given a rosy-tinted view of adoption and not told that long-term fostering could provide the same security. My difficulty with that is that I do not think that fostering and adoption can, in fact, be equated in terms of what they offer by way of security. I do not intend to embark on a comprehensive comparison of the two arrangements, merely to highlight some of the material differences. What I say should not be taken as a substitute for professional advice to the Court from Social Services and/or the Guardian in any case in which this is a significant issue”.

22. Paragraph 96:

“With that caveat, I make the following observations

- (i) Adoption makes the child a permanent part of the adoptive family to which he or she fully belongs. To the child, it is likely, therefore to feel different from fostering. Adoptions do, of course, fail but the commitment of the adoptive family is of a different nature to that of a Local Authority foster carer whose circumstances may change however devoted he or she is and who is free to determine the caring arrangements.
- (ii) Whereas the parents may apply for the discharge of a care order with a view to getting the child back to live with them, once an adoption order is made, it is made for all time.
- (iii) Contact in the adoption context is also a different matter from contact in the context of the fostering arrangement. Where a child is in the care of the Local Authority, the starting point is that the Authority is obliged to allow the child reasonable contact with his parents; section 34(1) Children Act 1989. The contact position can of course be regulated by alternative orders under section 34 but these situations still contrast markedly with that of an adoptive child. There are open adoptions where the child sees his or her natural parents but I think it would be fair to say that such arrangements tend not to be seen where the adoptive parents are not in full agreement. Once the adoption order has been made, the natural parents normally need leave before they can apply for contact.
- (iv) Routine life is different for the adopted child in that once he or she is adopted, the Local Authority have no further role in his or her life; no Local Authority medicals, no Local Authority reviews, no need to consult the social worker over trips abroad, for example”.

The Balancing Exercise Seen Through the Prism of section 1 of the Adoption and Children Act 2002

23. I turn to the superior test set out in section 1 of the Adoption and Children Act 2002 in accordance with the guidance of McFarlane LJ as he then was in *Re R* [2014] EWCA Civ 1625, for if I am satisfied that there should be a placement order then a care order will

follow. I remind myself that whenever a Court is coming to a decision relating to the adoption of a child, the paramount consideration of the Court must be the child's welfare throughout his life. I remind myself that the European Court of Human Rights has held that in identifying where a child's best interests lie, two considerations must be borne in mind: first, it is in the child's best interests that his ties with his family be maintained except in cases where the family has proved particularly unfit. Second, it is in the child's best interest to ensure his development in a safe and secure environment; *YC v United Kingdom* [2012] 2 FLR 332.

24. The Court must, at all times, bear in mind that in general, any delay in coming to the decision is likely to prejudice the child's welfare. This is particularly apposite bearing in mind the mother's application to adjourn these proceedings at seven months for a further three to six months. The Court must also have regard to the following matters, amongst others:

(a) The ascertainable wishes and feelings of the child regarding the decision considered in light of the child's age and understanding. Clearly, C is too young to express any wishes and feelings upon which the Court could rely.

(b) The child's particular needs: C has a need for permanence and a secure, stable placement that provides for him a warm, loving, nurturing, caring environment where he can form attachments to his primary carers. His home environment needs to be free from issues such as domestic violence, drug misuse, criminality and the sequelae thereof.

(c) The likely effect on C throughout his life of having ceased to be a member of the original family and become an adoptive person: I remind myself that on adoption, the cessation of membership of the original family is total and intended to be so for all time. The original parents' parental responsibility is extinguished and there is a complete severing of all legal ties with the family. The cut-off from the family of origin may have a potentially damaging impact on the child's sense of identity and emotional well-being. Becoming an adopted person provides for the child a permanent substitute family where the adopters are legally responsible and, therefore, fully committed to fulfilling their parental responsibilities. In focusing upon the likely effect on the child of these changes, I focus upon the degree of interference with his Article 8 rights to family life consequent upon an adoption and I balance that against the family life he would enjoy with an adoptive family.

(d) The child's age, sex, background and any of the child's characteristics which the Court considers relevant: C is a very young boy aged seven months. This is a critical period in his

life and it is essential that he is given the ability now to form good, wholesome attachments with primary carers in whom he can invest for the remainder of his childhood and beyond. Above all else, he needs to feel safe and loved.

(e) Any “harm” within the meaning of the Children Act which the child has suffered or is at risk of suffering: I have already dealt with this question of harm under the findings of threshold.

(f) (i) The relationship which the child has with relatives and with any other person in relation to whom the Court considers the relationship to be relevant including the likelihood of any such relationship continuing and the value to the child of its doing so. (ii) The ability and willingness of any of the child’s relatives or of any such person to provide the child with a secure environment in which the child can develop and otherwise to meet the child's needs. (iii) The wishes and feelings of any of the child’s relatives or of any such person regarding the child. The Local Authority have assessed extended family members. I am satisfied that they have taken all reasonable and proportionate steps so to do. None of them are able to provide good enough care for C.

Subparagraph (6): in coming to a decision relating to the adoption of a child, the Court must always consider the whole range of powers available to it in the child’s case whether under the 2002 Act or the Children Act 1989. The Court must not make any order under this Act unless it considers that the making of the order would be better for the child than not doing so.

25. The mother was subject to an ISW assessment carried out by G, independent social worker. In her report, the independent social worker said this:

“Executive summary: assessment of the social history, assessment of the family and environmental factors.

Strengths: the mother expresses love for C and for E and that she wants what is best for them. She expresses the desire to look after C and to do this on her own without the father. She says that she is single and has permanently separated from the father. She knows and spends time with her wider family. She has apparently reduced her drug misuse. She has had some engagement with Change Grow Live. She does not have a police record. She has no diagnosed mental health issues. She has researched what she needs to do to continue to care for her XL Bully dog.

Vulnerabilities: despite her expressed love, the mother has had her contact reduced with C due to non-attendance. She has been given notice of eviction from her flat. She has not paid any fees and was often staying away from the property. Concerns are felt that she may have resumed her relationship with the father although there is no

proof of this. Recent drug testing reportedly provides a positive test in respect of cocaine, ketamine and cannabis. The mother says that she suffers from anxiety and can feel depressed. She feels that cannabis use assists her with this. The mother sees emotionally positive benefits from her cannabis misuse saying it helps her to sleep and eat. The mother has previously been a looked-after child having previously lived with various family members. The mother's family members and friends offer some support but there are risks felt in respect of them. She has been given a vulnerable child status previously and more recently, was felt to be at risk of exploitation as an adult.

A has been unable to fully engage with this assessment despite being given numerous opportunities to do so. She has not always been honest during the completion of this assessment. She owns an XL Bully dog which from 1 February 2024 will be illegal to own without an exemption certificate alongside various conditions of ownership.

Analysis: there are some strengths highlighted within this assessment as well as some concerning areas of vulnerability. Teaching is identified but it is my professional opinion that this could not be done within a reasonable timescale for C. I have also highlighted my belief that the mother would not be able to fully engage with any teaching offered as it appears that not only is she hard to engage but she is also hard to keep engaging, meaning that work she starts completing is often left unfinished. The mother began being really positive about C and the fact that she was given a real opportunity to prove that she could care for him and she was full of plans as to how she was going to do everything she could to prove that this was the case. I have not seen this maintained during the assessment and I understand that the mother has now had her contact with C reduced because she was unable to maintain regular attendance.

I had concerns about the mother's care of C during one observation I was able to attend as she appeared to lack even basic skills in relation to nappy changes and although she held him well, she kept disturbing him as he was trying to drop off. I would have concerns about her caring for C for any period on her own and I am more concerned now and I feel that she has repeatedly failed to prioritise his needs above her own.

The mother has continued to misuse cannabis throughout pregnancy and even following her separation from the father, she sees her use of cannabis as a positive as without it, she says she has no appetite so fails to maintain a healthy weight and also, she struggles to sleep without smoking a joint.

Assessment of ability to meet the child's parenting and developmental needs:

The mother does not, in my professional opinion have the skills or knowledge to parent C on his own. I am concerned that she also does not have the necessary motivation to change or the ability to maintain positive change. Despite a lot of professional support, she has failed to maintain suitable accommodation, failed to fully engage with CGL

in relation to her drug misuse and, most importantly, failed to spend time with C on a regular basis.

Recommendation:

I am unable to recommend that C return to the care of the mother for the reasons stated within this assessment report. I do not believe that the mother could learn everything she would need to within a reasonable period of time for C. I also, having experienced her erratic engagement with this assessment and heard about her lack of commitment to spending time with C, do not believe she would fully commit and engage with any teaching offered”.

I accept that evidence.

26. In its final evidence, the Local Authority through the social worker said this:

“Analysis of risk and protective factors:

The main risks identified within the initial social work statement was centred around risks raised within proceedings for C’s sibling, E which related to the parents’ drug misuse, links to criminality and organised gangs. It was believed that the parents were potentially being exploited and the associated risks to themselves pose significant risks. There was a lack of engagement with professionals, concerns about their relationship being unhealthy and both parents having experienced trauma, loss and compromised parenting themselves which impacted on them as adults and subsequently, parents. All of these factors meant that E would be at significant risk of harm should she be in their care. Given that E’s proceedings concluded on 6 September 2023, just [redacted] days prior to C’s birth, it was reasonable to determine that the same risks apply to C.

Sadly, neither parent has demonstrated any capacity to change in relation to drug use. Support has been offered to both parents from Change Grow Live. However, they have both now been discharged from the service due to non-engagement. B’s mother reports him to be continuing to use a high level of ketamine. Drug testing completed in November demonstrated the mother’s use of cannabis, cocaine and ketamine during pregnancy and Mother was not honest with professionals in this regard. This meant that C did not receive any additional support or observation following his birth as this use was unknown. C was a very unsettled baby in his early weeks which required him to have two further hospital admissions following his initial discharge. This may have been a consequence of him ingesting substances whilst in utero. However, we will likely not know the full impact of C on this substance use until later in his development.

Due to A’s non-engagement with Change Grow Live and inconsistent presence at meeting and family time, the current picture in respect of drug use is unknown. The mother demonstrates an erratic and chaotic lifestyle. She is unable to prioritise her own needs and safety and, therefore, her ability to do this for a young baby is also compromised. This is likely a consequence of the adverse childhood experiences she herself was afforded due to neglect, trauma, exposure to domestic abuse and parental drug use. We know that adverse childhood

experiences cause neurobiological changes in our bodies and brains and directly affects how we think and behave. This, in turn, impacts on outcomes in adult life and how we form relationships. The mother has no positive role models of support in her immediate network and opportunities she has been afforded to work with professionals to gain this support have not been accessed, meaning she does not have the external factors necessary to help her resolve her own issues and become able to prioritise the needs of her child.

With these risk factors still present, the Local Authority would have significant concerns for C's safety if he was to be placed with either of the parents.

The first realistic option: a care and placement order leading to adoption, factors in favour: the parenting assessment of the mother raises concern regarding her capacity to safely care for C meaning C would not be safe in her care. There are no positive assessments of family members who put themselves forward to be assessed. C deserves to be cared for by carers who put his needs first and can keep him safe. He should have opportunity to form attachments to the same constant carers, and this will promote his stability, self-esteem and self-identity. C can maintain his sense of identity and links with his maternal and paternal family members via letterbox contact. This would mean the contact is safely managed. The plan would provide a stable forever home for C and remove the potential for any stigma of being a looked-after child and minimise the potential of future harm being experienced.

Factors against: adoption is draconian and should only be used when all other alternatives have been exhausted. C would not have direct contact with his maternal or paternal family. We should be aware that not all adoption plans are successful and some do break down. This would be emotionally damaging for C.

The second realistic option: care order, long-term foster care. Factors in favour: C would maintain links with his maternal and paternal family. C would continue to have a social worker and IRO who would support carers to make decisions with his best interests. The parents would have an ongoing opportunity to try and make changes to their lifestyle and request the reassessment or discharge of the care order.

Factors against: C is only six months old meaning he would potentially be in foster care for over 17 years. C would have a social worker for the entirety of his childhood. The repeated visits and the statutory intervention and intrusion should be avoided if possible. C would not achieve a stable forever home. There is potential for foster placements to break down which would be emotionally unsettling and damaging for C. He deserves to grow up with stability. C's contact with his mother has not been regular and consistent and this would likely continue to be the case. This would be emotionally upsetting for C who will become increasingly aware of this as he becomes older and will likely face rejection and disappointment which will impact on his stability".

I accept that evidence.

27. In her final analysis, the Children's Guardian said this:

“Rehabilitation:

I do not consider placement of C with either the mother or father to be a safe or viable option for him. Having completed my own inquiries and having regard to the outcome of assessments, my view is that C would remain at risk of significant harm in the care of either parent and this will sadly remain the case until such time as the mother and father can take significant and meaningful steps to address their vulnerabilities and substance misuse, achieve stability and demonstrate that they can meaningfully and consistently with professionals and in line with this, provide confidence that the identified risks have been reduced.

I do not believe that there is any support, intervention or court order that could effectively safeguard C in his mother or father's care. This is not a case whereby provision of practical support could ameliorate the identified risks and for any support package to be effective, there would need to be evidence of insight, meaningful co-operation and capacity for change. Sadly, I do not consider these factors evident now for the mother and father.

Extended family placement:

I am satisfied that the Local Authority have exhausted all options for C to be placed safely within the birth family and that there are no gaps in the evidence that would require further assessment.

Long-term foster care:

In the absence of the parents or any other family member being able to care safely for C and considering his young age, the two most realistic options to secure permanency for him are long-term fostering or adoption. Placement in long-term foster care would mean that C would be able to have ongoing family time with his parents and extended family members in line with his needs and applications could be made to discharge the care order if enough progress had been made at any point. A plan of long-term foster care would mean that C would remain a cared-for child and he would therefore be subject to the often intrusive nature of statutory involvement for potentially the remainder of his childhood. C may become increasingly aware of his status as he grows and the need for his plan to be subject to continued review. C's carers would be unable to make significant decisions for him without recourse to the Local Authority. C would also be vulnerable to future court applications by either of his parents which would be highly likely to be destabilising for him given the lack of commitment that has been evident to date. C and his carers would not have the security that his placement is a permanent arrangement.

Adoption:

The Local Authority final care plan is that C should be made the subject of a care and placement order. Adoption will sever all ties that C has to his birth family. In comparison to foster care, the benefits of a well-matched adoptive placement are widely known and accepted.

Black J in *Re V (Children)* [2013] EWCA Civ 913 summarises the advantages of adoption over long-term foster care. Adoption provides the child with a forever family and new parents rather than carers. This official commitment sends the message to the child that they are wanted and chosen and can afford them the stability needed to invest in their placement and settle. An adoption order is for all time meaning that the disruption caused by repeat applications to court for discharge or variation of the court order is avoided.

A plan of adoption would provide C with a heightened sense of emotional security and permanence as he would be able to immerse in a new family and form positive long-term attachments free from the intrusion of Local Authority involvement. A plan of adoption would mean that C ceases to legally be part of his birth family which can have a lifelong impact upon emotional development and sense of self. As C grows, he will become aware of the past and understand his adoptive status which can sometimes lead to confusion and feelings of loss.

C and any potential adopters can, however, be offered support to assist C's understanding about why he was adopted and support him to retain a link to his birth family through the provision of life story work and letterbox contact thus minimising the impact of separation with supporting his identity as he grows.

It is proposed that C is placed in the same adoptive placement as his sister, E. In my view, this would be beneficial for C's emotional well-being and sense of identity as he grows and would hopefully serve to mitigate some of the sense of loss he may experience.

No permanence plan is without risk including adoption and adoptive placements do break down. However, it is my view that of all the options available to the Court, it is adoption which represents the best route by which C can achieve permanence and a positive experience of family life. C has not been able to rely on either of his birth parents to meet his needs or provide any security or certainty for him. A plan of adoption is, in my view, proportionate to the identified risks and reflects C's best interests. The care plan of adoption has been endorsed by C's independent reviewing officer and agency decision maker".

I accept this evidence.

28. Having considered all of the evidence in this case holistically and having stepped back and considered the realistic placement alternatives for C, having considered the pros and cons of each of the alternatives, there is, in my judgment, an overwhelming case to support placement for adoption. Nothing else will do in this case. A placement order is necessary and proportionate and entirely consistent with the welfare of C. I agree with the proposals for contact.
29. I close by recognising that the mother loves C dearly. She has not rejected him. She has fought to have the chance for C to be returned to her care right up to the very end of

proceedings. The fact that I am making orders to enable the Local Authority to place C for adoption together with E should not be taken by the children that this was in some way their fault. Their parents were not born bad people. They are merely the product of their own disadvantaged upbringing, and I express a heartfelt wish that both the parents find the strength to turn their own lives around. It will be a long and difficult road for each of them.

30. I am acutely aware of the fact that C may one day read this judgment to understand a little more of how he came to be an adopted child. I hope that when he does, it helps him to make sense of his life journey and lived experience and above all else, to gain some comfort that he was very much loved and wanted by his mum. I have considered whether I should adjourn the case as I am urged to do by Mr Rogan on behalf of the mother. Sadly, there is no solid evidence base of change nor maintenance of it and certainly, no solid evidence that the change will occur within the child's timeframe. We are already at seven months post issue of proceedings.
31. In giving this judgment, I have regard particularly to the overriding objective and to section 1 of the Children Act, section 1 of the Adoption and Children Act and section 32 of the Children Act. I also have regard to the President of the Family Division and his drive for realignment with the Public Law Outline. That concludes this judgment.

End of Judgment.

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