



Neutral Citation Number: [2020] EWFC 94

Case No: NN19C00117

IN THE FAMILY COURT

Date: 22/12/2020

Before :

THE HONOURABLE MRS JUSTICE JUDD DBE

Re G

Matthew Brookes-Baker for the **Applicant**
Andrew Bagchi QC and Abigail Turner (instructed by **The Family Law Group**) for the **1st**
Respondent
Fiona Munro (instructed by **Noble Solicitors**) for the **2nd** **Respondent**
Darren Howe QC and Patrick Paisley (instructed by **Sills & Betteridge LLP** for the **3rd**
Respondent
Sharon Segal for the **Intervenor**

Hearing dates: 23 November to 11 December 2020

Approved Judgment

I direct that no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

.....
THE HONOURABLE MRS JUSTICE JUDD DBE

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.

Covid-19 Protocol: This judgment will be handed down by the judge remotely by circulation to the parties' representatives by email and release to Bailii. The date and time for hand-down will be deemed to be 10:30am on 22 December 2020. A copy of the judgment in final form as handed down will be automatically sent to counsel shortly afterwards

The Hon Mrs Justice Judd :

Introduction

1. This is an application by the local authority for care and placement orders with respect to a little girl, G who is 15 months old. She has been given her name by her parents because she is to them a miracle baby. She has been the subject of an interim care order since she was a week old.

Background

2. G's mother and her father, met in about 2007 and have been in a relationship ever since. They have only lived together briefly for a period around 2012. The mother suffers from a syndrome which causes varying symptoms, including (in her case) hypertonia, learning difficulties and issues surrounding food and appetite. For these reasons she is assessed as having a high need for support and has carers on hand 24 hours a day. She receives help with domestic tasks, does not have free access to food or money, and is accompanied at all times when she goes out.
3. People with the syndrome are usually not able to have children, and according to the syndrome's UK association referred to in this judgment as "The Association", the mother is the first known woman in this country and the fourth/fifth in the world with this condition to have given birth to a child.
4. The father suffered from a serious accident when he was a child which led to him sustaining a serious brain injury and right sided paralysis. He has mild learning difficulties, and he is limited in his ability to read and write. He receives support from professional carers from 8am until 10pm although at his own request they do not stay overnight with him.
5. As if those difficulties were not enough for the parents to contend with, each of them had a very difficult childhood, suffering from abuse within their own respective families. They each spent time in foster care, and in the father's case, residential care. In 2003 the father was given a caution for sexual assault.
6. The parents have very limited family support, and there is nobody within the wider family who is willing and able to help or take over the care of their child.
7. The local authority arranged for a PAMS pre-birth assessment, in which the parents fully engaged. The assessors came to the conclusion that the father could not provide safe care to G and recommended that the mother would need intensive support in a 24-hour environment after the baby was born, to see if she was able to develop the necessary parenting skills.
8. The local authority therefore applied for an interim care order when G was born. The plan was for mother and baby to go to a foster placement together, and if things went well to go on to Dudley Lodge, a residential assessment unit. In the event the mother and baby foster placement broke down and instead of going to Dudley Lodge the mother was assessed in the community by Ward Andrews, independent social workers. Ward Andrews also conducted an assessment of the father, albeit not as a primary carer.

9. The mother has had contact with G three times a week, and the father once every three weeks. These contact visits have gone very well.

Threshold

10. The parties all agree that the threshold criteria are met in this case. It is accepted that the mother is a vulnerable adult with learning difficulties, who has 24-hour support. She can become fixated on obtaining and consuming food due to her condition and her access to food and money is restricted. She accepts that she and the father have argued, and that she has been volatile in the past, including breaking furniture in temper.
11. The father also requires a high level of support to meet his nutritional and personal care needs and also to ensure his safety in the home and community. He has a history of becoming agitated, volatile and suicidal, making threats and going missing. He accepts that he hit a support worker in July 2019 in the presence of the mother (who was pregnant), and also that he smashed a computer screen, and shouted and screamed in the staff office. He and the mother have argued on many occasions, and he has threatened to punch her in the past (although he did not do so). In 2016 he rang the police because he said he feared he might murder his carer. He has damaged property when in a state of frustration. He lunged at the Deputy Manager of his care provider in July 2020 when he was angry with him for being late.
12. The father is on the sex offender's register as a result of a caution received many years ago following an incident with his sister. He takes some precautions in everyday life to avoid coming into contact with children but there has been no risk assessment since 2008. The local authority has alleged he told the mother that he would have sexual urges with respect to his daughter. The mother denies this is the case and says that she misunderstood what the father was saying to her. The evidence about this is limited and I do not consider it necessary for me to resolve the matter given the other factors in the case.

The position of the parties

13. The local authority submits that the court should make care and placement orders, as there is no order save adoption that is in G's best interests. The guardian is of the same view. The mother, supported by the father, seeks a further assessment to take place in her own home with G. It is submitted that the assessment which took place at the mother and baby foster placement was very soon after the birth and at a time when the mother was still recovering. In any event it was in an extremely unfamiliar environment. In the event that the court determines that G cannot be cared for by the mother, both parents would like to have contact with her. They realistically accept that this would most likely be by way of an open adoption.
14. During the course of the proceedings, "The Association" was made an intervenor. On their behalf Ms Sharon Segal prepared two extremely helpful Position Statements, setting out some details about the condition and giving information about sources of support and advice. They have not otherwise chosen to take an active part in the proceedings but have offered their assistance to the parents whatever the outcome of the case. They also offer to provide advice and/or training for anyone involved in the care of G.

The law

15. When considering whether or not to make a placement order, the court's paramount consideration is the welfare of the child throughout her life (s 1(2) Adoption and Children Act 2002). The court must take into account all the matters set out in the welfare checklist at s 1(4) and consider the whole range of powers under this act and the Children Act 1989.
16. Where the care plan for the child is adoption, it is an option of last resort and will not be ordered unless it is demonstrated that nothing else will do when having regard to the overriding requirements of a child's welfare. There is a need to ensure that this is a proportionate response to the harm identified and the court must be satisfied that there is no practical way of the authorities providing requisite assistance and support; Re B [2013] UKSC 33; [2013] 2 FLR 1075. The court must grapple with the competing options and give them proper, focussed attention; Re B-S (Children) (Adoption Order: Leave to Oppose) [2013] EWCA Civ 1146. In YC v United Kingdom 92120 55 EHRR 967 the court stated "family ties may only be severed in very exceptional circumstances and everything must be done to preserve personal relations and, where appropriate, to 'rebuild' the family. It is not enough to show that a child could be placed in a more beneficial environment for his upbringing".
17. In the case of Re D (Adoption) (No 3) [2016] EWFC 1, Munby P considered a case where parents suffered from a learning disability, and the approach that should be taken by the court. Referring to a decision of Mr. Justice Gillen in the High Court of Justice of Northern Ireland, he said this:

"29. Gillen J's words require to be read in full, but two passages set the tone:

"(2) People with a learning disability are individuals first and foremost and each has a right to be treated as an equal citizen. Government policy emphasises the importance of people with a learning disability being supported to be fully engaged playing a role in civic society and their ability to exercise their rights and responsibilities needs to be strengthened. They are valued citizens ...

(4) This court fully accepts that parents with learning difficulties can often be "good enough" parents when provided with the ongoing emotional and practical support they need. The concept of "parenting with support" must underpin the way in which the courts and professionals' approach wherever possible parents with learning difficulties ... judges must make absolutely certain that parents with learning difficulties are not at risk of having their parental responsibilities terminated on the basis of evidence that would not hold up against normal parents. Their competences must not be judged against stricter criteria or harsher standards than other parents."

30. All that said, as I made clear in **In re R (A Child) (Adoption: Judicial Approach)** [2014] EWCA Civ 1625, [2015] 1 WLR 3273, para 44:

"Where adoption is in the child's best interests, local authorities must not shy away from seeking, nor courts from making, care orders with a plan for adoption,

placement orders and adoption orders. The fact is that there are occasions when nothing but adoption will do, and it is essential in such cases that a child's welfare should not be compromised by keeping them within their family at all costs."

18. In dispensing with the parents' consent the judge must apply s52(1)(b) as explained in Re P (Placement Orders: parental consent) [2008] 2 FLR 625.
19. The court has power to make an order for contact following a placement order pursuant to s26 ACA 2002 and after adoption pursuant to s 51A, but the Court of Appeal made clear in Re B (A Child: Post Adoption Contact) [2019] EWCA Civ 29, that orders for contact should rarely be imposed on adoptive parents.

The evidence

20. I have read all the documents provided to me in the court bundle as well as written opening and closing submissions. I heard oral evidence from Nicci Vella and Jane Andrews of Ward Andrews, the Deputy Manager from the parents care provider, the mother's adult social worker, the social worker who conducted the pre-birth assessment, the team manager at the local authority, the mother, father and the Guardian.
21. Three substantial assessments have been conducted for these proceedings. First the local authority conducted a pre-birth assessment in relation to both parents. The assessors concluded that the father could not provide safe care, but that mother should be given intensive 24-hour support after the birth to see if she was able to learn the necessary skills to care for the baby. The mother and G spent a week in hospital and were thereafter placed at a mother and baby foster placement with a view to moving to Dudley Lodge Residential Assessment unit in Coventry. After the mother left the foster placement the plan changed so that the mother was assessed by Ward Andrews. The father was also assessed, primarily in relation to contact.
22. At first things went well in the mother and baby foster placement. The mother listened to advice and she was loving to G. After a few days she began to find things more difficult. She found it difficult to get up, and also found it hard to organise herself getting tasks done. She needed prompts to feed G in the night and found it hard when she cried and had a sore bottom. Prioritising G was hard for her, especially when she was wishing to vape and there were times when the baby was becoming very distressed when waiting to be tended to. After about three weeks the mother broke down and said that she could not cope and wanted G to be adopted or fostered to a lovely home with a family who would love her and spoil her. She decided to leave the foster home that day. G was later moved from that placement to another foster home which was closer to where the parents are living.
23. The assessment by the Ward Andrews team looked at whether the mother would be able to care for G, including how her disabilities could be mitigated with reasonable adjustments and assistance. Mother and baby were observed during contact and also for two days and nights in a residential setting. The assessors concluded that the mother struggled to plan for basic tasks such as feeding and nappy changing. She did

not keep her home clean and tidy. She found it difficult not to leave G when she wanted to have a cigarette (or vape) break.

24. The assessment also highlighted concerns about the relationship between the mother and father. Although the mother said that she was separated from the father she also said on several occasions that she wished to resume their relationship as a family. The assessors considered that there was a real risk to G from domestically abusive behaviour, and the mother was not able to appreciate the impact of her relationship with the father upon G. The mother had described the father as being verbally abusive to her and threatening to hit her (although he had never done so), and she had also acted in hurtful ways to him.
25. The team did not support the mother having full time care of G. They advised that if the mother had full time care adapted to meet G's needs, together with increased teaching and prompting to parent her, she could manage in the short term. Longer term there were greater risks which led them to believe that all the problems could be addressed by teaching or interventions. The mother might make unwise decisions for her daughter, putting professional carers in a difficult position if they were overruled. The mother could use their presence to avoid caring for G herself when overwhelmed by her own needs. They also concluded that the volatile relationship between the parents would jeopardise the care G would be likely to receive and put her at risk.
26. The father was assessed by Niki Vella at Ward Andrews. She concluded that contact between father and G could be made safe as long as there were no other children present at the contact centre. His parenting assessment demonstrated strengths and weaknesses. He formed good working relationships with everyone, and there was no hint of aggression or intimidating behaviour. He was not seeking to be a full-time carer for G, but for the avoidance of doubt Ms Vella advised that the nature of his relationships with others, including the mother and his own carers, was such that she could not recommend that the father take on the full-time responsibility of caring for G.
27. The team at Ward Andrews expressed concern as to whether or not the parents had been open and honest with them about the status of their relationship.
28. The care package for both parents is provided by an organisation. A statement was filed by the Deputy Manager, ZM which said that they were unable to facilitate a safe and practical care package to include additional support for G's care. During his oral evidence ZM modified this somewhat, to state that they had not been able to have a meaningful dialogue with children's services to discuss this, and they would be prepared to do so.
29. During the course of the evidence Mr Bagchi QC explored the possibility of a further assessment of the mother and G at her home. None of the professional witnesses considered that this would lead to a different outcome. Ms Andrews stated that she believed that the options for G to be cared for by her mother with suitable support had been fully tested.
30. Mr Bagchi QC further explored the viability of an arrangement whereby the mother could care for G with the support of full-time nanny or nannies in addition to her own

24-hour support. The Association have offered to assist with training, so that the nannies would be given advice as to how best to work with the mother. G would have a Health Visitor who could provide ongoing advice, and if necessary, a family support worker could work on the mother's understanding of domestic abuse.

31. Despite the skill and care with which she was questioned, Ms Andrews was clear that she could not support G being placed in the care of her mother. Even if she was able to manage in the short term, an arrangement whereby G was cared for by her mother in conjunction with full time nannies or similar would expose her in the medium to long term to instability, multiple carers, and the difficulties of her parents' relationship. Ms Andrews acknowledged that the parents had seen very little of each other since G was born, and in particular had gone for long periods without meeting during the lockdown, but she was still of the view that the emotional attachment would continue and affect the mother's functioning.
32. Ms Andrews (who is also a Guardian of considerable experience) was asked to give her views about the possibility of an open adoption. She stated that direct contact can benefit and promote a child's emotional development and provide a sense of identity. For such contact to be successful the parent(s) need to be able to accept the decision of the court and to be supportive of the placement. They also need to be able to accept their new roles in the child's life. Having developed a good rapport with the parents she was prepared to carry out a short assessment after the judgment in this case, if the decision was to make a placement order.
33. The mother and father gave their evidence with the assistance of intermediaries who advised on the wording of the questions that should be put to them. The process of giving evidence is daunting for everyone, and I have the greatest of admiration for the way that they each achieved this. The mother told me that she would do anything she could to have G living with her and would be prepared to abide by any conditions necessary, including only seeing the father once a week, and without G. I have no doubt of the sincerity of what she said. The pain of the prospect of losing her was etched upon her face, and at one point she told me that it would in some ways have been easier if G had been removed immediately after she was born. She said that she had originally been told that she would have to choose between G and the father and had decided to choose G. After the mother and baby placement had broken down, he texted to ask if they were still together as he had heard that she couldn't cope with the baby, and she told him yes, they were still together. Despite the father's difficulty with managing his temper, he had never been physically violent to her although he had threatened her. She said he would never hurt G. Early on in her evidence she said they were planning to get married and have another baby, depending on the outcome of this hearing. In the event that G was placed with her she suggested the father had supervised contact about three times a week, albeit she would take her lead from the local authority.
34. Although she found it very hard to talk about, she said that she would like to have direct contact with G if she did not come home, although she did say that she would not be able to tell the father about the visits if he was not able to see her too. Her first preference, after herself as a carer would be for G to remain with her current foster carer.

35. The father was clear in his support for the mother as a carer for G and reiterated his willingness to restrict their relationship to seeing each other once a week for a short period of time. He also stated that he would accept that his contact would be dependent on G's needs and her mother's wishes. He answered all the questions asked of him, without becoming angry or overwhelmed, which was greatly to his credit. He also displayed good humour too, despite the difficult circumstances.
36. The Guardian's oral evidence was very much along the lines of what she had written in her report. She stated that she believed the mother's abilities had been fully tested and that the Ward Andrews assessment was very thorough. She felt that the mother had shown an inability to take advice on occasion and that she had some stubborn traits. She echoed the view of Jane Andrews that a proposal that G be cared for by the mother with the assistance of a care team would lead to instability and potential conflict. She was cautiously hopeful that an open adoption could be in G's interests, subject to an assessment of the parents taking place after any decision of the court. Asked about frequency, she spoke of something in the region of twice a year depending on the agreement of the adopters. She stated that the aim should be for G to be in her placement within six months, given her age and circumstances.

Discussion

37. This is a case where the difficulties that the parents have are not their fault. They have done nothing wrong. They both really love G and have done everything they possibly can to try and show that she could be cared for by her mother and have contact with her father. The parents have both cooperated with the local authority and all the professionals who have been conducting enquiries about them since G was born.
38. Although the outcome of the various assessments have not been positive, the contact sessions have gone really well. This may have been expected for the mother, but it is also true of the father who has been able to keep his feelings in check and to put his daughter first.
39. I do not consider that it would be in G's interests for me to adjourn the case to permit a further assessment to take place with the mother in her own home. There have already been three assessments, the pre-birth assessment, the mother and baby foster placement and the assessment undertaken by Ward Andrews. The latter took into account the specific needs of each of the parents and included a residential element for mother and baby.
40. The proposal for a further assessment is made with a view to a long-term plan of G being looked after by the mother with the assistance of full-time carers or nannies. There are many parents who require considerable assistance to be able to care for their children and the case of *Re D* makes it clear that it is incumbent upon the court to consider whether this could be possible for the mother and G. I have no doubt that the mother could be assisted with practical tasks such as cleaning, washing and feeding. She could also be helped to supervise her daughter. The mother's vulnerabilities are such, however, that her care of G would need to be supervised all the time and the carers would need to intervene if she exposed her daughter to a dangerous situation or made poor choices. If the mother tried to countermand or ignore a carer it would create a difficult situation, one of several points emphasised by

Ms Andrews. Mr. Bagchi QC submitted that a way of dealing with this would be for G to be the subject of a care order so that parental responsibility is shared with the local authority. In my judgment this would still leave G without a stable or reliable individual who would be in charge on a day-to-day basis. Nannies and social workers, unlike relatives, are likely to come and go. A written agreement or statement of expectations as to which individuals should make decisions at given times cannot allow for all eventualities. As G grows older decisions about her parenting will become more complex and a lack of a stable adult or adults in charge would seriously undermine G's security, despite the continued presence of her mother. Additionally, the evidence from the mother and baby foster placement and Ward Andrews demonstrated how the mother found it difficult to prioritise G when faced with her own needs, and that she quickly becomes overwhelmed. In my judgment this pattern is likely to be repeated if G is returned.

41. The difficulties that the mother has go beyond the short term, nor are they likely to be amenable to change. In her report, Ms Andrews stated "PAMs assumes that all concerns can be addressed by teaching recommendations and/or parenting intervention but regrettably this is not always the case. Whilst we have identified work that could improve [the mother's] parenting capacity we do not believe that this would lead to a situation where she can safely parent her child".
42. Added to this are the difficulties of the parental relationship. Whilst I do not doubt the sincerity of their proposals to see each other just once a week without G, I think they will find this difficult to stick to in the long term when the Covid-19 pandemic and the proceedings are over. It is true that they have gone for considerable periods without seeing each other in the past months, but this is hard to sustain over years. They both acknowledge that they remain in a relationship, and I am not at all sure that the mother is able to appreciate what only seeing the father once a week for years really means. In the course of her evidence, she said that they would like to get married and have another baby and I believe that this is true.
43. The relationship between the parents is a volatile one because of the difficulties that they both have. There is no doubt that the father can get angry and say and do things that are frightening to those around him. Those that know him well (for example his support workers) know that the anger will pass and that he is unlikely to be seriously violent, but his behaviour affects the mother and certainly would affect G. His outbursts can happen very suddenly. There were times during the mother's evidence when the father interjected and in doing so it was easy to see that she was concerned about the effect of what she was saying on him. The dynamics of the relationship have not changed and were clear to the social worker who conducted the pre-birth assessment. She noted that the parents did not have positive strategies to manage conflict in their relationship and called upon their support workers to assist them to resolve things. She also recorded the mother stating that she did not like the way the father treated her support workers, and that he 'screams, shouts and threatens'. Although the father has worked hard and successfully to keep his temper during the course of contact with G, during assessments, and also when giving evidence, it is not realistic to believe that there will not be lapses in the future when the proceedings have come to an end. In any event, as Ms Andrews stated, even if it was possible to enforce a physical separation, it would not adequately address the emotional relationship and the sort of communication they have which often leads to conflict

and abusive behaviour by both of them. Ms Andrews went further and said that not only was the relationship potentially harmful and dangerous, but the mother found it difficult to accept support and guidance from others about it.

Realistic options

44. The realistic options for G are; (1) for her to be cared for by her mother with a package of support; (2) to be placed in long term foster care with contact to her parents, or (3) for her to be placed for adoption, with or without direct contact. The father accepts that he cannot care for G either alone or with the mother.

Placement with the mother

45. I have set out the risks of a placement with the mother in some detail above. On the other hand, it must not be forgotten that being brought up within the natural family brings with it great advantages for a child. G's parents love her unconditionally. Her identity needs would be met. Although shortly stated, these are powerful factors.

Long term fostering

46. The advantages of long-term fostering for G would be that she would be protected from the overt risks of being cared for by her mother without losing the relationship with her or the father. On other hand, it is more difficult to achieve the same level of security in a long-term fostering family than an adoptive one. G would be a child in care throughout her childhood, and the subject of regular reviews. There is a risk she would experience multiple placements. The mother herself said to me in her evidence how difficult she had found being in foster care and that she would not wish her daughter to have a similar experience. In this particular case the risk of fostering is that it deprives G of the experience of having a proper family.

Adoption

47. The advantages to G of adoption are first and foremost that it would allow her to become a full member of another family. This brings with it a strong chance that she will have a secure and stable childhood, without local authority intervention, and without changes of placement. Adopters would give G a lifelong commitment, benefiting her well beyond the bounds of her childhood. The disadvantages are that it would sever the legal and emotional ties with her natural family, particularly her mother and father. At the moment it is too soon to say whether any direct contact will be possible, but even if it is, it will be very limited. There are risks with adoption too, either of a breakdown or of the child never feeling truly part of a new family. Those risks are not great, but they cannot be discounted.

Decision

48. In determining the local authority application for a placement order, G's welfare throughout her life is my paramount consideration, and the welfare checklist in s 1(4) of the Adoption and Children Act 2002 applies. The Article 8 rights of the mother, father and G are strongly engaged, and I should not make any order which interferes with their right to respect for their private and family life unless it is necessary and proportionate to do so.
49. G is too young to be able to express her wishes and feelings, but like any child of her age, she is likely to thrive on love, security and stability. She does not have any particular needs, although she is at a crucial age and the sooner her future is secured

the better her chances will be of settling and forming attachments. If adopted, she will be affected by ceasing to be a member of her original family and becoming an adopted person. It will affect her relationships not only with her mother and father, but wider family too. Adoption will affect G's sense of identity.

50. G is quite clearly a delightful child, and fortunately she does not have any problems with her health or other known conditions. She is very young and needs a decision to be made as soon as possible.
51. She is at risk of suffering harm, due to problems that each of her parents have, including the mother suffering from the consequences of the syndrome, the father having suffered serious injuries as a child which have left him with physical, emotional and learning difficulties, and both of them having had abusive and traumatic childhoods. The father accepts that he cannot care for G, and the mother has significant problems in doing so. Additionally, G is at risk of suffering emotional and physical harm as a result of the volatile relationship between her parents.
52. G has relationships with both of her parents, and I am sure that she has benefited from the love and warmth they have shown her in contact. She does not have any relationship with wider family members. If she is not adopted, she might have contact with some relatives, albeit of a limited nature. There is no relative who is suitable to care for her. She does have a strong relationship with her foster carer, who I understand is not able to care for her long term.
53. This court has the power to make no order, a residence order with or without a supervision order, an interim care order with further assessment of the mother, a care order and a placement order. I could make a care order and ask the local authority to reconsider the current care plan and to agree to G's return home to her mother.
54. In my judgment it is not in G's best interests to be placed with her mother, whether or not this is under the auspices of a care order. The thorough assessments that have been undertaken show that there is no realistic prospect of the mother being able to provide her with the sort of care that she needs, whether or not she shares parental responsibility with the local authority, and even with the assistance of her own support workers and full-time nannies. I know it is submitted that the mother could be the fixed, secure figure for G amongst other carers, but I do not accept that this is so. Her own needs are likely to overwhelm her at times, as will her relationship with the father. The fact that she contemplates having another baby shows that she is not able to fully grasp the task that lies ahead of her, much as she would love to be able to do it.
55. Nor do I consider that G should remain in long term foster care. The effect of this would be to leave her in a state of limbo, and at risk of not having the sort of family life she deserves. I do not think the advantages to her of maintaining the relationships with her parents are great enough to outweigh the disadvantages of this sort of a placement.
56. Despite the draconian nature of the order, and what it will mean in terms of breaking the ties with her natural family, adoption is really the only order that will bring G the love, security and stability that she requires. At her age, there is a really good chance

of her being able to form strong attachments to new carers. There is no other or lesser order or combination of such that is in her interests.

57. In those circumstances, it is clear that G's welfare throughout her life requires adoption. Accordingly, I dispense with the consent of each of her parents pursuant to section 52(1)(b) ACA 2002, and make an order authorising the local authority to place her for adoption pursuant to section 21.
58. I have been conscious throughout this hearing, of how much the parents love G, and how devastated that they will be at this decision. I want to say again that the difficulties that they have which have led to this are not their fault. They have done everything they can to keep her and have been committed to the process of assessment and also to contact. G will always know how much she was wanted, and I hope that in time this will bring the parents some comfort, for I am sure it will be important for her to know that when she is older.

Contact

59. It will be clear from the analysis above that I consider that G's welfare requires adoption, even if this was to mean a cessation of direct contact with her parents. There are grounds to believe, however, that direct contact may be in G's best interests if those who adopt her are open to it.
60. In her evidence, Jane Andrews stated that an open adoption could assist G in terms of her identity and emotional development. It could also demystify her background and situation. Ms Andrews said that in order for such contact to be beneficial the parent(s) would have to be able to accept the decision of the court, support and not undermine the placement, and also accept their new and very much limited role in G's life. This is something that cannot be assessed in the midst of proceedings where the parents are understandably opposing the application, but it is something that could be looked at after the decision has been made.
61. As I have said earlier, this is a case where the parents have never harmed G, and the difficulties they have are not of their own making. They love her and I am sure they always will. This does have some relevance for contact, for it is likely to affect the way that G thinks about her birth family once she is old enough to do so. In the days of social media, there is a more than reasonable chance that there will be some sort of contact between them once G is in her middle to late teens, at a time when issues of her own identity and family will be coming to the fore. These are not easy times for any young person, and rather than meet them for the first time in person then, it could be better if she already knew them, albeit only distantly.
62. There is no suggestion that any order or conditions should be imposed on those who take on G's care, for save in very unusual circumstances adoptive parents must be free to make their own decisions as to what is in the best interests of their child. If the assessment of either or both of the parents is positive, however, I hope that prospective adopters would be able to see the advantages that some limited direct contact (in the region of once or twice a year) could bring to her.
63. Much will depend on how the mother and the father respond to this judgment. I hope that they will be able to accept this very difficult decision, although I know they will

need time to process it. I am hopeful that they might, for the father knows that he cannot care for G, and I think the mother realised the same thing at the mother and baby foster placement all those months ago. I note how she spoke positively about the current foster carer.

64. The local authority plan to carry out the work with the parents is set out in the statement of the team manager. I agree with her that the work with the parents should start after Christmas but concur with the Guardian that Jane Andrews rather than the family finder or new social worker would be the best individual to carry it out. She has a good relationship with the parents, is able to communicate with them, knows the case well, and understands the dynamics of the parents' relationship. I would like to encourage the local authority to use her to carry out the work because I think it is likely to be done in a timely way with the confidence of all involved. In saying that I recognise that the court can only encourage, and not order the local authority to engage her.
65. I hope that pending the completion of the assessment of the parents the local authority will agree to prioritise consideration of potential adopters who would be willing to consider direct contact. If the assessment is favourable with respect to either or both parents, it would be a significant matching consideration, albeit by no means the only one. It would be helpful if the local authority was willing to consider a form of words in the care plan which would reflect this. The priority above everything is to find a suitable, loving home for G within the next six months whilst she is still young enough to form strong attachments that will benefit her in the long term.
66. The local authority care plan envisages a reduction in contact for the mother from the current level of three times a week to once a month at the matching stage, and much the same for the father (who currently has contact once every three weeks and video contact weekly). As it stands, the plan proposes a farewell contact after matching. Mr Howe QC and Mr Paisley for the Guardian submit that there should be no farewell contact unless and until it is clearly decided that direct contact should not continue after adoption. I agree and invite the local authority to amend their care plan. I do not consider that it would be in G's best interests for me to make a contact order.
67. As to indirect contact, I endorse the proposals of the Team Manager as to indirect contact by means of an annual video recording (of the parents to G and G to her parents).
68. I wish to conclude the case by expressing my thanks to all counsel for the excellent way in which this case has been presented and argued by each and every one of them, and for the teams of professionals who stand behind them. I want to thank the parents for the way they have conducted themselves during what must have been such a difficult hearing for them, for the time and effort they have put into the assessments, and for their evidence to me.