



Neutral Citation Number: [2022] EWFC 17

IN THE FAMILY COURT
SITTING AT LEICESTER

Leicester County Court and Family Court
90 Wellington Street
Leicester
LE1 6HG

Date: 04/03/2022

Before :

HER HONOUR JUDGE GEORGE

Between :

A LOCAL AUTHORITY

- and -

MOTHER

and

FATHER

and

CHILDREN

(through their Guardian)

Applicant

Respondents

MR R SEAL for the **Local Authority**
MS F DAHLQVIST for the **Respondent Mother**
MR J JEFFERS for the **Respondent Father**
MS S HAIDER-SHAH for the **Children through their Guardian**

Hearing dates: 17 and 18 February 2022

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.

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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 published version of the judgment the anonymity of the children and members of their family be strictly preserved. All persons, including representatives of the media, must ensure this condition is strictly complied with. Failure to do so will be a contempt of court.

HHJ GEORGE:

1. This is a reserved written judgment at the conclusion of the final hearing (heard on 17 & 18 February 2022) in this serial numbered adoption application in respect of two children “A” who was born on [a date in] January 2012 and is now 10 years old and “B” who was born on [a date in] November 2015 and is now aged 6 years and 3 months old. When I refer to A and B together, I shall refer to them as “the children”. However, at all times, I have considered A and B’s individual needs.
2. The children are subject to care and placement orders made on 21 August 2019. Those placement orders remain in force until an adoption order is made. The children were placed in their proposed adoptive placement in September 2020. I am told they are settled and thriving. The prospective adopters have applied for adoption orders for them both, supported by the Local Authority. The local Authority is represented by Mr Seal.
3. The birth parents oppose the application and have been granted leave to oppose. The mother is represented by Ms Dahlqvist and the father, by Mr Jeffers. I will refer to them throughout as the parents. They have a younger child together, a little boy, “C” born on [a date in] 2019, now aged 2 years. He remains at home with his parents. There were care proceedings in respect of him and he was initially placed at home under a Supervision Order but that has now lapsed, and he is not the subject of any public law orders.
4. The Children’s Guardian (“CG”) is Fran Hemingray who is represented by Ms Haider-Shah. She supports the Local Authority’s application.
5. The children are, in fact, part of a sibling group of 7 children as, in addition to C, the parents have four older children (I will refer to them as “D”, “E”, “F” & “G”). The two oldest are now adults. D is serving a lengthy prison sentence. E was sentenced to custody at the age of 13 years for an offence of GBH and has now been released. F and G were made the subject of care orders at the same time as A and B and live in long-term foster care.
6. On 1 October 2021, HHJ Godwin granted the parents’ permission to oppose the making of an adoption order and gave directions to the contested hearing before me. I heard oral evidence from the Social Worker for the children and their IRO. I heard from both parents and the Children’s Guardian. There was insufficient time at the end of the case for me to hear submissions from Counsel and so I reserved my decision to be given in writing at a later date and I have received and read the written submissions from all the advocates.
7. HHJ Godwin granted leave because he was satisfied that there had been a change of circumstances of a sufficient nature and degree and that the welfare evaluation that followed required leave to be granted. Having read the papers I can see that the parents have been drug and alcohol abstinent for several years; their home conditions are now very good; they are no longer at risk of eviction; there is no longer domestic abuse within

their relationship and they have been able to work openly and honestly with professionals in respect of C.

Law

8. The question for the Court at this hearing is whether an adoption order should be made or not. I am helped by two judgments provided to me: RE W (A Child) (Adoption: Delay) [2017] EWHC 829 (Fam) in which the President at the time issued some guidance and AB (Contested Adoption) [2019] EWFC B68 which is a case from the Family Court at Portsmouth which bears a striking similarity to this case.

9. The Court can only make an adoption order pursuant to 3 conditions as set out in s47 Adoption and Children Act 2002. The court has granted the parents leave to oppose the adoption order and so this application falls to be considered pursuant so s47 (2):

“The first condition is that, in the case of each parent or guardian of the child, the court is satisfied—

 - (a) that the parent or guardian consents to the making of the adoption order,*
 - (b) that the parent or guardian has consented under section 20 (and has not withdrawn the consent) and does not oppose the making of the adoption order, or*
 - (c) that the parent’s or guardian’s consent should be dispensed with.”*

10. In this case, given that the parents do not consent to the making of the order, the court can only make an adoption order if it is satisfied that each parent’s consent should be dispensed with [s47(2)(c)]. The court cannot dispense with the parents’ consent unless it is satisfied that the children’s welfare requires their consent to be dispensed with [s52(1)(b)].

11. The welfare throughout the life of A and B is my paramount consideration. I have at the forefront of my mind the welfare checklist set out in Section 1(4) of the 2002 Act. I have reminded myself that orders for adoption are extreme and made only when necessary and for the protection of the child’s interest when nothing else will do. They are made in exceptional circumstances and when motivated by the overriding requirement pertaining to the child’s best interests.

12. When coming to my decision I am required to consider all the realistically available competing options, consider the positive and negative factors and consider A’s and B’s welfare holistically. In this case, the birth parents seek for the boys to return to their care but at this stage the issue of any placement with the parents is not yet ready for determination. If the court decided that the adoption order should not be made, the children will remain under a care order and the placement order will be discharged. Further proceedings to discharge the care order would be necessary. The parents would

undoubtedly have to be further assessed in respect of their ability to care for A and B and the court would undertake a fresh welfare analysis based upon all the circumstances at that time.

13. The birth parents of the children, the prospective adopters and the children all have Article 8 ECHR rights which are engaged in these proceedings. The right to respect for family life is engaged due to the existence of the close personal ties including the parents' biological relationship with A and B and the prospective adopters' caring relationship for them. Where the rights conflict, it is the rights of the children that prevail.
14. If I make an adoption order, then the issue of post-adoption contact falls to be considered pursuant to Section 51(a) of the Act specifically the factors in subsections 5(a)-(c). In Re B (A Child: Post-Adoption Contact) [2019] EWCA Civ 29, the President said that: *'Save for there being extremely unusual circumstances, no order will be made to compel adopters to accept contact arrangements with which they do not agree'*.
15. I have chosen to set out all the matters I have been hearing about and considered following the welfare checklist of factors contained within s 1(4) of the Act.

The children's wishes and feelings

16. The children's wishes and feelings are not determinative of this application but do form part of the Court's consideration and as children grow older the weight attached to them may increase. A and B were removed from the parents' care in 2018 having suffered significant harm due to their parents' parenting. They were exposed to antisocial behaviour, criminal activity (by their older siblings), homelessness, drug and alcohol misuse by their parents, domestic abuse and violence. The impact of that at the time, particularly on A, was significant. Mr Flatman, Clinical Psychologist who prepared a report in respect of the family in the care proceedings in November 2018, wrote: *"It is reasonable to indicate that the presentations of F, G and A reflect the possibility that they have been exposed to highly chaotic care, traumatic and frightening incidents, direct emotional and physical harm and probably a significant level of fear and expectation of risk of future or further emotional and physical harm, exposure to violent and criminal incidents and exposure to alarming, possibly even traumatic, events surrounding such incidents, including a number of police and social worker visits and hostility within the community because of the children's antisocial behaviour and a high level of instability of care. They also present as having had their emotional needs neglected."* It is likely, I find, that B will also have been affected (albeit differently bearing in mind his younger age at the time).
17. Both children have positively expressed a desire to be adopted. A wants to be adopted by his dads. The CG told me just how invested A is in the current placement. He asks

regularly “*am I adopted yet?*” He never asks about his birth family because, in the CG’s opinion, he associates his birth family with pain that he does not wish to think about: “*A finds it too upsetting to talk about the “P A S T”*”. The social worker’s opinion is that A’s references to the past primarily refers to his time with his parents (rather than with previous foster carers). Whatever his definition of “past” is, he does not want to talk about it and does not talk about his parents, the care he received from them or life in their home.

18. The Social Worker argues that the significance of A’s past experiences and the traumatic impact they have had upon him is illustrated by his response to the blue lights and the fire alarm going off during his school residential trip. The father told Mr Flatman that the children (at that time including F and G) had seen their older brothers arrested and the police had been in their home on numerous occasions. The foster carers told Mr Flatman that B readily noticed and remarked on police cars and ambulances with flashing lights. The children were originally subject to interim care orders following the police exercising their powers of protection. When A told the school that the blue lights and the fire alarm triggered a memory from his past, it is more likely than not I find, that he was referring to traumatic memories from his time in his parents’ care.
19. The CG told me that B is completely devoted to his big brother (A). Their relationship was not quite so harmonious when the children were first placed. They were close but A struggled with all the attention being on baby B and sometimes treated B like his older brothers had treated him. He found it hard to share affection but with careful, nurturing parenting has learned to care and the boys are inseparable. It is argued that the court can assume that B wants what A wants.
20. The CG submits that the court can draw the conclusion from A’s reluctance to talk about his family, that he does not wish to return to their care. His reluctance to engage in the annual letterbox contact with his parents, when given ample encouragement and opportunity, is a strong signal that he does not wish to remain in a situation where the doors to direct contact with his parents should be left open- i.e. living in long term foster care.
21. The social worker told me that A was very close to his brother F, and that he would wish to see him, but this must be balanced with the potential physical and emotional risks to A which would come from both F and G’s lifestyle. She is concerned at the risk F and G’s lifestyle choices, criminality and associations with others could have on A, given his age. She drew attention to Mr Flatman’s observations of a contact between the father, A, B, F and G in October 2018, when he recorded that although there was a lot of interaction and laughter, “*F did what he wanted ...and set a somewhat ominous atmosphere*” and “*A seemed somewhat peripheral...It seemed that F and G seemed to carry some low level threat which transmitted to A at times.*” The social worker told me that A no longer speaks about F. He told the CG that he no longer wants contact with any of his family. In her view, F is part of the negative treatment A received from the family as a whole.

22. The parents accept that the children are well settled in their adoptive placement and have expressed gratitude to the prospective adopters for the care they have provided to them. On behalf of the parents, it is submitted that there are a number of factors that may have impacted upon the children's expressed wishes and feelings and which have not been given sufficient weight by the social worker or the CG. For example, the children probably do not think it is possible for them to see their parents again or return to their care. They have had a goodbye contact and work has been done preparing them for a 'forever home' with the adopters and the family ties being severed. The children are likely to be unaware of their parents' general progress and that living with them again could be an option. They may believe that the options are remaining with their current carers or moving on to a different placement (as opposed to returning home to their parents).
23. It is argued that when A speaks of the past and states that he does not want contact with anyone from the past, he might be thinking of the previous foster placement and the abuse that he suffered in that placement as opposed to his parents. The children are unaware of their parents' progress and might assume that the previous issues (such as drug use) are still ongoing. They may think that the parents do not want them in their care and feel a sense of rejection or abandonment. The children might feel a sense of loyalty to their current adopters and might not want to upset them by requesting contact.
24. The IRO has made only limited independent enquiries in relation to the children's wishes and feelings. She has not met with them again since 2019. The consultation forms described by her will have been completed at home and with some support from the children's carers, given their young ages. The court is urged to exercise significant caution in respect of how much weight it attaches to the children's wishes and feelings given these factors.

The children's needs

25. The Local Authority ("LA") gives the parents credit for both stating that they accept that their parenting caused the children significant harm. It argues however that both parents minimise their responsibility for A and B's trauma and continue to blame the LA. It invites the court to accept the unanimous professional opinion to that effect from the social worker, the IRO and CG. Each of those professionals have reached that conclusion based on their own independent interactions and discussions with the parents. Furthermore, both the Social Worker and CG supported C's placement with the parents under a Supervision Order and should be considered as independent and reliable witnesses approaching their analysis in an evidence-based and child-focussed way.
26. The LA argues that the parents' minimisation of their responsibility for the children's past trauma is demonstrated by their own evidence. In her witness statement dated 27 January 2022, the mother says, "*In regard to A's past trauma, I believe that most of his trauma is*

caused by social service involvement and the removal of him from our close knit family. Further trauma to A is being caused by him being separated from his family. I do not believe that if A were returned to our family it would evoke further trauma, as a lot has changed since A was in our care.”

27. The LA is concerned that the mother was unable to give any satisfactory response in her oral evidence as to why that opinion had changed only a week later. She told me that she had caused the trauma to her children and had been afraid to admit and accept that fact. She said that she had not wanted to admit her fault and had put a barrier up but she and the father had reflected a lot over the last few months and realised that things had gone wrong. In cross examination by the LA she said, “*I do think trauma was caused by both sides.... but I have to agree it was mainly their experiences in our care*”.
28. The father’s written evidence [paragraph 11 of his statement] says, “*The local authority must accept that some of the trauma caused to A would have happened when he was dragged away from the care of his biological parents*” In oral evidence, he referred to “*blame on both parties [i.e. the parents and the local authority]*.” He said there “*may be*” long term trauma (to A) as a result.
29. The LA asserts that the pattern of the parents’ minimisation is also demonstrated by professionals’ involvement with F and G. In her oral evidence, the mother continued to refer to their criminality only taking place whilst they were in local authority care. It is clear from the social worker and the CG’s evidence that is not correct. This leads the LA to conclude that the parents will be unable to protect A and B from further harm because they do not fully recognise their role in causing that harm.
30. For the mother, it is argued that she was extremely brave in her oral evidence and made admissions and concessions that were evidently and understandably painful. This illustrated a significant shift in her position that would have been difficult for her to express, and she was candid in explaining to the Court that it is painful for her to admit that her actions have caused the children harm and that sometimes she might struggle to explain and express this as a result. Gaining insight is a process not an event. The Mother being able to so openly make these concessions shows that she is continuing to, and has made, further progress. The parents submit that they have evidently moved on in terms of their understanding or insight in that they are able to care for their youngest child without any LA involvement.
31. All the professionals say that despite being extremely settled and doing very well, the children have complex emotional needs because of their experiences to date. They need parents who can meet these needs and provide the appropriate therapeutic parenting to protect them from further emotional harm. The prospective adopters will have access to post adoption support services to assist them in the future.

32. For the parents it is argued that under a care order, such parenting could be obtained from appropriately trained foster carers who would have access to support and training. The parents both engage well with the LA, as evidenced by their youngest child having been re-habilitated to their care and the Supervision Order in respect of him having expired. There is nothing to suggest that they would not be able to engage in the same course(s) that the prospective adopters have undertaken in order to acquire the skills necessary to provide this. Equally, the support offered in school could continue to be offered if the children were in the parents' care, and presumably a support plan would be put in place in relation to the family.

The likely effect of the child throughout his life of having ceased to be a member of the original family and becoming an adopted person.

33. The parents argue that the impact on the children will clearly be profound, even if they are now settled in their current placement and have expressed a wish to remain there. A is an older child who is well aware of who his biological family is, as well as extended family. He may suffer feelings of loss and rejection when he finds out that his siblings are still living with, or having contact with, his parents.

34. In contrast, the CG was very clear that the severing of the ties to his birth family will have a dramatic positive impact on A. Notwithstanding his age, he will benefit from being an adopted person. He is of an age where he knows his family very well but she opined that he has already made the mental shift required for him to accept a new family. He does not have positive memories of his birth family. Even if they exist, they are obliterated by the fear and trauma that he associates with them. In her view, the severance is necessary so that he can begin the work required which will help him to process his lived experiences.

35. The CG told me that the risks associated with children having negative feelings such as loss and grief do not apply to A. She regards the opposite as being true for him. If he were to wonder about his family and get upset about why he is adopted when his brothers are not, the CG is confident that he has a good enough relationship with his carers, and enough professional support, to ensure his feelings are managed.

36. In her view, B has little adjustment to make. He knows his current life as his only life. He does not have any memory of his early childhood. If anything emerges as he grows, he will be supported and will manage. If A is happy, B is happy. For the CG, the risk of harm from associations with their older brothers which I will deal with in more detail below, outweighs any potential loss for the children. The CG believes that letterbox contact between the siblings strikes the right balance, maintains a link and ensures that the relationship is not totally lost.

The Children's age, sex, background and any other child characteristics which the Court or agency consider relevant

37. The parents acknowledge that the proposed placement appears to be a well matched in terms of the prospective adopters' background but submit that where possible and safe it would be in a child's welfare to grow up with his biological family.

The relationship which the children have with relatives, with any person who is the prospective adopter with whom the child is placed, with any other person in relation to whom the Court or agency considers a relationship to be relevant including:

- (1) the likelihood of any such relationship pertaining to the value to the child of it doing so;**

The prospective adopters have said they will not agree to face to face contact between the children and the parents or siblings in the future. The parents have expressed a wish to meet the adopters, but this has been declined. The parents are concerned about whether the adopters will promote a relationship with the parents and siblings in the future (even by way of indirect contact) and to what extent they would speak to the children about their biological family.

- (2) the ability and willingness of any child's relative or any such person to provide the child with a secure environment in which the child can develop and otherwise, meet the child's needs; and**

It is submitted that the parents do have the ability and willingness to provide the children with a secure environment in which they can develop and that their needs would be met by the parents. I consider the opposing arguments below.

- (3) the wishes and feelings of any of the child's relatives or any such person regarding the child.**

The parents say that the other siblings will be devastated if the children were adopted.

Any harm (within the meaning of the Children Act 1989) the child has suffered or is at risk of suffering

38. The LA submits that in addition to the parents' limited acceptance of their past responsibility for the harm caused to the children and their limited insight into their future care needs, they would not be able to protect them from the risk of future harm and they would be at potential risk of harm from their older siblings. Moreover, removing them from their current placement or refusing to make an adoption order, would inflict further unnecessary trauma.

39. The court accepted in the care proceedings that A suffered trauma whilst in his parents' care. Mr Flatman has not been asked to see A again, but the court accepts that his earlier report and findings have validity in these proceedings. The CG accepts that the parents' trauma-causing behaviours are in the past. They have changed to become parents who no longer cause the harm that caused the trauma. However, she is concerned that the parents

regard A as no longer suffering from trauma. They believe that with the improvements they have made, and that A has made, they could now successfully parent him. For the CG however, until A has therapy, the trauma will travel with him. His body will retain the memory of his lived experiences until he has treatment that helps him to leave it in the past. In the care of people who do not accept it exists, or persists, it will never be addressed.

40. For the CG, the impact on A of his experiences was and remains profound, and the harm caused to him by the impact is present today. It remains unaddressed because A will not allow himself to revisit his experiences. His body has retained the memory, even if he chooses not to think about it; the trauma has become a visceral part of him- there is evidence to demonstrate this to the court (the previously referred to response to the fire alarm going off and blue lights during the school residential trip).
41. Both the Social Worker and CG are troubled about the risk to A and B from their older brothers. All four have a long history of involvement with criminality and/or risky associates. D is serving a lengthy prison sentence for violent offending. E was in prison for GBH. He is doing well since his release from prison which is positive, but he remains vulnerable to criminality and exploitation and has recently received a warning for possessing cannabis (said to be from F). F himself, has a history of criminal activity, association with risky adults and going missing. To his credit, there have been recent improvements, which reduces the risk but does not eradicate it. G's criminal behaviour includes 22 offences in the second half of 2020 alone. He has been exploited into selling heroin. He has been assessed as a high risk of harm and as having a high likelihood of reoffending. He is now placed in a secure unit but this only removes the risks temporarily and the ongoing risk when he leaves cannot yet be assessed. Before his current placement, he told A and B to kick their carers and has threatened to kidnap them and knock their carers out.
42. The LA accepts that the older brothers would never harm the children themselves or seek to place them at risk. However, the risks associated with the older brothers is clear. Their current placements may provide some protection, but that protection is time-limited (either by a change of placement or the boys turning 18). The parents have (or will have) contact at the family home with E, F and G. They continue to minimise the risks associated with the older siblings. The mother *"do[es] not believe that there is any risk from either E, F or G towards A and B"* [A45 para 13]. The parents applied for E to be bailed to their home address without thinking through the impact on C (or A and B if they were to return home). The parents spoke of seeking to revoke G's care order at a time when G's behaviour was deteriorating. The parents did not appreciate the future risks associated with the older children gravitating home or how difficult it would be to manage all the children's competing needs. The parents' suggestion that they would ban the older children from the family home is unrealistic.

43. For the parents, it is argued that it does not make sense to say that the older siblings and their potential associates are such a risk that the children could not return to the parents. Ultimately C, who arguably is significantly more vulnerable than the older children by virtue of his tender age and dependence on the adults around him, is staying at home safely, despite the older children having unsupervised contact in the home.
44. F is currently in secure accommodation and the Order in respect of him has recently been extended. There is no indication that suggests that he would be returning to the parents' care or even the local community anytime soon, quite the opposite. That risk therefore is currently being managed. E has lived out in the community for a number of months. Although the parents see E regularly and he attends their home at times, there is no suggestion that there has been any incident or police involvement around the parents' property in relation to E or any associate(s) which has caused concern. It is possible to manage that risk by way of a written agreement, rules for when and how the parents see E and so on and the parents have expressed a willingness for this. Similarly, although concerns are also expressed in relation to G and his involvement with crime, he does not live with the parents and his contact could again be managed.

The ability and willingness of any of the child's relatives ,, to provide the child with a secure environment in which the child can develop and otherwise meet the child's needs.

45. The CG is of the opinion that the parents cannot meet the needs of the children and provide a secure environment. They do not recognise why A needs therapeutic parenting and have no understanding of his needs. They do not accept his expressed wishes as being true nor that he did not want to write to them. The parents do not compensate for each other, neither showed much insight into his needs or experiences. They could not accept that he had bad memories of home. They wanted to apportion blame for his unwillingness to talk about the past to his foster carers and being removed. The parents could only focus on how far they had come and changed but had not thought at all about how they would support A to move forward. They minimised any suggestion that the older brothers posed a risk and could not see the difference between the impact on A of his older brothers' criminal activities or a hostile environment and how that may affect C, who is only 2 years old. They had not thought about who they would prioritise if there was push back between the brothers, because they love their children equally. They had no strategy.
46. Whilst recognising the parents' improvements and congratulating them on the tremendous work they have done in achieving stability for C, the CG is concerned that they remain self-focussed. The mother did not support any life story work because she wanted to do a book herself. It has not been done, it was not a priority for her to support the children to understand their circumstances. The parents will have other children to contend with, they all have competing and differing needs. They can perhaps manage this for C who has not suffered harm and is not traumatised, but A has enhanced needs which, sadly they cannot meet. If A's needs are not met, then B will suffer.

The children being moved from their current placement

47. The social worker says that the children's reality is that their placement is now their home. The parents were asked multiple times in oral evidence to put themselves in the children's shoes; they were unable to do so. They focused on their own needs and wants. The father said, "*why shouldn't we be given the opportunity [to care for the children]*". The children's wishes and feelings demonstrate the strength of the children's attachment to their forever home with the prospective adopters and how detrimental it would be to their welfare not to make the adoption order. Removing the children from their home will be traumatic. The parents do not recognise this. Although they were both keen to point out that the removal from their care was traumatic, they said that A and B will adjust quickly if returned to their care. The social worker says that a further removal will amount to trauma on top of the existing trauma and will cause further and greater harm. It is likely to re-trigger A's traumatic memories and cause him harm. B will be negatively impacted by seeing his brother harmed. Both boys will feel ripped away from their current family.
48. The Mother accepted in her live evidence that such a move would be traumatic for the children. On her behalf, it is submitted that this could be managed by way of a careful transition plan and significant support from professionals after a careful re-introduction of contact. She told me she had reflected and thought about whether it would be better for the children to remain in their current placement, if they truly are happy there, and that she wants them to be happy. It is argued that this shows an attunement to the children's emotional needs and an ability to put the children before herself, even though such thoughts must be extremely painful. This level of understanding indicates that the Mother would be able to understand what any move would entail and that she would be able to meet the children's emotional needs and understand them.
49. For the CG there is no good welfare reason to keep the children in long term foster care. They would be affected by the uncertainty and instability this would bring. Refusing the adoption order would mean the children would be moved from the current placement in which they are completely invested. The children have suffered previous placement changes; with hard work and dedication the current carers have brought the children to a place where they genuinely feel like they belong. The harm of such a placement change would, in the opinion of the CG, be extreme and possibly even irreparable.

Findings and decision

50. Although I have considered A and B separately and individually, I am satisfied that what is right for one is right for the other and that they cannot be separated.
51. The children are thriving in the care of their prospective adopters; they have established bonds and relationships that are significant; the relationship with their current carers is the most important one they have. This carries significant weight in my decision making

52. A wants to be adopted. I accept the CG's evidence that the making of such an order for him will have a positive impact on his sense of security and belonging. Whilst such wishes and feelings are not determinative, they do carry weight in this case despite A's age and limited understanding of the options before the court. This is because of his traumatic past experiences and the degree to which he has invested in his current placement.
53. The children need better than good enough care to meet their individual welfare needs and they need carers who can anticipate such needs and respond accordingly. Any carer needs to have those skills now and the children cannot wait for them to be acquired.
54. The children's experience of being cared for by their parents was traumatic and A will not speak of his past. I accept the evidence of the Social Worker that it is more likely than not that "the past" for A means primarily the time he spent being cared for by his parents.
55. I accept the evidence of the social worker and the CG that there are no indicators to suggest that this adoptive placement is susceptible to anything other than a low risk of breakdown.
56. There has been a significant change in the parents, and I give them full credit for that. The parents have demonstrated that they can successfully parent C without LA involvement.
57. I accept the evidence of the Social Worker and the CG that the parents do not appreciate or accept the difficulties of the children returning to their care. This was borne out by their evidence. They focus on their changes, that they should be allowed a relationship with the children not on the children's needs. Their insight into the impact on the children of their lived experiences is limited as is their insight into how difficult it would be for them to parent A, especially.
58. The parents have an ongoing relationship with E, F and G. If A and B were in long term foster care or the care of their parents, they would be able to establish relationships with those siblings (and C).
59. There are most definitely considerable risks to A in particular, from his older brothers E, F and G. Given his age he is at far greater risk than C. The fact that the parents did not understand this is worrying.
60. Removing the children from their current carers would be traumatic and harmful. It would not result in only short term upset as the parents assert. It would be completely different from the move from the parents to foster care and foster care to adopters. The initial move was from a home that was unsafe where their needs were not being met to a home that would meet their needs (in the main). The transition from foster care to adopters was one

which the children had been properly prepared for. They now want to stay there and A has articulated a positive wish to be adopted. Leaving the adopters to live with long term foster carers who will be strangers or to live with parents of whom there are primarily memories of being scared and unsafe is very different. The fact that the parents did not understand this reveals a troubling lack of insight.

61. The relationship between the children is close and is to them the most important sibling relationship. If they are placed in an environment where their needs are not met, that relationship is at risk.
62. Given the children's history, permanence, routine and stability is fundamental to their continued welfare and development and that they are not, on the evidence, able to make a further move at this time. Such a move would affect them throughout their lives. I accept that such a move would be high risk, it would involve on balance, immediate and significant levels of trauma, distress and loss.
63. The parents, in my judgement and accepting as I do the evidence of the social worker and the CG, are not equipped to meet the children's needs even with support. They do not have sufficient insight and are too focused on their own feelings and desires. Not making an adoption order would expose the children to living in long term foster care with all the uncertainty that would entail. Leaving their current carers to whom they are so attached would cause distress and trauma which would be very damaging. This is likely to affect them in my judgement throughout their lives and that harm would be greater and far outweigh the benefits of the order not being made and the possibility of them resuming contact with their birth family.
64. I am entirely satisfied that it is both necessary and proportionate for the court to make an adoption order. Such an order is the only one that will meet their lifelong welfare needs. Having balanced all the pros and cons of the options before the court, I have concluded that the loss they will suffer from not growing up in their birth family with their siblings is considerably outweighed by being adopted children in a placement that meets their needs. The children need to remain where they are and only an adoption order will achieve that. Nothing else will do. In fact, in my judgement, making any other order would be unsafe in terms of the likely emotional harm it would cause, on the evidence. An adoption order is both necessary and proportionate and as a direct result the children's welfare requires the consent of the parents to be dispensed with.
65. This decision does not negate the improvements that the parents have made. I acknowledge their hard work and their care for C. They have clearly made enormous strides and turned their lives around. Unfortunately for them, I am clear that it would not be in the welfare interests of A and B throughout their lives for the court not to make the adoption order.

Contact

66. The parents have made no application for post-adoption contact, but it was suggested in cross-examination. The letterbox contact is unanimously recommended by all professionals. The LA argues that the children do not have a direct relationship with the parents and re-introducing that would create confusion and further emotional harm for them. Further, it would be wholly inappropriate for the court to compel the prospective adopters to accept contact arrangements with which they do not agree especially when they have not been present or represented.
67. I agree. I do not accept the contention on behalf of the parents that there are exceptional circumstances in this case by virtue of the children's ages and pre-existing relationship with their parents; the fact that the other siblings have contact with each other and their parents; the significant improvements that the parents have made (thus reducing any risk posed by them to the children in contact; or the parents' ability to co- operate with professionals (which would make managing post adoption contact easier). Whilst these factors undoubtedly exist, they do not cross the threshold for making this an exceptional case. The reintroduction of the children to their parents would, in my judgement, on the evidence, be more likely to be harmful than serve any positive purpose.

End of judgement

HHJ George
4 March 2022