

IMPORTANT NOTICE

This judgment was delivered in private. The judge has given leave for an anonymised 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 child and members of her family must be strictly preserved. All persons, including representatives of the media, must ensure that this condition is strictly complied with. Failure to do so will be a contempt of court.

Case No: LS18C00820

IN THE FAMILY COURT SITTING IN LEEDS

IN THE MATTER OF THE CHILDREN ACT 1989 AND THE ADOPTION AND CHILDREN ACT 2002

AND IN THE MATTER OF J

Date: 20.9.19

Before :

HHJ Lynch

Between :

City of Bradford MDC

Applicant

- and -

A Mother (1)

A Father (2)

A Child (3)

Respondents

Claire Sheldon for the **Applicant**
Jane Curnin for the **1st Respondent**
The 2nd Respondent acted in person
Louise Noblet for the **3rd Respondent**

Hearing dates: 3 – 6 and 17 September,
written submissions 18 September

JUDGMENT

Introduction

1. This court case is about a little girl, J, who is just nine months old. Her parents are M (called ‘the mother’ in this judgment) and F (called ‘the father’), who both have parental responsibility for J. She has an older sibling, P, who lives with his paternal grandmother in Bulgaria. M also has two older children, a son, now an adult, who lives abroad with his father and a teenage daughter living with her paternal grandmother in Bulgaria.
2. I was the judge responsible for court proceedings about P in 2017 which ended with a supervision order being made, P remaining in the care of his parents. The findings made at the end of that case in June 2017 were as follows :
 - a) At the time protective measures were taken, there were reports that M has used alcohol to excess and which, by her own admission, had been a reported feature in incidents of domestic abuse within the household. Were she to drink excessively given her previous acknowledged behaviour whilst under the influence, this has the potential to impair her parenting capacity and thus expose P to the risk of significant harm.
 - b) The relationship between M and F has been a volatile one which has included physical and verbal abuse, with M having been convicted of an offence of battery in December 2016 following an assault upon F. The very nature of this relationship exposes the child to the risk of emotional harm.
 - c) The parents have lived an unstable lifestyle which has resulted in the family moving between three different local authority areas during M’s pregnancy with P. The continuation of this unstable lifestyle is not conducive to providing safe and consistent care to P and would place him at risk of suffering significant harm in the form of the neglect of his physical and emotional needs.
 - d) M has not consistently engaged with ante-natal care services in that she failed to attend midwifery and health visiting appointments on 15 December 2016; 30 December 2016; 3 January 2017 and 9 January 2017. In doing so she has failed to prioritise the health and welfare of her son and placed him at risk of suffering physical harm.
3. P was subsequently removed from the care of his parents by Children’s Services in Bulgaria whilst on a family holiday in 2017. Within these proceedings enquiries were made of the Bulgarian authorities as to the reason

for P's removal. Only very limited information was able to be obtained, and no court papers were seen, but it seems he was removed due to the parents not having appropriate accommodation. He was placed temporarily with his paternal grandmother whilst further enquiries were made. However the parents came back to the UK, leaving P behind, resulting in his placement with his grandmother being endorsed by the court.

4. Before J's birth, the local authority carried out a pre-birth assessment and decided to begin care proceedings. There continued to be concerns about the relationship between the parents, not least due to the fact the mother had sought help from the local authority and police to leave her husband at the end of July 2018 but then returned. Also, little was known at that time about why P had been removed. An interim care order was made first on 27th November of last year and has remained in place ever since, J living with foster parents during that time. She has had regular contact with her parents three times a week for two hours, that family time being supervised. Her mother has barely missed a single session. Her father missed the family time over a number of weeks when he returned to Bulgaria due to his mother's ill-health but otherwise has attended regularly. In those periods of time together, the mother has been the one who has primarily looked after J.
5. Within these proceedings the mother and father have remained in a relationship throughout, although in early April both parents were suggesting they might separate. The local authority carried out an assessment of them to care for J together. That assessment concluded negatively and the local authority applied for a placement order to enable it to place J for adoption, no member of the extended family having been willing to be assessed to care for her. Enquiries were made of the only known family members in Bulgaria, the paternal grandmother and a paternal great aunt. The paternal grandfather and the father's sister could not be traced, the Bulgarian authorities having mentioned them as theoretical possible carers. The father is should be said estranged from them, did not put them forward as possible carers, and did not know their whereabouts. J's children's guardian agrees with the local authority's view that nothing other than adoption will do for J. The parents understandably do not accept that J would be at risk in their care and wish her to be placed with them.
6. I should record that just before the hearing recommenced for the final day, the father gave a note to Social Care. In that note he said: "I preferred to be parent

looking after instead my wife [M]. Because if she is single mother, who can guarantee me that everything with my daughter will be alright. I found an organisation called “Gingerbread” for single fathers, I have applied for divorce. I can arrange childminder, nursery, GP for my daughter.” I invited the father to explain his proposals when concluding his evidence, which he was in the course of when the hearing was adjourned for some days. He was not entirely clear but he seemed to say that he had completed a form to begin a divorce and that he would live apart from his wife so that J could be placed in his care. It was not that this was his preferred option, more a fallback proposal because he understood it as a way that J could come home. I think he felt if his wife was being encouraged to leave him to care for J on her own then in fact it could be him who cared for J. He felt were J to be with his wife, Social Care would find a way in a few months’ time to remove J and have her adopted. In writing to the court after the hearing, he made clear that what he wanted was written confirmation that J would be returned to him were he to proceed with the divorce.

The Issues and the Evidence

7. In preparing for this hearing I read the full bundle of papers provided to me in this matter, including a bundle of contact notes. Some case records from the local authority’s files were also made available during the hearing. I have heard evidence in court from the social worker, a worker who was supervised contact, the mother, father and guardian.
8. At the final review hearing before the final hearing commenced, all parties were legally represented. Through his advocate the father sought to adjourn the final hearing so he could go back to Bulgaria to see his mother. That application was refused. The father then had a conference with counsel two working days before the final hearing. However, the day before the hearing it became clear the father had sent repeated emails to the court expressing dissatisfaction with many matters, including his legal representation. When queries were made with his solicitor as to whether he remained represented or not, she spoke with him and he then sacked his legal team.
9. The father came to court on the first day of the hearing and made an application to adjourn, saying he wished to seek new representation. I heard that application and refused it. I gave a brief oral judgment explaining my reasons, but in essence I was conscious he was already on his second set of legal representatives and I was unconvinced he would keep any legal

representation if his legal team gave advice with which he did not agree. I was also very aware that such an adjournment would mean a three-month delay in decision-making for J given the listing situation, which would not be in her best interests. From reading his emails and hearing from him in court, I was satisfied he was well able to represent himself and indeed he proved that during the hearing. He has had the benefit of a court interpreter to assist him, although he speaks good English and has only used the interpreter when he felt he needed it. All parties had to submit written submissions at the end of the case given the shortage of court time owing to the case overrunning; F made his submissions in English with apparent ease.

10. Despite assurances from everyone that the case could be concluded in the four days allowed, this did not prove possible and a further day of court time had to be found. At the outset of that further day of evidence, I had to consider another application by the father to “extend the final hearing” as he said he had identified a solicitor who he wanted to take on the case. I refused that application, saying it was for the same reasons as my refusal of his first application, but also making the point an advocate could not realistically pick up a hearing which had almost concluded so in effect what would be required was for the hearing to begin all over again.
11. The Bulgarian embassy was notified of these proceedings early on and had been kept up to date with progress. The first day of this hearing was observed by a representative of the Bulgarian Embassy but after that he did not return.
12. In relation to what I have had to decide in this hearing, most matters have remained in dispute. The parents accepted the factual accuracy of the first two paragraphs of the draft threshold document, which in effect recorded the findings in relation to P. The parents did not accept the remaining paragraphs. The mother accepted there were verbal disputes between her and the father during her pregnancy with J, sufficient that she would accept threshold being found on that basis, but denied all other matters. The father did not accept any of the threshold matters other than those regarding P.

The position of the local authority and guardian

13. The local authority, supported by the guardian, says that J could not be placed safely in the care of her parents. It relies on the parenting assessment carried out by J’s social worker, as well as the assessment carried out before J’s birth and a core assessment filed earlier in these proceedings. It also relies on the observations of the contact supervisor. The local authority says that, despite

their clear love for J and despite their very regular attendance contact, there are many aspects of the parents' lives which remain unchanged. The local authority says that not only have the parents failed to make changes in relation to some matters of concern, but that they would not be capable of making all of the necessary changes, even with support, in J's timescales. The professionals are of the view that it would not be possible to work particularly with F when he feels everyone is conspiring against him. If J was in the home professionals would not be to get a clear picture of what was going on. Given that there are no other potential family members who could care for J, the local authority and guardian say the only option that would be right for J would be for her to be adopted.

14. The local authority invites the court to accept its plan as filed with one revision in relation to indirect letterbox contact, and an amended care plan was filed alongside the written submissions. This related to ways in which the parents could be supported in letterbox contact after adoption given the language difficulties there would be and the fact that the mother cannot write in any language. The plan confirmed that information received from J's carers would be translated into Bulgarian for the parents and they will be given assistance to prepare their letters or cards by the adoption agency with the support of an interpreter. Indirect letterbox contact would also be offered between J and her brother, which could be coordinated by the adoption agency who would translate the documents accordingly.
15. Looking at the matters which were of concern in P's proceedings, the issue of the mother misusing alcohol has not been a concern at all in these proceedings and I noted only one reference to arguments when the mother was intoxicated in the police callout records (5.3.18). Similarly, during her pregnancy with J, the mother engaged with antenatal care. During the mother's pregnancy with P, the parents moved home a number of times that during these proceedings that has not been an issue. The couple have moved once, but that move was simply to find more appropriate accommodation. The home the couple now live in is appropriate for a child to live in and the mother in particular has made great efforts to decorate it. The social worker did express some concern that the parents had talked about moving to an area where the father said work might be easier to come by.

The parents' relationship

16. The relationship between the parents remains a significant concern for the local authority, the single biggest issue in this case. This had of course been an issue in P's proceedings. There I found that the relationship between the parents had been a volatile one which had included physical and verbal abuse, with M having been convicted of an assault upon F. The local authority says that at the time this case began that remained the situation and indeed it continued to be.
17. I was referred to police records of calls made to the police or visits by the police following allegations of aggression between the couple. Calls have largely been made by the father. The father says that the large number of calls because he was advised by the previous social worker to phone the police whenever there were problems. That social worker was not available to give evidence but the current social worker was of the view that standard advice to any couple in relationship which was seen as abusive was that if they were concerned for their safety they should ring the police. Looking at the reports, they are largely of verbal disputes. They include the involvement of family members, as the father reports being threatened by phone by the mother's brother on occasions and there is one incident when the mother is accused of assaulting the father's sister when she was staying with them during a visit to the UK.
18. An incident is recorded on 9 November 2017 [H13] where it is reported that the mother distrusted the father and there was a verbal argument, during which she photographed some documents. Another incident occurred on 9 January 2018 [H13] when the police record says mother was verbally abusive to the father and shoved him. It is reported that the father was scared because of her behaviour and threats. The mother accepted they were arguing and she may have hit him but could not remember. Ms Noblet asked her if she could not remember because it was because arguments happened on a regular basis and M agreed with that. F in his evidence initially said that there was no physical contact between them, and his wife was just shouting. He denied telling the police he was scared of his wife as had been recorded. When he was back in the box after the adjournment period, he spoke of his wife shoving him once. He said there had been no physical assault between them from 2016 when his wife received her conviction for assaulting him to the shoving in January 2018.

19. There was an incident on 31 January 2018 [H13] when according to the police record the father reported being assaulted by the mother, causing a slight injury to his neck. The father confirmed in his oral evidence that this happened.
20. There is a recording in the police records from 1 February 2018. It is recorded that the mother had left the father and reported an historic rape by him. The referral to the police was made by a member of Social Care staff and there is nothing to suggest any conversation then took place with M. My understanding from what I have read and heard was that this related to the mother seeking help from the local authority to leave the father and the local authority's understanding being that she was saying J had been conceived as a result of rape. There is a record of that in the pre-birth assessment carried out in October/November 2018, that the mother had stated this. In the initial social work statement it is recorded that the mother had stated she was pregnant due to 'a sexual assault' by the father. It is stated that the local authority assisted the mother with housing and financial support but two days later she reconciled with the father after he had phoned her numerous times. After that she denied having been subject to sexual assault. [This recording of course cannot refer to an occasion when J was conceived, given it is made more than nine months before she was born and is described as historic.]
21. The mother is very clear this is not correct. She says her husband has never raped her. In her statement she said that when meeting with her legal team the issue of rape was explained to her and, having had that explained to her, she does not accept J was conceived as a result of rape. She said something rather different in her oral evidence, that it was explained to her in the conversation with the police officer on 1 May 2018 (see below). She said the officer asked what her husband did to her and she said nothing. She was asked if it was true that her husband raped her and she said no. She said "I told him that I do not understand what rape is. He explained to me what it is and I say no, no such thing." I could understand that the mother would say that she had been misunderstood through interpreters but the clear inconsistency between the mother's two accounts of when the concept of rape was explained to her troubles me.
22. A significant incident occurred on 1 May 2018 when the mother was pregnant with J. The couple went to a health centre because the mother wanted to discuss terminating the pregnancy. The father was very opposed to this and,

according to the police record, he became aggressive with staff and told them to convince her not to have the termination. The record says the mother was spoken to in private by staff and was noticeably distressed, saying her husband had threatened if she had the abortion she would never see P until he was eighteen. She spoke of the father controlling her finances. It is recorded that the father did not like her speaking to her family and was nervous when she was on the phone to them, demanding she speaks to them in Bulgarian as opposed to Roma. She said if she wants to go out alone, the father always wanted to go with her. She said she was scared that she would have nowhere to go if she left the father and that he would prevent her seeing P. Those comments are also reflected in a DASH risk assessment completed by police officers on the evening of first May. That record, a largely tick box form with space for additional comments, included a tick in the 'Yes' box following the question "Does the perpetrator say or do anything of a sexual nature that makes you feel bad, or that physically hurt you or someone else?" In the comments section relating to that question, it is said that the mother was noticeably uncomfortable when the officer was asking questions in relation to this.

23. There is a recording within the local authority's case notes of a phone call between the then social worker and a worker from a domestic abuse agency relating to this incident. I accept, as was put by Ms Curnin on behalf of the mother, it is not clear whether that agency worker had actually spoken to the mother or obtained her information from the health centre. What she does record though is that the mother had asked for help to flee from the father, that the father waited outside and phoned her continuously until the mother switched her phone off, and that the father was abusive to the health visitor. It says that the police came to assist but took nine hours. They took a short statement from the mother and accommodated her. The father turned up the next day, having made contact with the mother, and she had returned home. I noted that that fits with what is known, that the mother only stayed away one night before returning. The worker recorded that she would close the case as their support had been declined. The father I should record said in court that the fact that the mother ended up leaving him this day "could be qualified as a kidnapping because she attended to ask about a termination, not searching for help".

24. Again within the case notes, there is a referral from the midwifery team to the local authority dated 23 May 2018. Their email says, “We have seen a patient today who has disclosed a history of domestic violence and children’s services involvement abroad.” The referral gives information about the situation regarding P in Bulgaria and says, “A court hearing has been set for 23/06/18”. The father in his oral evidence could not explain how the midwives knew of the court date, despite me trying to clarify this with him when he did not answer. He simply complained that the midwife should not be getting involved in other things like the mother’s personal life and said she was manipulating the mother. The mother similarly could not explain how the midwife would have known but said she had not given information about the court hearing to the midwife. The parents’ case in their oral evidence seemed to be that the midwife knew about the Bulgarian case because of what the father described as “some hidden connection between her and the Social Services.”
25. The mother then made an unannounced visit to the local authority on 4 June 2018. The visit was during a period when the father’s sister was staying with the family. The record of the conversation with the mother says that the sister had told her she would never see her son again. Again there is a referral to the court hearing in Bulgaria, this time recorded as being on 25 June. It is recorded the social worker advised her to attend the hearing, “give my positive report and collect P”. The record goes on to say the mother was upset and asked for the social workers help. She said she did not wish to be with the father but was afraid due to finances. It is recorded that she was asked if they had consensual sex and she said “no, he rapes me”. She accepted that she hit her husband once a long time ago when he tried to rape her, although there is no reference to J being conceived in this way. She said the father rarely raises his hand to her and does not hit her but he threatens and scares her. She said he is very controlling, shouts at her, that she is not allowed money and he commands her. She said she does not want to have the baby but the father is making her, using P and the flat as a threat. In respect of the court case in Bulgaria, she told the social worker that the father says he is waiting on the social worker to be given P back; the social worker said that was untrue. The mother said she did not want to go to Bulgaria as she does not trust the services over there. She also says the father took the positive parenting assessment from her. It is recorded that the mother cried throughout the

conversation. The mother was advised to go and make a report to the police. It is recorded that the mother intended to go to London to stay with her brother.

26. The mother in her oral evidence was taken by Ms Curnin through the series of questions and answers that were recorded. The mother accepted some of the factual recordings but not many. She denied having said she was afraid due to finances. She said there was nothing said about rape but then she said in her oral evidence “probably I did not know what to answer at that moment but it did not happen my husband raped me..... Probably the social workers manipulated me regarding this rape”, later saying they had provoked her to talk about these things. She accepted she was angry with her husband because he is literate and she thought he was hiding something about P. In essence in her oral evidence she said that all the things she was recorded as having said what untrue and if she said them it was because she was angry with her husband because of P. She also I noted denied saying that he had used P as a threat. That was a consistent theme in her oral evidence, that she denied her husband had ever threatened she would not see P again despite the very many references to her saying this to professionals. She did acknowledge that she had returned to her husband the day after leaving him because his sister showed her a picture of P. At the end of re-examination by Ms Curnin, she was asked if when she returned to her husband she was putting him before J and her response, very quietly, was that she could not answer. She was asked if she ever felt she had to choose between P and J and she said that she loved both of them. I then felt I had to ask a question then which nobody else had put to the mother, which was to ask whether she went back to her husband as she was afraid she would lose contact with P; her answer was yes. I asked how much contact she had had with him since she left Bulgaria and again there was a very long silence before she said she could not answer the question. She said she had not had any Skype contact with P.

27. F, I should say, is also very clear he has never threatened to keep P from her. He said he was having contact with P, although he says they were instructed by social services in Bulgaria they, or maybe just his wife, he was not clear, could not have contact. He said at one point there was irregular contact by phone, Viber or Skype, though he seemed to be saying his wife could not join that contact because of the requirement of the Bulgarian authorities. Later in his evidence he spoke about phoning his mother and P about every seven to ten days. He could not explain why the authorities in Bulgaria had said they

should not have contact. He could not explain why at a contact on 22 February 2019 the supervisor had recorded that he had said he would contact Bulgarian Social Services and tell them that M did not want to see her son; he denied saying this. We know that he then was in Bulgaria at the time about a week later when the authorities made a visit to the paternal family regarding the potential for them caring for P. The letter from the authorities says that the father reported to them that J had been accommodated with a foster family in the UK because M was aggressive and suffered from alcohol abuse and that was why he had turned to the social services in the UK. The father however in his evidence denied that he had said this to the social worker who visited. He also denied having told that worker that he wanted J to live with his mother.

28. I was puzzled by the mother's response regarding her discussion recorded with the social worker about the court case in Bulgaria. She said she remembered no conversation with the social worker about this and the social worker did not advise her to go to any court hearing. She did recall being given a document at some point to show to the court in Bulgaria but nothing more on this occasion. Later on in her oral evidence she acknowledged being given such a document and her husband emailed it to Bulgaria.
29. Again there is another file recording of a health visitor contacting the local authority on 21 June because of concerns. The mother had returned from London and was back living with the father. She says she feels imprisoned, she cannot apply to work as the father is withholding her paperwork. He gives her £5 every now and then. He is suspicious and watches her when she leaves the property. She says she wishes to leave him but the father says that if she stays he will get P back. She says she does not feel safe with him. It is recorded that the health visitor was going to contact the housing department and inform the mother about what option she had. The social worker received an update from the health visitor on 26 June, that she had phoned the mother to tell her her housing options but since then had not been able to reach the mother.
30. The next record I read was from a visit by the father to the local authority on 22 June. He said he had been arguing with the mother and wanted to tell the social worker, arguments being about her wanting money and wanting to see her son. He asked how to manage the arguments and the social worker's advice was to take a break from one another and also to consider whether the relationship was working. The father spoke of P, that he knew he would be

coming home. The social worker asked how he knew that, given the final court hearing had not yet happened, and he said, 'I know this, don't worry about that'.

31. On 5 July there is a record that the domestic abuse agency who had phoned the local authority after the incident at the health centre rang on 5 July and left a message to say they had seen the mother. No case record was added to the bundle though which recorded what happened when/if that call was followed up.
32. There is a police record of the father phoning the police regarding an incident on 24 July 2018 [H9]. What is recorded is that the mother had taken a knife and cut her own back. She then told the father she would report him to the council and blame him for the injury. It is recorded that the father was in fear due to the knife. The parents' explanation is that the word was "bag", not "back" (and there did seem to be an issue in understanding the English word as it was spoken in court by the interpreter), although that does not seem to make sense in relation to the reference to the father saying the mother saying she would blame him for the injury. The mother had no explanation as to why he would have reported that police. In any event, whatever the reason was for the mother having the knife, the father confirmed in his oral evidence he was afraid.
33. There is a further Social Care case record two days later of the father phoning the social worker to say that the mother attacks him and she is dangerous. He says he has told the police that she is verbally abusive but does not intend to report matters on this occasion as he wants to be with her. He asked for support/advice in regards to them continuously arguing. He said they had separate rooms at the flat. The social worker suggested that they tried to speak calmly to one another, to take a break away from the flat, and again to consider whether the relationship was working or whether they should split. When the father was asked about this in his oral evidence, he denied the worker giving this advice. It was his view the social workers should calm his wife down when he told them of her behaviour but denied there had ever been any advice of the nature recorded by the social worker this day.
34. Going back to the conversation between the father and the social worker on 26 July 2018, I noted there was again a conversation about the court proceedings in Bulgaria regarding P. The father said he did not know the outcome of the final court hearing but had phoned and emailed Bulgarian Social Care.

35. On 31 July 2018 the social worker received a phone call from the father and spoke to both parents. The father told the social worker that the mother thought he was speaking to his ex-partner. The mother said that the father had another girlfriend and was not a good husband, adding that she was not okay. The couple were asked to come to the local authority's office later that day. When they met the social worker the mother asked to speak to the social worker alone. She again said the father was communicating with his ex-wife leaving her upset and she believed that woman may have P. She felt the family were conspiring against her. The social worker explained the worries that the local authority had and the mother said she was afraid. She wanted to leave the father that day and asked for assistance to do that. The social worker then spoke separately with the father. He told her that his ex-partner had contacted him via Viber but he had not realised this. The mother then accused them of a conspiracy. F told the social worker that his wife was jealous and asked the social worker if she thought the mother's behaviour was normal. He said the mother had gone overboard and did not accept that he did not have another woman. He said he wanted to stay with the mother. However he talked about thinking the mother was going to try to get P back and then be with her ex-partner and he suspected she wanted to divorce him. The father was told that the mother was not going to come home with him because she wanted to leave him. Later in that visit, after the police had arrived, he told them his wife had hit him.
36. In respect of this separation, the mother now says that she found a photograph on her husband's phone and suspected him of having an affair. She said it actually transpired that the photograph was of his aunt according to her husband, as he told the court in his own evidence. F could not explain why the social worker had recorded that he had said his ex-partner had contacted him, and said it was probably his mistake.
37. Later that day, the social worker took the mother to the housing office to assist her in her wish to separate from the father. What is recorded is that the worker took her details and approached numerous places to see where she could stay. She was ultimately booked into a local hotel. The social worker made the domestic abuse agency aware the mother would need support. He also advised her to open her own bank account and then claim benefits.
38. The following day the social worker spoke by phone to both parents. The father was asking where his wife was and wanted to contact her, becoming

verbally aggressive with the social worker. When the social worker spoke to the mother she said she was doing all right, had had some food from McDonald's and wanted some clothes. There is no suggestion she was going to return to the father. However the social worker tried to speak to the mother a few days later at the hotel, only to be told she had left. The following day the social worker visited the family home and spoke to the father who confirmed that the mother had moved back in.

39. The mother in her oral evidence agreed at that time she did want to leave her husband. She said there had been lies about P and no one was telling her anything and she was jealous also. She said she was also quite confused at that time. She described in court, "at that moment I wanted to separate with my husband but it was not a real intent".
40. The local authority accepts that there have been no referrals to the police during these court proceedings. The social worker says however that matters of concern have been raised by the mother, and to a lesser extent by the father, in things they have said to the contact supervisor. The social worker also had concerns because of things said in assessment sessions. She says in her report: "There is ongoing domestic abuse between the couple, there are concerns regarding very controlling behaviour from F. During the assessment sessions F was not happy that Children's Social Care wanted to speak with M alone. F did not want M to attend sessions for her to learn English and insisted that he go with her, stating to the social worker that he was jealous." [C62]. In her final statement the social worker said that the couple had not attended English classes, leaving M isolated. When the social worker first met the mother in early April, at a time when she was being asked to support the mother to leave the father, the social worker said she had looked at getting the mother into a refuge where she could have had services to support her. She said that she discussed English language classes with the mother who agreed that would be a good idea. The following evening however the father sent a text message to the social worker saying that he did not wish the mother to be going to classes alone as he was jealous. This mirrored what he told the guardian, the he would want to go with his wife as he gets jealous. M however said in her oral evidence the idea was they would go together in case she had to write anything down. The social worker also recorded that the father had reported that the mother blackmails him, saying if he does not get a ticket for their son to come to England she will go to the police and say he has raped her.

41. This theme of jealousy between the parents was drawn out by Ms Sheldon in her submissions. She argues that the parents each have admitted in evidence that they are very jealous where the other is concerned and each has expressed concerns about the other's fidelity. She gave a number of examples including F informing the contact supervisor that he was worried about M bringing her ex-husband to the UK whilst he was away in Bulgaria, M informing the contact supervisor that F was not telling her when he would return from Bulgaria as he wanted to see if she was with another man, M informing the social worker that F had another girlfriend and was "not a good husband", M in a phone conversation with the social worker speaking of F being unfaithful and stated that she had forgiven him many times, and F requesting that DNA testing in respect of J to prove his paternity. I should say that the mother seem to be genuine in her understanding that that testing had been requested by the court and was nothing to do with husband, whereas of course the order was because it was sought by him.
42. I looked carefully at the notes of time spent together by the family which had been supplied. There has been a great benefit in having the same person almost always supervising the family time and she came to court to give evidence. Notes of contact seem to be very positive up to 22 February 2019. At that point the father tells the contact supervisor he is going to Bulgaria and that he wanted the mother to come with him but she wished to stay and see J. The father talked about not trusting the mother as to who she would have in the house, saying he was worried she was planning to bring her ex-husband and oldest son across, and at one point he said he would not leave her a key to the house. The father that he would contact Social Care in Bulgaria and tell them she did not want to see P. It is recorded the mother was very quiet in this contact but was clear in saying she would not go to Bulgaria and wanted to continue to see J.
43. Contacts from then until 2 April were just between the mother and J. In those contacts it was clear to the supervisor that the mother did not know with any certainty where the father was and what was happening. At one point she spoke of the father having returned to the UK but being in Manchester. At contact on 15 March she said she did not know when he was coming back but he was going to surprise her. She talked of the father getting very jealous. She said that was hard sometimes but her last husband did not care who she saw nor asked what she was doing so she felt he did not care. She said she felt

happier with F because he always wants to know who she is with and where she is going. At the next contact however she said she had stopped answering the phone to her husband because he would not tell her where he was. This had resulted in the police being contacted by him. She said that she felt the father was only with her so she could give him children and she now thinks his plan is for his sister to get J. She said she wanted a job so she could provide for her children and have her own money but over three years the father had stopped her looking for a job. She has been to the job centre and they may have told about a job but all emails went to her husband and he did not tell her about them, nor could she read them. She told the supervisor she wanted to speak to the social worker about how leaving him would affect things for J because she felt she could no longer trust him anymore. She said much the same at the next contact session and the one after. She spoke of the husband knowing her National Insurance number but refusing to give it to her. This was all in late March, just prior to the father coming back to the UK and the matter being back before the court. I noted the father also rang the supervisor a number of times whilst he was away, asking if the mother had come for contact and asking if she had come on her own.

44. Going back in time briefly, it is clear from the letter from the Bulgarian authorities that when the father was in Bulgaria at the grandmother's home he met with social workers who had gone out to enquire if the grandmother wished to care for J. They found the father on his own as apparently the grandmother was having surgery. The letter records what the father told the Bulgarian authorities about why J was in foster care. It is recorded that it was because the mother was aggressive and suffered from alcohol abuse and so the father had turned to social services in the UK. That letter also recorded that P had been removed because the parents were living in hostels which were not appropriate for him. The Bulgarian child protection authorities imposed an interim protection measure and placed him with his grandmother while "detailed research" was carried out. However the letter records that in the course of the research the parents left for the United Kingdom, resulting in a permanent protection measure being made, confirming placement of P with his grandmother, affirmed by a judgment of the local court on 9 July 2018.
45. On 1 and 10 April 2019 there were two court hearings within these proceedings in quick succession. By the time of the second hearing it was recorded in the case summary that the father had asked for advice from the

contact worker about the costs of divorce and the mother had asked for advice about caring for J if she separated from the father. It is known that the first time the current social worker met with M it was because there had been a request from the mother's legal team, on her instructions, to the local authority's solicitor that the social worker offer support for her to leave the father. The social worker's evidence was that in fact when she raised this with the mother she said she no longer wished to separate. Both the court orders made in April record on the face of them that the father wanted to consider whether he was going to remain in a relationship with the mother. The mother said in her oral evidence she had not known the father was considering divorce at that time but confirmed she had thought about it a lot of times. She said even though they were both saying such things, they were not saying it seriously.

46. At the first contact session after the father returned to the UK, on 2 April, the mother was noted to be very different in contact compared when the father was away, really sad and very quiet. The contact supervisor said that the improved demeanour she had seen in the mother whilst the father away was no longer apparent. They spoke of having been arguing and there was little conversation between them. The father said the solicitors and local authority had made problems between him and his wife. The mother mentioned in that contact that the father had asked for a divorce. In the next few contact notes the main issue that arises is that the father is unhappy with their being a feeding routine, although the mother had got her into a very good routine whilst he was away following what the foster carer was doing. The father expressed a lot of unhappiness about this.
47. The next contact session of significance was on 21 June. The mother arrived on her own, saying she was not sure if the father was coming although he arrived soon after. When the couple went into the contact room the mother started to get extremely upset and to cry, saying that the father had told her not to kiss J all the time. She went on to talk about how she wanted to buy things for J but the father would not give her money for it. She said she had begged the money to buy things, and that if she wanted things for J the father said she had to have sex with him. She said she was pleased J was with her foster carers and wanted her to stay a long time with them, beyond the end of proceedings and spoke of two years. When Ms Noblet put to her that this suggested the mother was happy with the care the foster carers were giving at

that time, she agreed. On that day the father told the supervisor that the mother blackmails him, saying if he does not get a ticket for their son to come to England she will go to the police and say he has raped her. He said the mother had broken her mobile phone and he thought she would tell people he had broken it. The worker urged them to stop debating these issues and concentrate on J and they both did eventually stay for the full contact but did not speak to each other.

48. In emails to the court, the father denied ever having told the mother not to kiss J. The mother accepted saying the things the contact worker recorded such as having to have sex to get money, but in court she said none of this was true, that she only said it to try to make her husband angry because it would not give her information about P. She was asked specifically by Ms Sheldon why she had suggested it will be better for J to stay in foster care and she simply said again it was because of P. She said she did not know why P had remained in Bulgaria, now J have been taken from her, she was suspicious.
49. The contact supervisor was asked in her oral evidence if there was any question of a misunderstanding in what the mother was saying. She was clear there was not, it was an interpreter the mother knew really well. There was no question that she was making a joke about what she was saying (as the mother said in her statement), rather she was really upset and crying. She acknowledged that the mother had said these things in front of the father. The father's view was that the mother had been upset about P and that is why she was crying.
50. These issues were brought up again at a contact on 16 July, the day the contact supervisor shared with them the report she would be presenting at the LAC review. The father disagreed with three things in the report, two of them relating to the conversation from a couple of weeks ago. He said the mother having have sex with him if she wanted things for J had never happened. He also said he had never stopped his wife getting a job. The mother said that the part about sex was "just what happens in a marriage with a husband". She said she had made a mistake about the sex thing, that it was the wrong thing to say, and the father was right to scold her.
51. There was another difficult contact on 29 July, when the parents bickered a lot during contact about various matters. The contact supervisor tried a number of times to stop the conversation but she said each time she did they started again. Apparently the mother said sorry and stopped but after a few minutes

the father started again. She ended up telling them that if this continued she would end contact with it was not appropriate to argue in such a way during their time with J. And I noted that the father mentioned divorce again at a contact on 9 August 2019, when the mother was out of the room.

52. The final event of note was on 14 August when the guardian visited the parents at home. She records that during the interview the father dominated much of the conversation and was keen to put forward his views to her. She said at times they argued and the interpreter could not translate due to them talking over each other. Several times during the interview the father told the mother to 'shut up' and told her not to interrupt him, something he said in his evidence was not true, that he knew how to treat people.. When the guardian told the father that she was interested to hear what the mother had to say, he accused her of repeating the same things over and over. In that interview the father, as he did in court, consistently expressed views that J had been removed for little to no reason and that it was a conspiracy against them. He was convinced the local authority would find any way they could to keep J from their care. The father wanted a change of social worker and a change of foster carer. The guardian said it was difficult to keep the father focused on the conversation and he could frequently return to his own complaints, the mother showing more understanding of the issues.
53. M was of the view that there had not been a problem in how they were communicating with the guardian, although she accepted there was an argument between them. It was put to her that the guardian had wanted to hear her views. The mother's response was to say that she had wanted to talk to the guardian but preferred her husband to actually do it. She was then asked why it ended up as an argument and she could not explain that.
54. In relation to P, the guardian could not get an understanding of why the couple had not engaged with the proceedings in Bulgaria. The mother told the guardian that she was not aware there were court proceedings in Bulgaria. The father told the guardian he speaks to his mother weekly gets updates of how P is doing. The guardian records the mother appeared shocked by this and said she had had no contact with P or his carers since he was removed from their care, although in her final statement the mother does state she has had occasional Skype contact with P. The guardian says the father told her the mother needed to apologise to his family before they would allow her to see or speak to P. The father says now however he simply said that the mother

needed to apologise to his family for how she had behaved, not that this was necessary for her to have contact with P.

55. The guardian has real concerns about the relationship between the parents. She says this in her report: “In respect of domestic abuse and controlling behaviour, this was dismissed by both F and M. F was unable to recognise that he was controlling of M even during my interview with them when he told her to shut up and not to interrupt him. He admits that he is unwilling for M to attend English classes without him present as he gets jealous and does not want her to go on her own. He minimised this by stating that M also gets jealous and will ask him where he has gone when he goes out and does not return for a few hours. M states that she gets lonely and bored when F is not home. I am concerned that she is isolated and relies heavily on F, particularly given that her use of English is limited, and she cannot read or write in any language. Both state that call outs to the Police have stopped and that if they argue it is usually about F being late. F states that arguments are resolved by him leaving the house for a few hours to calm down. He denies any physical violence and denies being controlling of M. He admits to getting jealous and wanting to be with her when she goes out. He was unable to acknowledge that this may be unhealthy.” [E17]
56. The guardian concludes in her report that there remains evidence of domestic abuse and controlling behaviour in the parents’ relationship, even though callouts to the police have reduced. If J were to be placed in the care of her parents, she would have concerns that J would witness domestic abuse and controlling behaviour and that the parents would prioritise their relationship over her needs. The guardian also said she would have concerns about the ability of the parents to work with professionals and take on board advice.
57. The guardian was asked by Ms Curnin if she acknowledged that, for example around the recordings of an allegation of rape, the allegations were not in fact clear, and the guardian accepted that. What the guardian said was that there was evidence of domestic abuse and then evidence of allegations being made in different forms, the mother saying in addition she was sometimes say things to make her husband angry. The guardian’s view was it was worrying that the allegations were made, whether or not they were true, but for her there was also evidence that there were indeed arguments between the parents and evidence of historic physical abuse.

58. The guardian was of the view that support had been offered to the parents. She had looked back at the plans to P, of course having been his guardian. At the conclusion of P's proceedings, she said the father acknowledged he was struggling with trying to control things, albeit he could not now accept that. She said the support that was to be put in place at that stage was domestic abuse support and it was hoped that would help both parents with their relationship. Her understanding from the papers was that the support was to be offered from the agency to the mother at that time (and not only later in the context of separation) and attempts were made to refer the father for anger management but he did not accept he had such a difficulty. The guardian accepted it seemed that the referral to the domestic abuse agency had not happened immediately after P's proceedings as the mother did not want to engage with it. In respect of counselling, she agreed there would need to be some acknowledgement of anger and control which would need to be addressed before there could be relationship counselling. She would be concerned about the vulnerabilities of both parents entering into counselling without having some work done first around domestic abuse.
59. The guardian of course has the benefit of seeing the parents now and then. She was of the view that the presentation of the parents was very different to how it was at the time of the proceedings regarding P. She felt concerned about the father's behaviour and him being unable to engage with professionals now. She said in the previous proceedings professionals were much more able to engage with the father and have conversations with him about how he responded to things, whereas now it was much more difficult because of this idea of his of conspiracy, which had evolved only very much towards the end of proceedings. She was not of the view though that any expert evidence was required in relation to the father, a suggestion made to her by Ms Curnin. She felt the evidence of risk was clear, that J could not be returned to the care of the parents this time, and expert assessment in relation to F was not required. She also pointed out it would be extremely difficult to talk to F, in particular about ways in which his behaviour could be managed. She pointed out when she met him and his wife to go through the evidence she found she could not do that because F would divert his own agenda and could not be kept on track, as was also evident in this hearing.
60. The parents do not accept that there is any need to have concern about their relationship. The mother rightly says that there have not been police callouts

between the couple since J's birth. She says that arguments have been mostly about P and him being in Bulgaria but she says the couple came to realise they needed to focus on the baby. The mother says things are difficult between her and the paternal family, she would say because she is of Roma origin, and she accepts there was a dispute between her and her husband's sister when the sister was staying.

61. The mother in her statement says that her relationship with her husband now is quite different, that they get on well together and very rarely argue. In court she repeatedly said their relationship was "super". She denies he is controlling and manipulative. She points out her name is on the tenancy of the new property and her husband gives her money. Apparently he claims benefits as she cannot, having no recourse to public funds, and if she asks for money he will give it to her. Of her comments to the contact supervisor that her husband said she had to have sex with him if she wanted him to buy things, she suggested in her written statement that this was said as a joke and was not meant intentionally. The mother gave different oral evidence however, saying that she said these things because she was angry with her husband in respect of P. Given the quality of the legal representation mother has had and given her statement was taken in a meeting where there would have been an interpreter and then the statement was interpreted back to her before she signed it, I note this is another example where the mother's written and oral evidence have varied significantly. The position she presents now is that the allegations she makes about her husband stem purely from her being angry at her separation from P, but that is not always been her position. And I noted when she was asked by Ms Noblet why she told professionals her husband did things which she now said were not true, there was an extremely long silence and finally she said, "I do not know". It was only when Ms Noblet reminded her that the previous day she had said it was to make her husband angry, that she agreed with this explanation.
62. Overall M seem to portray very positive view of her relationship with her husband but there was some insight. When it was put to her by Ms Noblet that it would not be good for J to live in a house where the adults caring for her do not trust one another, where they make lies about each other's behaviour, where they call the police for minor arguments, M agreed. She spoke of needing help about her anger. She was after she felt her husband should have

gone to anger management at the end of P's court case. She said yes but she needed to go too and they should go together.

63. The father similarly denies any difficulties in the couple's relationship and he said he disagreed with his wife saying there were problems in their relationship. He denies any suggestion of sexual inappropriateness, denying that he ever told his wife she had to have sex with him for money to buy things. He says it was simply that his wife was asking for items for herself and J which he said he could not afford and she became as upset. Immediately after that she met with the social worker and in that meeting lied about what had happened, something the father says she often does when she is upset. The father also talked in his oral evidence of the mother's allegations having to be looked at in the context of her being pregnant and therefore her having psychological changes as a result. He said she would often joke about sex at home and that was all it was when she mentioned it at the contact centre. The father also denies in any way being manipulative, saying that he believes someone has told his wife to say this. He says she is in control of the house and all the living arrangements and he does not stop her from going anywhere. In his oral evidence he explained he would give money to his wife when he could. He spoke of how they were together he would buy what she wanted or he was at work he would give her the money. He accepted they did not have a joint bank account but spoke of intending to change it to one. He pointed out his wife was not short of anything.
64. In his oral evidence the father was eventually able to say that maybe he and his wife needed help and he spoke of counselling. When he was asked why he needed that, having described his relationship is a good one, he could not explain. He said many people were sent to such a service. On two occasions he said that counselling would help his wife to speak in a good way, how to communicate with him, not to command him like an army. He felt what he described as "psychological interventions" would help them get their trust in each other back. He said that was how it used to be before there was influence from her brother and adult son by phone. It was his view that the problems in their relationship came from outside influences. F was very clear that his wife was in no way being abused in their relationship, that she had not come back to him just because of seeing one picture of P, that she would not stay unless she wished to.

65. When he was asked if it would be healthy for J to come home and live with them in the household with the relationship between him and his wife as it was, he said it would be. He repeatedly went back to the fact that P had lived at home, as he saw it without any problems at all, and he could not therefore see why there were problems now. His strongly expressed view was that this was a conspiracy, a conspiracy involving the social workers, the guardian, the Independent Reviewing Officer, midwives, the Bulgarian authorities, even M's legal team, all of them working together to get J adopted. He expressed very strongly that he objected to his wife and himself being separately represented. He spoke of a manager telling him after P's proceedings concluded he was very lucky and it was only because the judge had said it should happen, although of course all the court did last time was to approve the agreed position of the parties. His view was the local authority wanted to remove P from his care from the very beginning. He was also the view the local authority were responsible for P being removed from the couple's care in Bulgaria. He spoke of them phoning three times with a request that P had been abandoned in the UK, and then failing to send a report through after P was removed.
66. The parents' position is that they intend to remain in a relationship and want to care for J together. The father says that the mother has only talked of separating because she has been manipulated by Social Services and her solicitor. He says the social worker, advising him to call the police, has created the problems between him and his wife in the hope that she will hate him and they will break up. He also accuses the local authority of trying to deport his wife. He denied ever having tried to stop his wife finding a job saying in reality there simply was not a job in this area. He also denied stopping her going to English classes, acknowledging he had said he was jealous about other men but not that that was related to stopping her going to classes, albeit he could not explain the text to the social worker. The father objected to professionals requiring to see his wife on her own, saying the local authority was creating a divorce case, not a case about children.
67. In respect of any work which could be done around the couple's relationship, both parents talked about being open to there being counselling, which I took to mean couple counselling. In respect of the local authority saying that a necessary first step would be for the father to undergo anger management, the father disagreed with this. He felt counselling should come first with any

anger management afterwards. In relation to anger management, in an email to the court he said that nobody gets upset without reason. In his oral evidence he said he would be willing to do anger management work but could not describe how that would benefit him. The father became very agitated when talking about the work he would be willing to do. He was very clear that counselling needed to come first. As he put it “Let me fix my family relations, then I will go to anger management by myself, this is my wish.”

Parenting ability

68. In the case regarding J, the local authority has raised some issues regarding the parenting skills of the couple. What is evident in contact is that it is the mother who does the practical stuff as far as J is concerned. Throughout the contact notes are references to the father playing little part, spending time looking out of the window or being on his mobile phone. The mother was very clear in her oral evidence that this is because she wants to do all the care of her daughter, although there are times in the contact recordings where she does encourage her husband to hold J or to do some of her care. In the parenting assessment the social worker raised some issues, the parents putting J in a pushchair to sleep which was not helping her development needs, the parents being quick to feed J rather than seeing there may be other reasons why she would cry, and a lack of input from the father. It was a concern to the social worker that the parents did not understand the basic child development stages which could impact on J’s future development. Concerns were also raised about the parents dressing J in close that were not the right size for her when returning her after contact.
69. It was put to the social worker there were inadequacies in the carrying out of her assessment. The social worker acknowledged that out of the six sessions, there had not been an interpreter at one due to a booking clash. Out of the six sessions J was present at half of them so parenting could be observed. This took place during the parent’s timetabled contact sessions.
70. The social worker acknowledged that in relation to many key aspects of parenting she was largely positive. She accepted the mother had taken on board advice from the contact supervisor when the father was away, although that was less evident once the father returned. It was put to her that the issues which had been identified, if indeed they were issues at all, could be dealt with by focused work. The social worker acknowledged that any family could be assisted with being able to parent their child, this family included, but she

could not disregard the issues around safety due to the parents' relationship. I asked her whether, if those issues could be put aside from moment, whether the parenting assessment she had carried out would prevent the parents caring for J. She said that, if that was put aside, then with intensive support and regular visits there was a possibility. She had concerns whether the father would work with professionals however.

71. The contact supervisor of course has seen most of the parents with J. I read both a report prepared by her in mid-July for a LAC review and also her recordings of contact. She acknowledged the parents needed guidance, support and advice. She noted the parents were not always able to follow consistently any advice offered, the mother being better than the father. The main issue again seemed to be around feeding, the mother when on her own having worked in accordance with the feeding pattern established by J's foster carers but after the father's return this became an issue. Other than that there were some issues which had been raised such as the parents needing to clean J's bottom before a fresh nappy was put on, but the mother had taken advice about that and acted on it. She concluded her report by saying the parents needed to give J opportunities to play and learn, to follow her routine and encourage her to try food, and not to get as anxious when J cries. She also added the father needed to be more involved in contact and spend time with J.
72. In her oral evidence, the contact supervisor agreed that there were some areas where the parents needed advice and support, such as around the importance of cleaning J's bottom before fresh nappy was put on and washing their hands after and also around winding. She said the mother was very willing to learn however and although it took a couple of months to get into that routine those issues did not arise after that. The feeding routine she said had been bit more of an issue, but it since the father returned. She said J lights up when she sees her mother was in contrast she looks wary when it is her father. She said it was not that J was frightened or scared of her father, simply that she is ordinarily cared for by her mother who is quite attuned to her.
73. In terms of any improvements required in their practical parenting, the contact supervisor agreed work could be done with the parents. She made the point that the mother had taken a while to take on advice but was now in a really good routine.
74. The parents do not accept concerns about their ability to parent J. The mother points out how positive overall notes of contact are. She says she has tried

hard to take advice from contact staff, although at times she has been given different advice from different workers. She acknowledges at times feeding J early but she believes this is only when J has been evidently hungry. She does not accept having put J in inappropriate clothing and says she has done all that is needed to help wean J. She makes the point that it is hard to see why she has been criticised for her caring skills with J when she has only done what she did with P and was not criticise them. Both parents feel the social worker is looking for fault to justify the plan of adoption. The mother is clear that she understands J's developing needs and the importance of her attending at appropriate groups up to being in full-time education. She makes the point she herself did not have the opportunity to have a proper education and she would want this for her daughter. In relation to the father not being as actively involved in contact, she makes the point that he allows her to take the lead role as that is what the mother wants. She says he is kind towards J, calls her his princess, and shows her what is outside of the window.

Other matters of concern to the local authority

75. The local authority has concerns about the fact that P was removed from the care of the parents and also that the parents failed to engage in the Bulgarian proceedings. The only objective information about the proceedings comes from the letter sent by the Bulgarian central authority as set out above. The mother explained in her first statement how the removal came about. She says the family went to Bulgaria because her husband was intending to take a driving course. While there she had a number of disputes with the paternal family who interfered in her care of P. As a result the couple took P to stay in what she describes as a hotel. The explanation given by the parents in both their written and oral evidence I found extremely confusing. The father seems to have been arrested owing to his sister claiming he had stolen money from her. The mother said that during the time he was at the police station she was told to sign a form which led to P being taken away, I think later by social workers, to live with the paternal grandmother. The mother says the father told her he had been advised by the Bulgarian authorities to return to the UK and sort out issues relating to P from there. He said some sort of document was required from the UK. She says in her statement she was not aware there were court proceedings in Bulgaria regarding P, although that does not explain the number of conversations with different professionals about it after her return.

The mother said she is not an educated person and so she relied on the father to do what was required to get P back.

76. Criticism was made of the local authority by both mother and father for its inaction after P was removed. The current social worker, from the local authority's records, could only advise that on their return without P the local authority contacted the Bulgarian authorities. They were told that the children had been removed by the equivalent of Social Care in Bulgaria and there were going to be court proceedings. The parents say that the local authority should have taken responsibility for sending necessary supporting documentation to the Bulgarian authorities. The current social worker could only provide the case records to me to show that the social worker provided a report to the parents for them to send. The father says that was not enough, that the documentation needed to come from the local authority but that the then social worker said her manager had said she could not do that.
77. Ms Curnin asked the social worker what weight she attached to the removal of P when completing her assessment. The social worker said that for any local authority to remove a child from the care of their parents there would have to be significant concerns and the decision to confirm P's long-term placement with his grandmother was taken by the Bulgarian courts. She acknowledged though that there was not a lot of detail provided by the Bulgarian authorities, the only available information being contained in the letter from the central authority. She also accepted that, while she was clear the mother had known about the court proceedings in Bulgaria, the mother may not have known that a final order had been made until that was confirmed by the Bulgarian central authority.

The local authority and guardian's position

78. The local authority and guardian say that J could not be placed safely in her parents' care. This is said despite a real acknowledgement of the quality of the warm and loving relationship in particular between M and J, evident in contact sessions observed by the professionals. The guardian agreed that, while there might be some issues requiring intervention in respect of parenting, there was nothing in that regard that would lead to J being separated from her parents. What the professionals say is that J would be at risk of harm, particularly emotional harm, because of the abusive nature of the relationship between the parents. Ms Sheldon in her submissions said that the actions of both parents have revealed a dysfunctional relationship which, at the relevant time, was

unstable, volatile and abusive. It is one where calls to the police and other professionals with allegations of abusive behaviour by the other (some stated to be genuine and others reported to have been made up) became routine but one which neither was willing to take steps to end and one which presents a risk of emotional harm to any child exposed to it.

79. The social worker and guardian say that work could not be done with the parents to improve the situation in J's timescales. The local authority says that after the last proceedings work was anticipated. It was felt the first step was that the father needed to engage with an anger management programme but he did not take this up as he did not feel he had any anger issues. It was the local authority's position then as now that such work was required before couple counselling could be effective. The social worker's argument in this regard was that given the mother's apparent fear of the father at times and the fact that she had had police involvement, anger issues had to be dealt with first. She said the father talking over the mother and him getting angry shows the need for anger management to take place first. She confirmed neither parent had ever asked for counselling during her involvement since April and she could not recall discussions on the file about this having been requested. In terms of the advice given about how to deal with problems when they arose, the social worker was clear that, from her reading of the local authority's file, advice had always been to defuse situations for example by walking out of the house and taking time to calm down rather than calling the police.
80. The social worker was clear that there were no measures which could be put in place to safeguard J were she to be living in the care of her parents. She said, even with a high level of monitoring and a large number of visits, safety could not be guaranteed given the difficulties between the parents. She said it was difficult even now to have a clear understanding of what was going on in the home, with lots of things being alleged and then retracted. She said it would be very difficult to know what was happening twenty four hours a day within the family home and it was her view J would be at risk of significant harm.
81. The mother has not suggested the couple would separate but the father has. The social worker and guardian were not of the view these parents could separate and remain separated, if that was a position that is being put forward, albeit only by the father.
82. Given the lack of any other family member offering to care for J, the local authority's plan has become one of adoption. The local authority filed with the

social worker's final evidence a balance sheet setting out why it had come to that conclusion, in essence that there was no family alternative and for a child of J's age adoption was preferable to fostering. The plan would be the contact to reduce over the first month from the current level of three times a week to weekly and then to take place monthly until an adoptive placement was identified, thereafter being letterbox contact. In questions from Ms Curnin, the social worker acknowledged the difficulties there would be meeting J's cultural needs, as a Bulgarian child, were she to be adopted. The social worker said that a Bulgarian family or a family who shares some Bulgarian heritage could be searched for but she could not give any information as to whether or not such family would be identified. She also acknowledged the difficulties there would be in letterbox contact between the mother who is illiterate in any language and a child who would most likely grow up only speaking English. The social worker acknowledged that the plan could be amended to say that an interpreter could be offered to assist with letterbox contact, and indeed that happened before the end of the hearing.

The parents' position

83. The parents wish J to be placed in their care, not accepting that any of the concerns of the professionals merit her being separated from them. They disagree with any suggestion that J should be adopted, being clear that any issues there are in relation to their care of J could be addressed whilst J was living with them.
84. Ms Curnin says on the mother's behalf that the mother only sought assistance to leave the father because she felt this was what was required for her to J to be placed within her family. To her, leaving the father would in effect be choosing J over P. It is submitted that insufficient effort has been made to improve the relationship between the couple since P's proceedings. Ms Curnin also suggested that expert assessment was needed of the father to understand why his approach had changed since the previous proceedings and whether he had the capacity to change.
85. The father says that he would be happy for J to be at home with them for what he described as a trial period, where the local authority could keep an eye on them and could remove J for adoption if they were not looking after her well enough. He of course also suggested just at the conclusion of the case that he would be willing to separate from the mother and could care for J himself.

86. I should record that father has been very critical of the foster carers in court and in emails sent to the court. He says she has been left dirty and unwashed and left to be hungry rather than being fed. The social worker and contact supervisor were both clear they had no concerns at all about the care J had been receiving. The contact supervisor pointed out one occasion when J did not smell clean but she had been left unbathed that morning to give the parents the chance to do this, an opportunity they chose not to take up. I tried to explain to the father that it is not my role to deal with issues around the quality of foster care, even if these existed, but I am not sure he could accept that.

Threshold

87. I turn first to consider whether the threshold findings sought by the local authority are made out. In family proceedings, as in other civil proceedings, the burden of proving a fact rests on the person who asserts it, and care must be taken not to reverse this. The standard of proof is the balance of probabilities. In Re J [2013] UKSC 9 it was said that where a case is based on the likelihood of future harm, the court must be satisfied on the balance of probabilities that the facts upon which that prediction was based did actually happen; the word "likely" in Section 31[2] CA 1989 does not mean "more likely than not", rather it means likely in the sense of a real possibility, a possibility that cannot sensibly be ignored having regard to the nature and gravity of the feared harm in the particular case. There must be evidence to support the findings and the court must consider each piece of evidence in the context of all the other evidence.

88. Ms Curnin in her submissions rightly reminded me that it is not uncommon for witnesses to tell lies. The court must be careful to bear in mind that a witness may lie for many reasons, such as shame, misplaced loyalty, panic, fear and distress, and the fact that a witness has lied about some matters does not mean that he or she has lied about everything. This is a principle established in criminal proceedings in the case of R -v- Lucas [1981] QB 720 but it is of equal relevance in family cases like this one.

89. The first two findings sought in respect of J are not challenged by the parents as they relate to P's situation. These findings are :

1. The parents have one older child, P Petrov, who was the subject of care proceedings following his birth in 2017. He was made the subject of a supervision order at the conclusion of those proceedings in June 2017, however, was later removed from his parents' care by children's services in

Bulgaria whilst the family were on holiday in their home country. P has not returned to his parents' care and there are no plans for this to happen.

2. During the course of the care proceedings in respect of P, the following findings were made by the court on 23 June 2017:

- a) At the time protective measures were taken, there were reports that M has used alcohol to excess and which, by her own admission, had been a reported feature in incidents of domestic abuse within the household. Were she to drink excessively given her previous acknowledged behaviour whilst under the influence, this has the potential to impair her parenting capacity and thus expose P to the risk of significant harm.
- b) The relationship between M and F has been a volatile one which has included physical and verbal abuse, with M having been convicted of an offence of battery in December 2016 following an assault upon F. The very nature of this relationship exposes the child to the risk of emotional harm.
- c) The parents have lived an unstable lifestyle which has resulted in the family moving between three different local authority areas during M's pregnancy with P. The continuation of this unstable lifestyle is not conducive to providing safe and consistent care to P and would place him at risk of suffering significant harm in the form of the neglect of his physical and emotional needs.
- d) M has not consistently engaged with ante-natal care services in that she failed to attend midwifery and health visiting appointments on 15 December 2016; 30 December 2016; 3 January 2017 and 9 January 2017. In doing so has failed to prioritise the health and welfare of her son and placed him at risk of suffering physical harm.

90. The remainder of the threshold findings are not accepted by the parents so I need to consider each to decide if I am satisfied the local authority has proved these.

91. The wording as sought by the local authority is as follows :

- a. The relationship between M and F remains volatile, with M reporting acts of physical, sexual and financial abuse perpetrated by F, including an allegation that J was conceived as a consequence of a sexual assault by her partner. Any child exposed to this level of domestic abuse is placed at risk of suffering physical and emotional harm.

- b. F minimises the incidents of conflict in their relationship and the potential impact of these upon the emotional welfare of their daughter.
- c. M is either unable or unwilling to accept the risks posed to her daughter by her relationship with F and has demonstrated that she is unable to protect her from the risk of physical and emotional harm.
- d. M and F have prioritised the pursuit of their relationship over the need to protect their daughter from the negative effects of this relationship and in doing so have failed to place her needs above their own.

92. To consider these findings I need to look at what I am satisfied is the case in respect of the relationship between the parents. I am satisfied that the relationship between them remains volatile with both parents reporting acts of abuse by the other - that is evident from the various records I have set out in detail above. I am satisfied there are been two acts of physical violence by M towards F, the incident where she shoved him and the incident where his neck was injured. I am satisfied she also put him in fear on the occasion a knife was being used. Those matters can be found from what the parents have said in their evidence.

93. More complicated is what I can say about abuse by the father towards the mother. I accept she has reported acts of physical, sexual and financial abuse. The mere reporting of so many incidents and her leaving her husband and then returning would have an impact on a child were that child to be growing up in such an atmosphere. I do not feel to the appropriate level of proof that I am satisfied the mother has alleged J was conceived as a result of rape - the first-hand recordings are not available to me if they exist and I accept the potential for interpretation difficulties in the choice of language used.

94. I am satisfied the allegations made by the mother have been at times linked to her seeking help to leave the husband. This has not only happened since J was removed, ie as a step to get her back, but happened when she was in the early stages of pregnancy too.

95. I have considered the extent to which I could or should make findings as to the truth of what is alleged by the mother. It is extremely difficult because I doubt the honesty of both parents in their evidence given inconsistencies on key

points and there is also the mother's apparent admission that she lies at times when upset or angry. There are however a significant number of allegations made by the mother, made to workers she knew well – the supervisor of family time, the previous social worker, the midwife – and with interpreters involved. What I am satisfied of on the evidence, and I so find, is that this relationship is one which is controlling on the father's part. I accept there may be both a cultural and practical reason why he has conduct of the family finances but I am satisfied his jealousy of his wife, jealousy which is evident on both sides, causes him to control her. I saw references to her saying he withheld her national insurance number, that he did not want her to work, and I am satisfied he was jealous and did not want her to go to English classes without him, shown in the text to the social worker and what he said to the guardian. He evidently dislikes the mother having contact with her extended family, for example her brother and her adult son, and he expressed concerns about her son coming to the UK. I am also entirely satisfied that he has controlled this relationship by threats relating to P. These feature repeatedly in the mother's evidence and indeed the father says that times she has been upset not because of his behaviour but because of her separation from P. The father entirely understands the importance to the mother of P and has used this. The mother's presentation when being asked whether she stays in the relationship because of P said it all.

96. The father's presentation in court brought the guardian's description of him to life. It has been nigh on impossible to manage him during the proceedings. He is a forceful voluble man who is very sure that he is always right. If this is how he would behave alongside his wife in a crucial meeting with the guardian or in a hearing to decide his child's future, I cannot imagine he behaves any better at home when roused. His wife is clearly someone who is herself volatile and aggressive. The combination of the two of them as they present at the current time is likely to result in aggression and further control. I entirely agree a child growing up in such a situation would be at a high risk of significant emotional harm.

97. I agree that the father sees no issues relating to the couple's relationship. He is very clear he does not need anger management work but that it is his wife who needs to be told to behave differently. He could not tell me why he needed counselling and I have no sense whatsoever he would engage with professionals if he did not agree with their perspective. I should also say I

would not have any confidence he would engage with an expert assessment given his behaviour in sacking his legal team and his attitude to professionals in his oral evidence.

98. The mother seems to have more insight into the need for change but she clearly does not see how significant the difficulties are in the effect they would have on J. I am conscious on one occasion in her conversation with the contact supervisor she seemed much more aware of the difficulties but I appreciate why she does not take that approach now. I strongly suspect she does realise the problems but loves her daughter greatly and does not want to lose her. I also believe she has stayed with her husband because of P and not because she is putting her relationship with him before her daughter.

99. Turning back to the findings I am invited to make, I have reworded them in the light of my findings as to the factual matters in relation to the couple and their relationship. The findings are as follows :

- a. The relationship between M and F remains volatile, with both parents reporting abuse by the other, extremely serious abuse in the case of the mother's allegations, and she has left her husband on several occasions and then returned. There have been two acts of physical violence by M towards F in the course of arguments. They are each jealous about the other and there are often significant arguments between them. F is extremely controlling of M. Any child exposed to this level of domestic abuse is at risk of suffering physical and emotional harm.
- b. F minimises the incidents of conflict in their relationship and the potential impact of these upon the welfare of their daughter.
- c. M is either unable or unwilling to accept the risks posed to her daughter by her relationship with F and has demonstrated that she is unable to protect her from the risk of physical and emotional harm.

Decision

100. I now turn to consider what orders if any are in the best interests of J. I start very clearly from the position that, wherever possible, children should be brought up by their natural parents and if not by other members of their family. The state should not interfere in family life so as to separate children from their families unless it has been demonstrated to be both necessary and proportionate and that no other less radical form of order would achieve the essential aim of promoting their welfare. In Re B [2013] UKSC 33 the Supreme Court emphasised this, reminding us such orders are "very extreme",

and should only be made when “necessary” for the protection of the child’s interests, “when nothing else will do”. The court “must never lose sight of the fact that (the child’s) interests include being brought up by her natural family, ideally her parents, or at least one of them” and adoption “should only be contemplated as a last resort”.

101. It is not for the court to look for a better placement for a child; social engineering is not permitted. In YC v United Kingdom [2012] 55 EHRR 967 it was said : “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.”

102. I have looked again at the words of the President in Re B-S (Children) [2013] EWCA Civ 1146 as well as the judgments in Re B (above) and reminded myself of the importance of addressing my mind to all the options for J, taking into account the assistance and support which the authorities or others would offer. I am also conscious that I must have in mind the general principle that any delay in determining the question is likely to prejudice the welfare of the child.

103. In reaching my decision I have taken into account that J’s welfare throughout her life is my paramount consideration and also the need to make the least interventionist order possible. I have to consider the Article 8 rights of the parents and J as any decision I make today will inevitably involve an interference with the right to respect to family life. I am very conscious that any orders I go on to make must be in accordance with law, necessary for the protection of J’s rights and be proportionate.

104. A placement order is sought by the local authority in respect of J. The court cannot make a placement order unless the parent has consented or the court is satisfied that the parents’ consent should be dispensed with. A court cannot dispense with a parent’s consent unless either the parent cannot be found, or lacks capacity to give consent, or the welfare of the child “requires” consent to be dispensed with. In that context I am conscious that “requires” means what is demanded rather than what is merely optional.

105. I have to ask myself whether J should live with her parents, possibly under a care order or with a supervision order in place, or whether she should be adopted. I have to balance the pros and cons of each of the options being presented to me. McFarlane LJ in Re G [2013] EWCA Civ 965 said “What is

required 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.” In addressing this task I have considered all the points in the welfare checklists contained in both Children Act 1989 and the Adoption and Children Act 2002,) and I am going to consider the evidence in the light of those factors.

106. If I look at J’s particular needs in the context of her age, sex background, including her physical, emotional and educational needs, they are the same as any baby. She needs to be nurtured and cared for, to be loved, to be encouraged to develop herself and be educated, and to be kept safe from harm around her. She has particular needs as a Bulgarian child, to grow up if at all possible in a situation that reflects her heritage, to speak Bulgarian and understand that culture. She needs a sense of her family and who they are and if possible a real relationship with family members. She is not of an age where anyone can ask her what she wants but I of course accept that any child would want if possible to grow up living with their parents, provided that was the right place for them and that they would be safe.

107. Very importantly in this particular case, I have to look at any harm within the meaning of the Children Act 1989 which J is at risk of suffering and, linked to that, how capable the parents and potential adopters would be of meeting J’s needs. One matter I want to address at the outset when looking at the question of any risk of J suffering significant harm, is the fact that P was removed from the care of his parents in Bulgaria. I have considered carefully what reliance if any I can place on that fact. When the parents returned to this country without P, it seems the then social worker was keen to provide the parents with written reports which were needed for the courts in Bulgaria. It is fair to say though, there does not seem to have been much evident follow-up by the local authority to find out what was going on after that, although file recordings around that time were not included in the evidence. Within these proceedings therefore a request was made for information. No court papers were ever produced and all I have to rely on is a letter from the Ministry of Justice in Bulgaria. That letter in relation to P’s removal says this: “the child’s parents returned to Bulgaria but they did not have a place to live and stayed at hostels, which were not appropriate to ensure the necessary environment to provide care for the baby P. This is why the Bulgarian child protection

authorities imposed an interim protection measure with regard to the child who was placed with the family of the paternal grandmother.... A detailed research was launched to decide if the measure was appropriate for the child's needs and the period for which a permanent protection measure was to be imposed. In the course of the research, the parents left again for the United Kingdom without P. This circumstance led to the imposing of a permanent protection measure", that measure being P remaining with his grandmother. That was affirmed by the local court on 9 July 2018.

108. The only other information I have regarding P's removal from the care of the parents comes from themselves. I have to say I found their accounts, both written and oral, extremely confusing but there was a consistent theme in saying that the authority said the hotel, as they described it, that they were living in was not suitable. They seem to have moved there following an argument with the paternal family whose home they had been living up to that point. There could be much speculation about what happened to cause P to be removed but I must rely on the evidence before me. I am satisfied that the situation at the time protective measures were taken in Bulgaria was of concern but it does not seem there was ever any full investigation or any definitive decision about the parents' situations as opposed to the grandmother's. I cannot therefore draw an inference from the fact that P was removed in Bulgaria that J would therefore be likely to suffer from harm were she to be in the care of her parents now.

109. Turning back to the question of any risk of J suffering significant harm, given what I have found about the nature of the relationship between the parents, I am satisfied J would be at risk of physical and emotional harm if things stay as they are now. Given what I have seen of the parents in court and the evidence I have read, I am satisfied there is a high risk of that harm happening. And I say that despite the fact that two years ago I approved P remaining in the care of his parents. In those proceedings there was never a contested hearing and I formed no personal view of the parents. The evidence though was that they were working with professionals to address their difficulties and it seemed very much the right thing to do to leave P at home. There were however concerns, including around the relationship between the couple, and therefore a supervision order was made to keep the local authority involved.

110. Ms Curnin submitted that the local authority should have done more between the two sets of proceedings to improve the relationship between the parents. Clearly at the end of those proceedings it this was part of the plan, according to the guardian, with a focus being on referral to a domestic abuse agency for the mother and anger management for the father. The guardian's evidence was that those services were declined. Certainly, the local authority social worker in the latter stages up to J's birth could reasonably have been concerned by the police referrals and the mother's attempts to leave the father and have thought this was not a case for relationship counselling. She was unavailable to give evidence I do not know what her thinking was, but it seems reasonable to me for a social worker to think that the situation was developing into something different given what was being reported. In any event, the reality is that no work has been done. The parents both say now they would be open to work to help them communicate better with each other, which they describe as counselling. That work would need to be done in the context of the stress the mother is under having lost the care of P and the way the father presents now. Ms Curnin says that I need expert evidence to understand where the father is and what his capacity is to change. That is not anything that was raised until the last day of this hearing in questions to the guardian. No party during these proceedings, particularly the father, proceedings in which the mother and father have been legally represented, sought such expert evidence. I am not satisfied it is necessary. This is a father who, given his view of a conspiracy, would be unlikely to engage with a psychologist and his presentation and his behaviour to the guardian makes me think it would be a fruitless exercise. The reality is the situation between this couple is much worse than it was in the last proceedings and something much more significant than couple counselling will be needed to put it right.

111. Even were I convinced that both parents would engage with support services to address the significant problems in their relationship, this is not going to happen in J's timescales. It would have required a period of work even back in 2017 but now it would be something very significant and time-consuming given the aggression and control that is now evident in the relationship. J's proceedings have already gone on longer would be ideal. She needs decisions for her future to be made now. Given that I doubt certainly F's

willingness to engage in any meaningful way, this would not be a piece of work worth attempting given the delay that would be caused.

112. There is also the question of the quality of the parenting that F and M could give J. I do read the observations of the supervisor of family time who is the person who knows most about this family's ability to care and I considered her evidence carefully. I also looked at the local authority's parenting assessment. The consensus of all three professionals in this regard was that, whilst there were some aspects of the parents' care of J which could be improved, none of this was something would prevent them caring for her if the issue of the relationship between the parents could be ignored. I can only say that fits with my understanding of the situation in P's proceedings. None of the issues I read about struck me as ones which could not be solved with support, and certainly the mother, most obviously when the father was in Bulgaria, was able to adapt her parenting when advice was given. I think these parents could meet J's care needs with support were issues around their relationship disregarded. However the reality is that I have to look at this in the context of the relationship issues I have set out above.

113. I have to go on to look at the only other possible outcome for J, that of being adopted, given that I accept the received wisdom that long-term foster care would not be right for a child as young as J. F has so many times during this hearing asked what guarantees can be given that his daughter will be properly looked after by adopters and I entirely understand why that matters so much to him. The professionals explained that prospective adopters are highly trained and assessed. That evidently did not reassure F given his strong reaction to the evidence and the many times he returned to it in his questioning. I am satisfied that J would be safe with adopters and would have her needs as a young child met by them, given what I know of recruitment and training of adopters. However, I do acknowledge that the odds of finding a Bulgarian family or one with Bulgarian heritage is not high. We have been unable to find a family member in Bulgaria willing to be assessed to care for J. Adoption would therefore mean a loss of this heritage for J. Adopters often express a willingness to help a child have an understanding of their cultural heritage but the reality is this is not going to extend to anything like her growing up speaking the language of her family. I acknowledge that loss and it is a factor I must take into account.

114. It is also very important to think about J's relationship with her parents and the potential for a relationship with her brother and extended family. J will also lose her connection to her parents and also her brother in Bulgaria if she is adopted. She does not yet have a relationship with P but were she growing up with her parents, even if he remains with his grandmother, they would meet and could have indirect contact between meetings. She has a very strong warm loving relationship with her mother and a significant relationship with her father, albeit it is different because of his lesser involvement in family time. Whilst we know that life story work can be done to help children understand the start they have had in life and the circumstances leading to their adoption, none of that can be the same as a real relationship with parents and a brother. The loss of that by way of adoption would be very real for J and I have to consider that very carefully.

115. All that I have said above makes very clear that there would be a significant effect on J throughout her life of ceasing to be a member of her birth family were she to be adopted. There is the loss of her heritage – nationality, culture, language - and the loss of her parents, of the love they would give her and the care they could provide. J is going to have a change in her circumstances anyway, in that she is in foster care and would not be remaining there whatever happened. Clearly a move to the care of her parents, where her mother would be her primary care, would keep her in the care of people who are familiar to her, whereas I accept an ultimate move to adopters would mean a complete change for J. There would be a period of introductions but it the change of carer would be more significant than being cared for by her parents, whom she has seen several times a week for a substantial period of time.

116. I look then at the options for J.

Living with her parents

117. Returning to the care of her parents would be a relatively familiar situation for J. I know she would be loved by them. She would be cared for in a way which, with support and with work from her parents, would meet her needs. She would grow up with the people who most naturally would be caring for her, would have the potential for a relationship with P and extended family, and very importantly she would still be growing up as a Bulgarian child, albeit one living in this country. However she would be at high risk of

experiencing a home life where there was conflict between her parents and a controlling situation on her father's part, which would cause her significant harm. That would mean many changes needing to be made between the parents before J could return to their care, and that delay would harm her.

Adoption

118. The only alternative for J would be her being adopted. In that setting I am satisfied she would be safe from harm and she would be brought up well. She would lose her relationship with her parents and most likely her identity as a Bulgarian child, both significant losses for her. She would need help to assist her to make sense of that, which could be done through life story work.

Decision

119. In this case, having carried out the balancing exercise that I must, I am satisfied that there is no realistic prospect of J being placed safely in her parents' care, and that her needs for stability and permanence can only be met in an adoptive placement. I appreciate that it is the most serious order a family court can make and I have considered carefully if it is a proportionate order but, given the risks I have found exist in this family, it is proportionate. I am satisfied that the local authority's final care plan for J is proportionate and (in the context of both s1(1) Children Act 1989 and s1(2) Adoption and Children Act 2002) in her best welfare interests. I therefore make a care order. I am also satisfied that J's welfare requires me to dispense with the parents' consent to placing her for adoption, the word "require" here again having the Strasbourg meaning of necessary, "the connotation of the imperative". I therefore make a placement order authorising the local authority to place J for adoption.

120. There is one further direction I wish to make. I think it is hugely important for children who are adopted that they have information available to them, through their adoptive parents, so they can make sense of their early life. This judgment, in setting out what I have read and heard in court, gives at least a summary of that start. Whilst it will be placed in an anonymised form in the public domain it is important that it is easily available to those who will be bringing J up. I propose therefore to make a direction that this judgment must be released by the Local Authority to J's adopters so that it is available to her in future life; that release however is on the basis that it should not be disclosed beyond them or any medical or therapeutic staff working with the child or family. It is very important therefore that the judgment is passed on to

the Adoption Team to give to them. I have written this not for the benefit of the adults but for J and wish to be sure it reaches her.

121. Finally I also make an order for public funding assessment for all the respondents in this matter. **I would also advise any party wishing to seek permission to appeal this judgment, given it is being handed down in writing due to the case overrunning, that any application for permission to appeal must be made to the Court of Appeal on the proper forms within twenty-one days of this judgment being emailed out.**

THRESHOLD AS FOUND BY THE COURT

At the time protective measures were taken, J was likely to suffer significant physical and emotional harm attributable to the care likely to be given to her not being what it would be reasonable to expect a parent to give a child:

1. The parents have one older child, P Petrov, who was the subject of care proceedings following his birth in 2017. He was made the subject of a supervision order at the conclusion of those proceedings in June 2017, however, was later removed from his parents' care by children's services in Bulgaria whilst the family were on holiday in their home country. P has not returned to his parents' care and there are no plans for this to happen.
2. During the course of the care proceedings in respect of P, the following findings were made by the court on 23 June 2017:
 - a. At the time protective measures were taken, there were reports that M has used alcohol to excess and which, by her own admission, had been a reported feature in incidents of domestic abuse within the household. Were she to drink excessively given her previous acknowledged behaviour whilst under the influence, this has the potential to impair her parenting capacity and thus expose P to the risk of significant harm.
 - b. The relationship between M and F has been a volatile one which has included physical and verbal abuse, with M having been convicted of an offence of battery in December 2016 following an

assault upon F. The very nature of this relationship exposes the child to the risk of emotional harm.

c. The parents have lived an unstable lifestyle which has resulted in the family moving between three different local authority areas during M's pregnancy with P. The continuation of this unstable lifestyle is not conducive to providing safe and consistent care to P and would place him at risk of suffering significant harm in the form of the neglect of his physical and emotional needs.

d. M has not consistently engaged with ante-natal care services in that she failed to attend midwifery and health visiting appointments on 15 December 2016; 30 December 2016; 3 January 2017 and 9 January 2017. In doing so has failed to prioritise the health and welfare of her son and placed him at risk of suffering physical harm.

3. The relationship between M and F remains volatile, with both parents reporting abuse by the other, extremely serious abuse in the case of the mother's allegations, and she has left her husband on several occasions and then returned. There have been two further acts of physical violence by M towards F in the course of arguments. There are each jealous about the other and there are often significant arguments between them. F is controlling of M. Any child exposed to this level of domestic abuse is at risk of suffering physical and emotional harm.

4. F minimises the incidents of conflict in their relationship and the potential impact of these upon the welfare of their daughter.

5. M is either unable or unwilling to accept the risks posed to her daughter by her relationship with F and has demonstrated that she is unable to protect her from the risk of physical emotional harm.