

ENGLAND AND WALES / JUDGMENT

Prospective Adopters v A Local Authority & Ors

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NCN: [2025] EWFC 362 (B) IN THE FAMILY COURT Before HER HONOUR JUDGE SUH IN THE MATTER OF PROSPECTIVE ADOPTERS (Applicants) -v-

(1) A LOCAL AUTHORITY

(2) THE BIRTH MOTHER (3-4) THE CHILDREN (by their Children's Guardian) (Respondents) MS E GRIFFITHS appeared on behalf of the Applicants, instructed by Boardman, Hawkins & Osborne LLP MR R MARNHAM appeared on behalf of the first respondent, instructed by X local authority MS C LONGLAND appeared on behalf of the First Respondent, MS T RAHMAN appeared on behalf of the Second Respondent Children (by their Children's Guardian), instructed by FMW Law Part of GT Stewart Ltd

JUDGMENT

17th APRIL 2025

WARNING: This judgment was delivered in private. The judge has given leave for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media, must ensure that this condition is strictly complied with. Failure to do so will be a contempt of court. This Transcript is Crown Copyright. It may not be reproduced in whole or in part other than in accordance with relevant licence or with the express consent of the Authority. All rights are reserved. JUDGE SUH: Transcribed from the official recording by eScribers Ltd Ludgate House, 107-111 Fleet Street, London EC4A 2AB Tel: 0330 100 5223 | Email: uk.transcripts@escribers.net | uk.escribers.net This is an ex tempore judgment at the conclusion of the final hearing in a serial- 1. numbered adoption application in respect of two children. Firstly, U, born on [redacted], and V, born on [redacted]. I remind myself that delay in coming to a conclusion for these children is likely to 2. prejudice their welfare.

Background

By way of background, the date of the care order is [redacted] 2024, a placement order 3. made on the same date. The children last had contact with their birth mother in [redacted]. The date of the adoption order application is [redacted] and the birth mother and her new partner have a child born in [redacted]. The date of the leave to oppose judgment is [redacted]. 4. This final hearing was heard this week on 15, 16 and 17 April 2025. Parties The parties in this case are as follows. The prospective adopters are represented by Ms 5. Griffiths, the Local Authority by Mr Marnham, the birth mother, by Ms Longland, and the children through their Guardian, through Ms Rahman. I wish to thank each of the representatives at the start for the calm, clear and courteous way that they have conducted this very sensitive final hearing. Positions 6. The position of the parties is as follows. 7. The prospective adopters ask for an adoption order. They are open to considering direct contact in the future but emphasise it will depend on what is best for the children and the birth mother's response to this judgment. Similarly, they say the sharing of photos would need to be risk assessed. They are supported by the Local Authority and the Guardian in their position. The birth mother asks the court not to make an adoption order and consequently to 8. discharge the placement order and endorse a transition plan for the return of the children to her care. She does not raise any issue about the care provided by the prospective adopters. She has not made an application for contact but would like to see the children directly twice a year. She says through Ms Longland that direct contact should not be set in stone, but tailored around what is best for the children. The birth mother would like to send small gifts for Christmas and birthdays. 9. All the parties agree that should I make an adoption order there should be two-way letterbox contact twice a year. The parties are agreed that prospective adopters and the birth mother should be offered a remote meeting facilitated by the Local Authority in the care proceedings and the Local Authority where the birth mother lives.

10. Therefore, the parties' positions mean that there are only two realistic options before the court, and I will address those. I would wish to pay tribute at the start of this judgment to the conduct of the lay parties 11. and the dignity with which they have conducted themselves throughout these proceedings. Transcribed from the official recording by eScribers The prospective adopters, through Ms Griffiths and their written position statement, have shown empathy for the birth mother and have been measured and thoughtful in their approach. To the birth mother, she has strived and has changed and has never given up on her children. I am giving this judgment orally because it is clear that any decision for these children 12. cannot wait and I am very happy to correct any errors within it. Local Authority
13. Before I look at the most important question which is the children and their future, I am afraid I need to say some words about the conduct of the Local Authority. I have been concerned throughout the care proceedings and this adoption application at 14. the approach of the Local Authority. I was critical of the social worker in my care and placement order judgment and particularly in her failure to put in place the judgment of the court about interim contact. Therefore, it was disappointing that extra care was not taken to comply with that judgment and to ensure that the Local Authority could not be subject to

any future criticism. I set out in my care and placement judgment and my order very specific steps that I 15. thought were in the children's best welfare interests. Those were not actioned. When I received the Annex A report I noted that the matters I had specifically said should happen had not been actioned. For example, I said the regional adoption agency should carry out a tailored risk assessment of the birth mother receiving pictures and videos of the children including images of the children at a distance, pixelated, to be viewed and retained at the Local Authority offices. I also provided that the Local Authority must, in the Annex A report, consider whether the birth mother should receive such images and videos of the children in light of the risk assessment and the views of the prospective adopters. It was clear to me on reading the Annex A reports that this was not done, so I had to spell out on the face of the first order I made in these proceedings that the Local Authority must remedy this. 16. Similarly, I gave real care and thought, having heard oral evidence, to the farewell, contact and its structure set out in paragraph F of the recitals of my care Order. It was a matter of real frustration and disappointment for the court to read that the final contact did not appear to have been arranged in such a way as made it most manageable for U.

17. The prospective adopters have always wanted to meet the birth mother, she has always been open to meeting them, so it troubles me greatly that the social worker had not facilitated this and according to the position statement of the prospective adopters the previous social worker appears to have discouraged them from meeting the birth mother. In the care and placement order proceedings the Guardian recommended letterbox 18. contact for a paternal aunt. The social worker and the Guardian answered questions about this at the final hearing. This current social worker was unaware of that and so no action has been taken to risk assess contact with the paternal aunt.
19. Life story work has not taken place in a timely fashion. Again, that was something specifically highlighted in my judgment and sought by both the birth mother and the prospective adopters. Transcribed from the official recording by eScribers
20. Although I cannot make findings on this point, I am troubled that the social worker wrote in her assessment that the former foster carer blocked the birth mother and maternal grandmother from contacting her. This does not sit easily with the fact that the birth mother is clearly in touch with her and that this foster carer was on the list of family group conference invitees. I was also told she was in phone contact supporting the birth mother during this hearing. This evidence, I am afraid, further undermines my confidence that the previous social worker was taking all the care that she should to make sure that her evidence was accurate. Finally, there has been a data breach. Although that is not a matter that the court has 21. jurisdiction over, that too has further undermined the confidence that I have in the Local Authority. I am very grateful for the birth mother and her partner giving an undertaking to mitigate the risks arising out of that data breach, but the court, and more importantly, the parents and prospective adopters need to have confidence in the role played by the Local Authority. Sadly, in this case the impression I get is that the Local

Authority in the care 22. proceedings have continued, even after my first judgment, to take a high-handed approach to my directions and a somewhat lackadaisical approach to supporting the steps that need to take place for the children in their new placement. It is not good enough. These children deserve better. Opposed adoption

23. Turning now to this judgment. I have re-read the care judgments in which the threshold and that judgment set out the findings the court made about domestic abuse, the serious risks posed by the birth father's history of violence and criminality, the birth mother's substance misuse during her pregnancies with both children and her fragile mental health. I have given the leave judgments. I gave the birth mother leave to oppose the adoption order. I found that there had been a change of circumstances and that the birth mother had made substantial progress. She had provided evidence she is no longer using drugs, she is in a stable and supportive relationship, she has care of her new baby, she has no contact with the birth father of these children and she has done work on domestic abuse and parenting. Law I turn to the law. If the court determines on an application for an adoption order not to 24. make the order it may revoke any placement order in relation to the child. That is section 24(2) of the Adoption and Children Act 2002.
25. The court cannot make an adoption order unless one of three conditions pursuant to section 47 of the Adoption and Children Act 2002 is met. This application was commenced pursuant to the second condition in section 47(4) in that the children had been placed for adoption under a placement order. However, having granted the birth mother leave to oppose the adoption, the application now proceeds under the first condition in section 47(2).
26. The first condition set out in section 47(2) is that in the case of each parent the court is satisfied that their consent should be dispensed with. In *Re B-S* [2013] EWCA Civ 813, Lord Justice McFarlane said this: "The effect if leave is given to oppose is that the case can no longer proceed as it was doing under 'the second condition' in Transcribed from the official recording by eScribers section 47(4), and the adoption application would fall to be determined at a full hearing under which the 'first condition' in section 47(2) would be in play, with the question of whether the child's welfare requires dispensing with parental consent to adoption being determined at that hearing in the light of the circumstances that then exist."
27. At the appeal and substantive hearing of *B-S (Children)* [2013] EWCA Civ 1146, the then President gave a judgment which says that: "One can see the crucial effect of a parent being given leave to oppose under section 47(5): not merely is the parent able to oppose the making of an adoption order, but the parent, notwithstanding the making of the earlier placement order, is entitled to have the question of whether parental consent should be dispensed with considered afresh, and, crucially, considered in the light of current circumstances (which may, as in the present case, be astonishingly different from those when the placement order was made)."

28. The issue of parental consent being dispensed with needs to be considered, therefore, under section 52(1)(b). If I dispense with consent I must be satisfied that the welfare of the children requires consent to be dispensed with. “Requires”, of course, connotes imperative rather than desirable or reasonable so something in the children’s welfare throughout their life must require adoption rather than something short of adoption. If I dispense with the birth mother’s consent, I do so only if it is necessary and proportionate.
29. As a matter of law, the welfare of these children throughout their life is my paramount consideration. Ms Longland draws my attention to the following authorities which set out the gravity of the decision that I have to make. Lady Justice Hale set out in *Re C & B* [2001] 1 FLR 611 at paragraph 34 that: “Intervention in the family may be appropriate, but the aim should be to reunite the family when circumstances enable that, and the effort should be devoted towards that end. Cutting off all contact and the relationship between child or children and their family is only justified by the overriding necessity of the interests of the child.”
30. Ms Longland reminds me of the Strasbourg jurisprudence in *YC v UK* 2012 55 EHRR 967: “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 the child could be placed in a more beneficial environment for his upbringing.” I fully recognise that the decision I am making for the children will have profound 31. consequences for them and their birth family. That is why I quote Lord Wilson in the case of *Re B (Care Proceedings: Appeal)* [2013] 2 FLR 1075 and remind myself of the high degree Transcribed from the official recording by eScribers of justification that is required when a court determines whether a child should be adopted. In the same decision, Baroness Hale said: “It is quite clear the test for severing the relationship between a parent and child is very strict: only where exceptional circumstances exist and where motivated by the overriding requirements pertaining to the child’s welfare, in short, where nothing else will do.”
32. However, the question of whether nothing else will do does not involve the court merely asking what else the birth mother would need to do to get the children back or what more the court could expect of her. It requires a holistic evaluation of the best welfare interests of the children. As the case of *Re W (A Child)* [2016] EWCA 793 sets out: “The phrase ‘nothing else will do’ is meaningless, and potentially dangerous, if it is applied as some freestanding, shortcut test divorced from, or even in place of, an overall evaluation of the child’s welfare. Used properly, the phrase ‘nothing else will do’ is no more, no less than a useful distillation of the proportionality and necessity test embodied in the ECHR and reflected in the need to afford paramount consideration to the welfare of the child throughout their lifetime. The phrase ‘nothing else will do’ is not some kind of hyperlink providing a direct route to the outcome so as to bypass the full, comprehensive welfare evaluation and all the relevant pros and cons.” 33. In that case Lord Justice McFarlane, as he then was, repeated that: “The reference to a ‘right’ for a child to be brought up by his or her natural family, or the

assumption that there is a presumption to that effect, needs to be firmly and clearly laid to rest. No such 'right' or presumption exists. The only 'right' is for the arrangements for the child to be determined by affording paramount consideration to their welfare throughout their life and (in an adoption case) in a manner that is proportionate and compatible with the need to respect any ECHR Article 8 rights which are engaged."

34. Ms Griffiths also reminds me that the context in which these children are before the court is after the making of care and placement orders in which the prospective adopters who were foster carers are now prospective adopters and that the purpose and aim of a placement is to provide a child with stability and permanency. I have had full regard to the Article 8 rights of the birth mother, of the children and of 35. the prospective adopters. On the facts of this case the right to respect of family life is engaged due to the existence of personal ties, the parents' biological relationship with the children and the prospective adopters' factual relationship with the children. Where the rights are in conflict the rights of the children must prevail.
36. Before making an adoption order I must consider whether there should be some arrangement for allowing any person contact with the children and for that purpose I must Transcribed from the official recording by eScribers consider any existing or proposed arrangements and obtain the views of the parties to the proceedings in relation to contact. I have no formal application for contact under Section 51A of the Adoption and Children Act and such an application requires leave to be given to the birth mother pursuant to section 51A(4)(c), and, of course, if I were asked to give leave, I must consider the factors in Section 51A(5). The Court has power to make an order prohibiting contact of its own initiative (see Section 51A(6)) but does not have the power to make an order requiring contact under Section 51A(2)(a) absent an application. I remind myself of the words of the President in Re B (Post-adoption Contact) [2019] EWCA Civ that save for there being extremely unusual circumstances, no order will be made to compel adopters to accept contact arrangements which they do not agree. Finally, in relation to the law, I remind myself to look at the whole range of powers 37. available to me in a children's case and that I should not make an order for a child unless it is better than not doing so. Procedure
38. By way of procedure, I remind myself of the preconditions for making an adoption order, that the children must have had their home with the applicants for the required period of time; I am satisfied that they have. I must also be satisfied that there are sufficient opportunities for the child and the applicants to be seen together in their home environment by the Local Authority. I am satisfied, too, that that formal condition is met. Evidence I turn to the evidence that I have heard in this case. The fact that I do not mention 39. something in this ex tempore judgment does not mean that I have failed to consider it. In coming to my decision, I have read and re-read the bundle with which I have been provided in its entirety. I of course have also had access to the bundle that was in existence for the care and placement proceedings and to my notes of evidence in that. I of course have had the benefit of being the judge not just in this hearing but throughout those care and

placement order proceedings and I have managed this case from its start. I remind myself in relation to the evidence that I have heard how stressful it is to come 40. to a family court and of the words of Lady Justice Macur of *Re M (Children)* [2013] EWCA Civ 1147: “Any judge appraising witnesses in the emotionally charged atmosphere of a contested family dispute should warn themselves to guard against assessment solely by virtue of their behaviour in the witness box and to expressly indicate that they have done so.” I think this reminder is particularly pertinent in relation to the birth mother’s evidence which I will summarise in due course and I reiterate how much courage it must have taken for her to come and give evidence again for her children in the Family Court. I look at the social workers’ evidence starting with a social worker from the Local 41. Authority where the birth mother lives. She gave evidence she has worked with the family since November 2024. She updated the court that since the parenting assessment the birth mother and her partner continue to work well with the Local Authority and that her parenting of Z is very positive (Z of course being the child born in [redacted]). She was clear in her Transcribed from the official recording by eScribers evidence that she could not comment on U or V but could only tell the court how the birth mother and her new partner were able to work with the professionals in the Local Authority where the birth mother lives.

42. The social worker from the Local Authority where the birth mother lives is newly qualified, having graduated in June 2024. She told us she also had a break of six months from her training year. This was her first case involving care and placement orders. She was very supportive of the birth mother but came across however as somewhat simplistic in her analysis at times. Her evidence suggested that she had not explored in depth the issues arising from previous care proceedings or really spent time unpacking the birth mother’s developing understanding of them. She did not seem familiar with the documents from the care proceedings and her answers were vague when it came to discussing the extent to which she had explored past concerns. I was left with the impression that this was not something she had worked through with the birth mother. It may be that is because the original parenting assessor did so, but it is clearly not an ongoing piece of work, and that is important because sometimes patterns of behaviour take a while to manifest themselves and continuing to explore and develop a parent’s understanding of what they might do differently is important, particularly to embed change. 43. Similarly, she said that she had not had a conversation with the birth mother’s partner about his other children so she was not able to assist the court with why this partner was not seeing his child for whom he was negatively assessed at the residential placement and was not able to tell me what was happening for that child. 44. She had not met the birth mother’s support network of family until she came to court to give evidence, even though they were key to her analysis of the changes that the birth mother has made. She was unable to tell me why no family group conference took place and her assessment of the birth mother did appear to be superficial at times. She gave the impression the birth mother had undertaken a therapeutic intervention 45. when in fact she has not and she cited this as a reason for being confident that the birth mother would seek mental health support. In fact, despite a specific recommendation since

2022 for a particular type of support to address the birth mother's past experience, the birth mother has not had this. It was a weakness in both social workers' evidence that they were not able to give the 46. court the impression of having considered the arguments against their position or the weaknesses in their own analysis in advance. For example, the social worker from the Local Authority in the care proceedings had not given detailed consideration to the best timescales for a transition plan. She was able, when asked, to set out the pros and cons of each option but her analysis about the impact on the identity of a child who is adopted struck me as rudimentary.

47. The social worker from the Local Authority in the care proceedings gave evidence which was not consistent. When speaking to Ms Longland the social worker did not think the children had any additional needs but when speaking to Ms Griffiths she agreed the children had some behaviours indicative of trauma and that all undermined the authority of her evidence. 48. Similarly the complexity of the children's needs is not fully explored in the Annex A report and in my view social workers do children a disservice if they present everything as Transcribed from the official recording by eScribers straightforward and uncomplicated once they are placed with their forever family. It was in fact the Guardian's evidence that gave me the complexity of the situation.
49. The Local Authority in the care proceedings social worker did not in my view give the birth mother as much credit for the change she has made as the evidence suggests is due and approached the matter from a somewhat fixed position. In relation to the birth mother's evidence, she has made real and significant changes in 50. her life. People often talk about change in the Family Court but it is rare to see it and the birth mother has made changes. Understandably she was very much focused on the future but what was distinctive about her evidence is that she became defensive when asked about the past. For example, she was asked about a relationship she had in the residential placement with somebody at the beginning of her time there. She minimised this and dismissed it. She tried to disengage with questions when challenged in cross-examination and here I again caution myself that for the birth mother this is a very stressful situation in the witness box and I do not solely rely on her demeanour, but she was defensive and unwilling to share information both about her birth mother and her new partner. But what came across very strongly in her evidence is her love for her children and her desire to have them home with her. 51. I think I should record the birth mother's evidence about Y, her firstborn child who does not live with her and what came across very strikingly was the sense of loss she feels about her relationship with them very keenly. They live with their father and the evidence before me suggests that the birth mother may have been a victim of an abusive relationship with Y's father. She very tearfully gave evidence she last saw him four years ago. She said: "I tried to contact Y's family. I tried to message his mum [meaning the paternal grandmother of Y]. His mum made contact when V was in an incubator with me, let me speak to Y and then she dropped me. I have contacted Y's father/Y and I get an update from the people around the area. They are thriving and doing well in school. Y's father told me he does not want anything to do with me or the children I've got. Y does not know them." That is an ongoing

loss to the birth mother.

52. The Guardian was a calm and fair witness. She gave credit to the birth mother for the changes she has made and was able to synthesise all the different considerations to the court. She is the professional who has most consistently been involved with this family, having been the Guardian in the care and placement proceedings. She was a balanced witness who acknowledged the strengths of the parenting assessment from the Local Authority where the birth mother lives but also the vulnerabilities that remained about the birth mother and the weaknesses of the assessment which she described as being a “surface assessment”. She was unambiguous that the return of their children to their birth mother would cause emotional harm and have a medium and long-term impact on their welfare. She said she had huge concerns about the transition to their birth mother’s care and the imperative of permanency, she said, was crystal clear.
53. The prospective adopters have not given evidence in these proceedings but of course I know about them from the Annex A report and from their position statements. Transcribed from the official recording by eScribers Wishes and feelings I turn now to the children’s ascertainable wishes and feelings considered in the light of 54. their age and understanding.
55. The children cannot at their age grapple with the complexity and long-term consequences of the decision I am asked to make. Of course they do not possess the maturity, insight, perspective or capacity to consider all the risks and advantages of the issues before me. They are not in a position to make decisions about their future, that is the responsibility of adults in the court, but I can look at their actions and also their knowledge.
56. These children have had their goodbye contact with their birth mother. They have been told they will not be seeing her again. The Guardian reports that she was told that this was a difficult and distressing experience for U as they had been prepared for this being the last time of seeing their birth mother. It seems that this final farewell contact could have been better handled but the contact supervisor told the prospective adopters that the birth mother had reassured U that they would look after them and that she did her best to remain strong. The prospective adopters have made it clear how very grateful they are to the birth mother for that.
57. The Guardian notes that the children see the current carers as their forever family and that U seeks comfort and care from them. This will be the only family of which V has a memory. The children have continued to develop in the prospective adopters’ care and the evidence is that they are settled there and have become very much part of their wider family. Their home is therefore with the applicants but at the same time the children would wish, I am sure, if at all possible, to be brought up by their birth parents if it were safe to do so and to have a relationship with them and with their half sibling Z and Y. Particular needs I look at the children’s particular needs. These children have both suffered significant 58. harm due to substance misuse and domestic abuse. They have experienced inconsistent care from their parents in the early stages of their life. Both are no longer having contact with their

parents and particularly with their birth mother who was their primary carer and this has had an impact on the particular needs they have now.

59. These children have had a lot of change in their short lives. U was with their birth mother until they were placed in foster care in [redacted]. From there they moved to be with the prospective adopters on [redacted].
60. V was in hospital [redacted]. They were initially discharged into the care of foster carers from hospital. I think they were [age redacted] when they moved with their birth mother to the residential placement. They were removed from their birth mother's care and placed with the prospective adopters on [redacted]. They have not experienced the levels of instability their sibling has but the prospective adopters have noted that they can present as quiet and withdrawn with professionals when they visit and when they visit new places. This requires careful preparation and constant reassurance from the prospective adopters.
61. U's behaviour suggests they have found change difficult at times. The birth mother in her final evidence accepts that they had a difficult transition to the current carers. The Guardian's final analysis in the care proceedings says that U has settled well in their new placement, although there have been some concerns with them stuttering and anxious and Transcribed from the official recording by eScribers controlling behaviour connected with toileting. It is not unusual for children to regress slightly during transitions and changes and the foster care logs also evidence U becomes unsettled around contact days and needs extra reassurance from the carers. The risk assessment of contact sets out that U has taken some time to settle and is still vulnerable and somewhat edgy in social situations.
62. The Guardian's final analysis in these proceedings sets out the subtle but evident struggles that U has. The prospective adopters describe subtle complex behaviour and evident vulnerabilities commonly associated with children who have experienced multiple moves and trauma and they, the prospective adopters, rely on their extensive therapeutic parenting and adoption training to navigate and provide reparative care that U requires on a daily basis.
63. The Guardian sets out how the prospective adopters have worked tirelessly to support U with stool retention and that they have made huge progress. U struggles however still with food and tends to eat whatever is in front of them very quickly. They display jealousy when others are eating and they are not and this requires careful management from the prospective adopters to ensure they remain calm and does not overeat. U also struggles with social work visits. Whilst they often present themselves charmingly, they also become hyper vigilant and will be dysregulated afterwards. They have recently shared with prospective adopters feeling worried that they might be asked to go and live with the people who are visiting and that they might make them go and live somewhere else, evidencing a level of anxiety and the legacy of their trauma.

64. U, therefore, is an anxious child who is worried they will be taken away from their prospective adopters. They have been told that they are their forever family but given the instability of their early life they have a particular need to be able to trust the adults around them and removing them from their care would be a breach of that trust which they have placed in them and may make it very difficult for them to trust what adults say in future.
65. Although these children do not have diagnosed difficulties or additional needs, they clearly have a very particular set of needs arising from their earliest experiences. The Guardian's conclusion is that these children need a permanent and stable home and that the legacy of trauma and instability that they have experienced continues to play out within the prospective adoptive placement and in my view, having reviewed the evidence, these children have a particular need for permanent stability over and above other children of their age. 66. [redacted]
67. When I look at the children's particular needs, I consider the emotional importance for the children, albeit perhaps not immediately, of ensuring all opportunities for family life with a biological family have been properly considered and assessed.
68. The benefits of the children of course being brought up by their biological family if it is safe to do so remains of inestimable value to them and of course part of this judgment is considering whether that is a safe possibility for these children. Effect of ceasing to be part of the birth family and being adopted I look at the likely effect on these children throughout their lives of having ceased to be 69. a member of the original family and become an adopted person. The severance of legal ties Transcribed from the official recording by eScribers with the birth family is a lifelong and fundamental change. These children would have a limited relationship with their birth mother, maybe direct contact once or twice a year, but certainly only letterbox contact to start with and possibly throughout their childhood and their lives. So this is a lifelong decision that affects the children's sense of identity as they grow up and possibly into the future. It extinguishes the parental responsibility of a parent. The children will be treated in law as children of the adopted family and that has an impact on succession, inheritance and other legal rights. It also has an impact on their identity, self-worth and self-image and from the prospective adopters' position set out in the Annex A report, it seems that they are very aware of this. In relation to the life story work, the couple have developed their understanding of the 70. impact of adoption. The social worker has ascertained the way the adopters and their network will manage difficult questions from their children about their past. They intend to share the children's adoption story with them, adding more details each time, age appropriately. They have educated their families about this and people are aware at what age the children are able to grasp the concept of time and sequence. In their view, life story work will strengthen the family relationships by asking and answering questions and having supportive conversation about the children's birth family. Throughout these proceedings the prospective adopters have pressed the Local Authority to play their role in life story work and clearly demonstrated the complexity of having a child in an adopted family and the role

that they play in helping the children understand their identity. Age, sex and background I look at the age, sex and background and any other characteristics which are relevant. 71. The children have an older half-sibling who is living with their father, Y, and that is an important part of their background. They have Z who lives with the birth mother and her partner. The children are of [redacted heritage]. The original Together and Apart assessment in care proceedings concluded they should be placed together and no one has suggested otherwise in these proceedings. The Local Authority in the care proceedings social worker said the separation of the children would be devastating for them and the Guardian agreed with this. There is a need for these two children to be placed together.

72. When I look at the children's particular background I have already mentioned their difficult start in life and their ability to manage future change is a particular characteristic of them. The eldest, U, has had contact with their birth mother in a contact centre [redacted] and this has to be considered carefully when looking at their likely response to seeing her again. I have already mentioned that the farewell contact was a difficult one for them and the Guardian reported that the prospective adopter says U was very quiet and subdued on the days after the farewell contact and dysregulated emotionally. This would also occur after contact in the care proceedings. The Guardian said there was a fallout after contact emotionally for them during care proceedings – that may not be characteristic of all children but it was of them – and the Guardian gave evidence that they have been told they are not going to see their mummy again, so very great thought against that background needs to be given to direct contact or moving back with their birth mother. It is a characteristic of these children that they believe the prospective adopters to be their forever carers. Harm I look at any harm that children have suffered or are at risk of suffering and these 73. children have suffered significant harm as set out in my judgment and the threshold document. U was repeatedly exposed to violence and aggression, both suffered harm as a Transcribed from the official recording by eScribers result of their birth mother's drug use in pregnancy and I have reminded myself of the wide definition of harm in section 31(9) of the Children Act 1989. Of course, by virtue of section 3 of the Domestic Abuse Act 2021 U and V are treated as victims of domestic abuse, and the view of the Guardian is that the impact of the harm the children have suffered is seen particularly in U on a daily basis. The long-term effects of these early experiences are not known but the past harm to these children casts a long shadow in their lives, particularly for U who has had greater unsupervised time in their parents' care.
74. There is of course now a need to reassess the risk of harm that the children would be at risk of suffering should they return to their birth mother's care. In relation to drug use the birth mother has had a history of using cannabis and cocaine during both pregnancies. The hair strand test I have seen carried out in autumn 2024 was negative for substances and the birth mother's evidence is that there has been no substance misuse for two and a half years. Her partner has previously used cocaine during particularly stressful periods and both she and her partner have been offered relapse prevention work but the service to which they were referred thought that due to the passage of time and the negative results it was not

necessary. It is fair to observe I do not have an unbroken line of hair strand testing which sets out 75. the position for the entirety of the last two and a half years and I note that the birth mother has dyed her hair which can impact on hair strand test results that I do have. I mention this because it is important to remember that the birth mother has not always been honest about her drug usage in the past as I set out in my care order judgment. However, the Local Authority where the birth mother lives social worker was clear that all the hair strand tests they performed came back negative and that she has never seen the birth mother under the influence of drugs. I look at the future risk of domestic abuse in the birth mother's care. I have already set 76. out that the birth mother's relationship with Y's father appears to have been emotionally abusive. Clearly the evidence with the birth father is of a highly abusive relationship. The residential placement said that whilst with them the birth mother was not at a stage where she is able to critically analyse or question an individual's motives or identify potential risk and during that assessment she minimised the impact of domestic abuse on U and was in the process of beginning to recognise the abuse that she suffered.

77. The current relationship was formed whilst at the residential placement and was largely untested at the time of the final hearing. The social worker from the Local Authority where the birth mother lives gave an assessment that this is a healthy and stable relationship. The couple's current relationship, while an improvement over their past relationship, still poses risks due to their shared history. The social worker from the Local Authority where the birth mother lives suggested that this is a positive and supportive relationship and that the birth mother showed wonderful insight into the domestic abuse work she had done, but this current social worker does not appear to have engaged with the complexity of both parents' past histories and that is relevant, because if you are not fully alive to what has happened in the past it may be more difficult to spot emergence of old patterns arising in people's behaviour over time.
78. Both the birth mother and her partner have done domestic abuse work and I give them real credit for that, but it is fair to say it is hard to anticipate the impact of having three children in their care on the birth mother and her partner's relationship. The birth mother was noticeably trying to shut down any questioning about her partner's past in the witness box. She said she could not say about his past at this point and if U and V come home there would need to be another talk between her and him about going forward and the risks. When Transcribed from the official recording by eScribers asked why he did not see his other child she said it is nothing to do with her, that is between him and his solicitors. Although the Local Authority where the birth mother lives have assessed that he can care with the birth mother for Z there are still gaps in the court's understanding of his past and current relationship with his child and the reason he does not see one of his children. The birth mother was not forthcoming and open about whatever she knows and that undermines the courts' and professionals' ability to take into account the full picture when it comes to him.

79. When I look at the birth mother's ability to meet the children's emotional needs and the risk of harm if she cannot do so I remind myself of the fact that the residential placement thought her care of V was inconsistent and mood-dependent and that she was unable to prioritise V's needs above her own. The residential placement thought she cancelled contact with U for what they regarded as trivial reasons and in my judgment I did see a pattern in the residential placement logs and observations of a number of professionals over a period of time about the lack of consistency in the birth mother's ability to meet the children's needs and to focus on them.
80. The social worker from the Local Authority where the birth mother lives gave evidence that the birth mother shows more ability to meet the needs of Z and insight and was able to prioritise her needs above all else. She attributed this to the birth mother's work with talking therapies, although it seemed that that work has not actually taken place, but it is clear that there has been a real change in the birth mother's ability to meet the needs of the child in her care and that the risk of harm therefore has consequently reduced. 81. I look at the risk of harm to the children arising out of the birth mother's fragile mental health and set out in the threshold document from the previous proceedings are the views of the expert who assessed the birth mother. The Local Authority where the birth mother lives Parenting Assessment notes that they must address the emotional and mental health vulnerabilities identified in their psychological assessments, particularly the birth mother's anxiety and trauma history and her partner's emotional detachment and past risky relationship (that is in the September 2024 Parenting Assessment).
82. When I gave judgment I looked at the birth mother's mental health and I said I know she accepts the opinion of Dr F, the psychologist, but she does not accept her psychological make-up might impact on her ability to meet the children's needs. Dr F's opinions are set out in the threshold document and she recommends trauma-focused CBT, eight to 12 sessions, but observes initially it might be overwhelming for the birth mother to disclose details of traumatic events in her past. She may therefore require several sessions before establishing a therapeutic relationship and the emotional stabilisation before she can address those traumatic events. The first report containing that recommendation was in May 2022 and the birth mother took this report to the GP in October 2023 and was now, I was told, on a waiting list for that therapy. The birth mother has had an assessment for talking therapies but my understanding is she has not had that treatment and it is notable that she has not had several sessions establishing a trusted therapeutic relationship before the decision was taken that no further work was needed.
83. The social worker for the Local Authority where the birth mother lives gave evidence that the birth mother has had support through talking therapies for her own mental health but in fact it appears that she has had an assessment rather than a course of therapeutic intervention. The Guardian points out that the concerns about her care and the level of care slipping is when she struggles with her mental health and issues with her relationship. The Guardian points out that the birth mother's own trauma from her childhood has followed

her Transcribed from the official recording by eScribers into adulthood and the recommendation of Dr F was for a very specific course of therapy that would last a significant time. That is because the birth mother has symptoms consistent with a diagnosis of PTSD and her own childhood was traumatic at times.

84. Dr F describes the birth mother as avoidant and paranoid in some of her personality traits and indeed one interpretation of the birth mother's answers in the witness box might be that those traits are still apparent in times of stress, when she sought to avoid answering questions about her partner and her birth mother. But again I caution myself about the artificial nature of cross-examination and remind myself of how stressful it must be for the birth mother. But the fact that the birth mother has not done the detailed and specific work recommended continues the pattern over a number of years of her being reluctant to look at her past. She has always been resistant to seeking help for the past and that pattern continues. The reason that this work is important is because it forms a firm foundation for the future and ultimately without it the vulnerabilities that Dr F addressed remain identified and unaddressed and that may be particularly relevant if the birth mother is under stress.
85. I accept that the assessment led the team in the Local Authority where the birth mother lives not to offer the birth mother therapy and that may be understandable in the light of their stretched resources, but what is more striking for me is that the birth mother did not push for it. She told me she is still open to it but she did not have either the insight or persistence to ensure that she got what was recommended in Dr F's report and rather seems to have accepted that her referral should be closed without the work that the expert recommended she do actually being done. That suggests to me that the birth mother may not appreciate the link between her good mental health and the care of her children and that the mental health work needs to be done now so that when more challenging times come she can cope with them. I accept she has managed a new baby and the stress of these proceedings incredibly well, however, having three children [redacted] in her care, two of whom have had a difficult start in life and will have said goodbye to prospective adopters who they thought they would be staying with forever, is likely to be challenging and stressful at times and having a framework of therapeutic support around her would be one way of mitigating future risk further.
86. I was looking at the risk of future harm and I look back at the evidence about stimulation that the birth mother was able to provide for her children and the residential placement thought there were missed opportunities to provide play opportunities on a regular basis despite key work sessions and that V was left in a cot or bouncer without stimulation, and there have been times when the birth mother can offer warm interactions and opportunities for stimulation but these were sporadic, inconsistent and short-lived.

87. The parenting assessment by Local Authority where the birth mother lives notes that the birth mother does not attend the local Children's Centre, however the most recent statement from the social worker suggests that she has been doing sessions there and there have been no recent concerns about stimulation of Z and this risk is reduced. However, of course, the birth mother's ability to meet the needs of three children in her care and stimulate them is untested.
88. One risk from the past that I need to assess for the future is that of rough handling. During my judgments in the care and placement proceedings I detailed the incidents of rough handling at the residential placement. In oral evidence the birth mother said to me in those proceedings, "Once I'm distressed, I'm distressed." There was also an instance of rough handling by her new partner and his child in the residential placement. By contrast the parenting assessment for Z states that the observations carried out by the social worker of their caregiving demonstrate their consistent ability to meet Z's needs effectively with a Transcribed from the official recording by eScribers focus on their physical, emotional and developmental well-being. The social worker in the Local Authority where the birth mother lives says that no such instances have occurred for Z so far and in court the social worker highlighted that these proceedings were very stressful and the birth mother's ability to prioritise Z has not wavered. 89. I look at the birth mother's ability to work with others, because if she cannot that is again something that leads to a risk of harm. The residential placement described her as avoidant and in my judgment I set out concerns about her honesty. In order to meet the children's needs I said the birth mother needs to be open and honest and I have already explained she denied the use of cocaine for quite some time, blamed it on the medication she was taking, for example. She has not been open and forthcoming about her new relationships in the unit. She deleted her social media messages and apps despite an agreement she would not and did not tell the residential placement when she had entered a new relationship with her current partner. The birth mother says she always deleted her messages on social media. That may be the case but being asked not to was a condition of being at the residential placement and the birth mother accepted this in the witness box.
90. When she was asked about whether she is open and honest she said, "I was not open and honest with anyone. I do not fully trust anyone. It takes time for me to get used to someone." She was defensive and argumentative in key work sessions say the residential unit although it is fair to say they noted that this has improved.
91. By contrast the Local Authority where the birth mother lives social worker notes that she was fully engaged and had a clear understanding of the reasons for the evaluation and a positive response to feedback. She has also worked well with the Children's Centre and her key workers. I think though it is important when I look at openness and honesty and frankness that I read the birth mother's statement in relation to her mental health work. She says: "I exhibit the letter 1 from the perinatal mental health team and the talking therapies confirming my good engagement and that I no longer require support. The judgment where

placement orders were made said that waiting for me to do therapy has inbuilt uncertainty - how long the therapy would take to obtain, how long it would take to go through that process and whether it will bring about change [and we all hope it will for the birth mother] and there is no clear time frame for this. The reality is [she says] it was sourced, started quickly and has led to a situation where they do not assess me as requiring any therapeutic support.”

92. When I first read the statement from the birth mother I gained the impression from that that the birth mother had had a course of therapeutic input. In fact a careful reading of the letter from the service shows that she was assessed and therapy was not offered and I have already noted that the birth mother did not press the mental health team for the work to be done that Dr F recommended. That might suggest there is a degree of avoidance in her work with them. In addition to this the social worker from Local Authority where the birth mother lives 93. seemed to be under the impression when she gave evidence that the birth mother had had talking therapies and attributed some changes to that, when in fact this has not taken place. the Local Authority where the birth mother lives said: Transcribed from the official recording by eScribers “I think at this stage she has done as much as she can and she has had a positive discharge from the talking therapies and they felt they could conclude their work with her.” But that is not entirely accurate. They did not do any work with the birth mother except the assessment which she described in the witness box as “one long meeting”. No doubt the social worker was relying on what the birth mother had told her.
94. When I look at complete openness and transparency, the birth mother was notably avoidant when answering questions about her partner and her family in the witness box and clearly tried to shut that line of questioning down. Now, of course, there is a very particular dynamic in the courtroom and that may not be indicative of her behaviour outside court but she did come across as argumentative at times. It is also fair to note that she has not been challenged by the Local Authority where the birth mother lives at present about her care of Z and maybe the most significant test of her ability to work openly and honestly with people and take on advice is when they are saying things she does not like. So how she would respond to taking on feedback if the return of her children proved to be more challenging than she expected is an area of risk which is untested.
95. Looking again at Z’s basic needs there was one immunisation missed and three health visitor appointments missed in the summer of 2024. It seems that that was an isolated number of appointments that were missed and that the old pattern of repeatedly missed appointments has not become apparent. 96. In conclusion, the Local Authority where the birth mother lives stepped down from a Child Protection Plan to a Child in Need plan in October 2024 and concluded that there has been no evidence that Z’s development or needs will be neglected by their parents.
97. Drawing together the risk factors based on past findings in relation to the birth mother, the risk has reduced but there are still vulnerabilities there. 98. I now look at the harm which is implicit in moving the children to their birth mother’s care and in my view the evidence of both the birth mother and the Local Authority where the birth mother lives minimise this.

Although support could undoubtedly be put in place, the mere fact of the move would be harmful to the children on the evidence before me. The Guardian highlighted that this would be a period of limbo and that the move in and of itself would cause emotional harm. The view of the social work team at the Local Authority in the care proceedings and the Guardian is it would cause the children significant harm emotionally to have to leave their current placements. The social worker from the Local Authority in the care proceedings says to move them again at such a crucial age would be very detrimental to their well-being, with the changes the birth mother has made being so recent and not having had the benefit of a significant period of time to be sure that they can be sustained.

99. The Guardian highlights how the birth mother maybe has not thought through fully what this change means to the children. She notes: "I did not feel she truly considered the trauma the children may have already experienced and the potential behavioural challenges they may face in parenting U and V going forward. The birth mother was not able to consider the children possibly rejecting her or her partner and said if this happened they would Transcribed from the official recording by eScribers just deal with it. I felt they hadn't truly reflected on the challenge of meeting competing demands of three children and the likely trauma of a further move for U and Vat this stage."
100. The change of circumstances at this stage the social worker describes as very detrimental to the children because they are embedded in their new family and she highlighted the fact that these children would need to get used to sharing their birth mother's attention.
101. The Guardian's evidence on this point was compelling. She said she had huge concern about the children moving again at this stage. She said every child is different. We look at U and what they have experienced in their first year. Their parents' relationship was chaotic and violent. The move to foster care was sudden and unplanned and I think we then move them to the prospective adopters after they have had that stability and we see the fallout from those experiences. They have experienced domestic abuse. They witnessed his father assaulting their birth mother; we know that and they were under the age of [redacted]. They cannot tell us but they can show us that through their behaviour. They are incredibly vulnerable and their trauma is continuing to show. They are not as resilient as another child might be who has not been exposed to those experiences. She was very clear, the Guardian in the witness box, that they would be confused and destabilised, even just by the move back to their birth mother, because, she said, the prospective adopters are their safe people.
102. The children have been with the applicants now for just over 18 months and that does not mean, in and of itself, that they should remain there, and of course I need to look at harm in the context of their welfare throughout their lives and these children may well live into their 90s, but the transition back home the Guardian thinks will cause the children emotional harm and she agreed that they would be devastated by the move and it would be likely to have a medium to long-term impact on them.

103. I accept the Guardian's evidence and agree that a move from the prospective adopters would not be a matter of merely short-term harm but would have an impact most likely on them in the medium to long term. In the light of the level of trust and stability that they have with the prospective adopters, being removed from them at a time that they are just beginning to settle would be hugely disruptive. A move at this vital stage where they are benefiting from therapeutic parenting would not just impact the short-term but runs the risk of causing harm that echoes throughout their lives and that is something that must be considered in the balance. It would undermine the firm foundation that the prospective adopters have been building for their future.
104. There would also be harm for the children if their transition home started and broke down. The Local Authority where the birth mother lives say that reunification has a good probability of success. This is based primarily on the birth mother's care of Z and of course the Local Authority where the birth mother lives accept they do not know U and V. By contrast, the Guardian has huge concerns about whether it would be successful and says that it is fraught with risk.
105. There are factors that reduce the risk of breakdown: the changes that the birth mother has made, the support of the Local Authority and her partner, her parenting of her current child and I think the fact that the prospective adopters would do everything in their power to support the children whatever the decision the court made. But there are factors that increase the risk of placement breakdown: the unknowns about the birth mother's partner, how he will get on with the children, coupled with the gaps in our understanding of his relationship Transcribed from the official recording by eScribers with his youngest child, how the children will get on with him, how the children will get on with the birth mother who they have not seen for over a year, how they will adjust to Z, how the children and the birth mother will manage the harm of being moved away from a secure environment with a family that the children thought they would be with forever and the juggle that the birth mother will need to do of the needs of the two children with particular needs as well as Z.
106. In the witness box the birth mother also explained that the partner's older child comes to stay every other weekend and for days out in the holiday. They are in the process of being diagnosed with autism and has additional needs. That is another stressor on this family. They also need to move house and her support network has not been assessed well by the Local Authority in the Local Authority where the birth mother lives. A transition home to the birth mother, if it did not work, would be catastrophic for these children. They may need to be placed back in foster care. There would be a risk of harm if their placement broke down that they would retain the Local Authority as their corporate parent.
107. There is also a risk of harm if the birth mother's relationship with her new partner broke down. They tell the Guardian that their firm intention is to co-parent. The Guardian takes the view that if this current relationship broke down that would be a significant risk factor of future harm to the children. She says the birth mother's romantic needs have taken precedence over the needs of the children in the past and during those times she struggles

to manage her emotions and makes poor decisions. She said in the witness box that the birth mother has a pattern with abusive relationships and she has moved quickly to a new partner. If this relationship broke down I am not confident she would be able to make the right choices and prioritise and protect the children. Despite the changes she has made, that is my concern.

108. Although Ms Longland rightly points out that the birth mother's previous relationships were characterised by abuse and this relationship is different, there is still a risk. The birth mother and her partner have remained together during this very stressful set of proceedings and during the birth and assessment of Z. However, I look back at what the residential placement said and the birth mother's partner's behaviour at the point of his relationships breaking down include anger, threatening staff in the residential placement and the manhandling of his child. There is a risk of future harm if the relationship becomes stressed to the point of breakdown.
109. When I look at the risk of harm I look at the birth father [redacted]. He made very serious threats both to birth mother and to professionals.
110. [redacted] It is clear, however, that the birth father poses a real risk of harm to the children and those who care for them or are professionally involved with them.
111. I look at the applicants and any risk of harm arising from their care of the children and the evidence before me does not suggest in any way that the parenting provided by the prospective adopters has caused the children harm or would do so in the future. To the contrary, they have a settled routine, friends in the wider community and are part of a supportive wider family. Transcribed from the official recording by eScribers Relationships
112. I look at the relationship the children have with the relatives and any other person whom the court thinks is relevant. That of course includes the prospective adopters with whom the child is placed. I look firstly at the likelihood of any such relationship continuing and the value of the child to it doing so. I look at the prospective adopters with whom the children are very settled and integrated as part of their wider family and community. The Annex A reports they are well settled; have good attachments with their carers. They say that this is a warm and responsive relationship between U and their prospective adopters in their Annex A report. The couple listen and talk to them. The Local Authority in the care proceedings social worker gave evidence that the prospective adopters know these children better than any of us at this point in time and of course, the intention of these prospective adopters is to provide a family for life for these children.

113. V is unlikely to have memories of their birth mother when I look at the likelihood of that relationship continuing and the value of the child to it doing so. It is also hard to know how much U remembers of their birth mother. They clearly do remember her but their early years were ones of conflict, lacking routine and great uncertainty. They said goodbye to her so they have no ongoing developing relationship and the impact of their early experiences make that relationship with their birth mother a complex one.
114. If they were returned to their birth mother's care and that arrangement broke down, it would be devastating for them, says the Guardian and the Guardian states that at this stage there is no guarantee that the birth mother could meet their needs consistently throughout their lives.
115. I look at the ability and willingness of the children's relatives and the prospective adopters to provide a secure environment in which they can develop and otherwise meet the children's needs. The prospective adopters, on the evidence before me, are meeting all the children's needs. The written evidence suggests that the children are involved in the family, local community, and have stability and routine. The evidence from the social worker involved in the care proceedings is the children have made solid attachments with their carers; they are meeting all their milestones. The prospective adopters manage the practical and emotional challenges of caring for two children and they are child-centred and have demonstrated an intuitive and sensitive approach to setting boundaries.
116. The Guardian shares this view: the children have an attuned, child-centred, and nurturing approach from their carers and all evidence suggest they are meeting the needs of U and V to a very high standard. The atmosphere at home is described as relaxed and playful, and the children presented at complete ease. "I observe" says the Guardian, "warm and loving relationships in which the children's needs are understood and responded to with care." The Guardian takes the view that the children need better than good enough parenting to help them recover from their experiences of instability and trauma and she says they are receiving excellent therapeutic parenting from the prospective adopters.
117. This view was shared by the social worker from the Local Authority in the care proceedings in the witness box and the evidence suggests that they are receiving sophisticated, highly-attuned therapeutic parenting.
118. The evidence suggests that the prospective adopters are aware of the children's particular needs given their start in life and are supportive and thoughtful about their identity needs if they do not live with the birth family. They have given active consideration to this Transcribed from the official recording by eScribers and the social worker was confident that the children would, in time, have a full understanding of why they are adopted. They will be told that their birth mother loves them very much and fought for them. The social worker took the view the prospective adopters were best placed to help the children transition back to their birth mother. These are carers who would place the children's needs above their own if they had to.

119. The birth mother, of course, wants to meet the children's needs, but caring for three children means meeting three sets of needs and I remind myself that the residential placement were not prepared to let U join their birth mother and sibling. Although they noted that she was able to meet the needs of both children at contact, they were worried about her ability to care for them for long periods of time in the community.
120. The Local Authority where the birth mother lives highlights how these children will be returning to a changed household and that sufficient time has elapsed for the original problems to be addressed and here there is clear evidence of parental change.
121. I asked the social worker about the parenting course the birth mother had done. She could not give me the specific name of it, but her description of it suggested it was targeted on Z's needs and weaning. The Local Authority in the care proceedings social worker gave evidence consistent with this. She said that parenting courses tend to focus on the child who's in the parent's care. That is understandable but U and V have very particular needs for which the birth mother has not been able to fully prepare. The Local Authority where the birth mother lives said they would need to do a full parenting assessment about her ability to meet the needs of the children and work together with her partner. Of course, they would have Z full-time, the eldest child of the partner every other weekend and in some school holidays, as well as U and V.
122. The social worker from the Local Authority in the care proceedings thought that the plan put forward by the birth mother that the children should return to her care is not one that could provide a stable and consistent house within the children's timescales. This concurs with the Guardian's view. In my view, any return of U and V would not guarantee their safety and stability in the short or long-term and it comes with huge risks. I agree with the Local Authority's concerns. The return of the children is likely to jeopardise the positive changes the birth mother and her partner have made to enable them to care for Z and would potentially be setting them up to fail. Even with the high levels of support, it is my view the longer-term stability of the children is not guaranteed in the event they return to the birth mother and the birth mother's partner, despite the evident progress they have made. The Guardian thinks there is no guarantee therefore that the birth mother will be able to meet the children's needs, which are complex due to their early experiences. The birth mother is undoubtedly willing to meet the children's needs but her ability to meet them in all their complexity is untested.
123. As part of this analysis, I look at the maternal grandmother who is an important part of the support network and would be helping to meet the children's needs. I remind myself that the residential placement was concerned about the relationship between the birth mother and her birth mother. Staff noted that the grandmother was overly negative and often increased the birth mother's anxieties. They would like to see contact without her at least once a week, they said. Their final report says they have a strained relationship and often disagree.

124. The Guardian's final report in the care proceedings recorded that contact staff reported the grandmother was domineering and overly critical of staff. She had a negative viability by the Local Authority but they did a full assessment nonetheless. The grandmother withdrew Transcribed from the official recording by eScribers from this and in my judgment I found that the maternal grandparents, who refused to engage in the assessment saying it was too intrusive, also refused to provide consent for the necessary checks. They were offered the chance to take legal advice to explain the nature of the assessment proposed but that was not taken up by them. They would not agree to DBS checks, and they have been unable to acknowledge the Local Authority's concerns in respect to the birth mother and "On many occasions when I have spoken to the grandmother", says the Guardian, "she has been fixated on placing the blame on the father as the perpetrator of violence and unwilling to consider concerns about her own daughter's parenting."
125. In the witness box the birth mother tried to shut down any discussions about the impact that the grandmother may have on her parenting, saying, "I'm not answering this. Please can we pass this question? I am not going to answer this." It seems to me that the relationship with her birth mother is still complex. This is not something that has been fully assessed by the Local Authority where the birth mother lives so it is hard to be confident that the grandmother could play a positive role in meeting the children's needs.
126. I look at the birth mother's new partner. He does not know the children or have any meaningful relationship with them and V of course will have no memory of him. The quality of the relationship that the children may have with him is unknown. He is able to meet Z's needs but is not playing a role in meeting W's needs, his other child. Although he is willing to meet the needs of the children and support the birth mother in doing so, his ability to do so is untested.
127. I look at the wishes and feelings of the children's relatives and the prospective adopters regarding the child. The birth mother, supported by the partner and her wider family, wishes to care for the children. So do the prospective adopters. They wish to provide a home for the children. The children, they say, are a fully integrated part of their family and they want to adopt them. Analysis of options
128. I now carry out an analysis of the pros and cons of the two realistic options before me.
129. Attempting a reunification with the birth mother has a number of positives. If this were to be successful it would permit the resumption of biological family life. It would maintain the important relationship between the birth mother and the children. If successful it would guard against later emotional baggage as the children look back at what might have been. It would permit a full relationship between the children and their half-sibling on a daily basis. It would permit a wider relationship with members of the maternal birth family. Support could be offered which the birth mother says she is open to accepting: therapeutic parenting support, the framework of a care order or a supervision order or a child in need plan. There could be announced and unannounced visits. The Local Authority where the birth mother

lives have an in-house educational psychologist and can help the birth mother seek mental health support for the children if needed. The birth mother has a good relationship with the Local Authority where she lives who would support her through the transition period. She has offered an undertaking in relation to the data breach from the prospective adopters' perspective; that shows insight and an ability to work with others and a respectful approach to the prospective adopters who she would need to work with during the period of transition. We could have child-focused measures like books, games, visual calendars and count downs to help the children transition. She would cut all ties with the birth father by coming off social media so he could not find her. Transcribed from the official recording by eScribers

130. The disadvantages of this transition to reunification are delay in permanence for the children. This is against a backdrop of 76 weeks of care proceedings for U and 56 for V. Against reunification, U trusts the prospective adopters and the realisation of their specific fear that they are being moved from their care may be detrimental to their ability to form trusting relationships in the future. The Guardian gave evidence that the people who they have learnt to trust would be taken from them. The move itself would be harmful, no matter how well it is managed, in the medium to long-term more likely than not.
131. For V it would be very difficult to explain a life-change decision, and they have become attached to their carers.
132. The move does not meet the children's need for permanent stability and predictability. There would need to be a further assessment period, that is the only way to test if the birth mother can manage the needs of all three children, and that is a difficult and sensitive process. The Local Authority where the birth mother lives accepted the good work that birth mother had done to date might be put at risk when asked about it.
133. The birth mother is less able at this stage than the prospective adopters to provide the children with focused attention, which they require given their difficult starts in life. She would need to keep continuing caring for Z and the new partner's child that comes at weekends and during holidays.
134. It would sever the relationship with the adopters and the children. These children have come to learn that the prospective adopters will meet their needs and they have been told this is their forever family and it would be a real loss to them. They would lose the wider community contacts they have built up with the prospective adopters' network of family and friends. U's behaviour shows the impact of the past on them and they need sensitive, attuned care that can address this and the birth mother does not yet seem to have a full appreciation of this or received training for it.

135. If the transition home did not work or the placement broke down this would be catastrophic for the children. They may be placed in long-term foster care and lose the possibility of a stable long-term home. The birth mother's resources to focus individually on the needs of each child are untested and I have already talked about the children's very particular needs in light of their lived experience.
136. No contact at all could be attempted with the paternal family due to the high risks from the birth father. There would need to be a house move from the birth mother and there is, I think, a higher risk of the birth father finding the children if they were with her. The birth mother's parents have not moved house and he would be more able to trace the children in her care simply because he knows who she is. He does not know who the prospective adopters are.
137. The children do not have a relationship with the birth mother's new partner, and his relationship with them is untested. The birth mother, as I have said, tried to shut down any conversation about him in the witness box. The birth mother's support network have not really been fully explored by the Local Authority where the birth mother lives and any transition period would mean that the Local Authority would be involved in the lives of these children for the foreseeable future, to start with under a care order and then possibly later under a supervision order or some other form of intervention into the medium to long-term, with all the disadvantages that come from having a corporate parent. Transcribed from the official recording by eScribers
138. I look at the positives of adoption. It would continue the current relationships which are seen to be working for the children. It would provide permanence and stability. The current placements offer the best chance of successful reparative parenting. Their needs will be met to the medium and long-term with a degree of certainty in this placement and the children will have a firm foundation from which to meet their potential. These carers have the time and focus to meet the individual needs of each child. They have demonstrated the skill set that the children need from them. They have had therapeutic parenting training that they put into effect daily. The placement permits the progression of the children to date to be built upon. There will be no further moves. There would be stability for the rest of their lives. They have the possibility of the children having some kind of relationship with Y. It would be harder for the birth father to find them with the prospective adopters, he knows nothing of their location, names or details, and these prospective adopters are well-equipped to protect the children from him. They have provided consistent, stable care throughout this really stressful period of uncertainty. That is a good indication that they will be able to meet future challenges in parenting with resilience. The prospective adopters are open to direct contact with the birth mother if it meets the children's welfare needs. They are alive to their identity needs and there is potential for letterbox contact with their paternal aunt if this is assessed to be safe.

139. Of course, adoption is not a magic wand. It amounts to a continuing and significant interference in family life with the birth family. It would limit the relationship between the children and their birth mother. It would extinguish the parental responsibility of the birth family. It does not permit the children to live together with Z and severely limits their relationship with them. It comes with no guarantees; adoptions can and do break down. It would have a profound impact on the children's identity and views of themselves.
140. The children may question, if they read this judgment later in life, why they could not be brought up with their birth mother given she has made so many changes at this point in time and that Z has been born before the court makes an adoption order. They may well disagree in later life that the best thing was adoption and they may be angry at the decision of the court or, indeed, with the prospective adopters. Having weighed all of these factors I am driven to the conclusion that the children's welfare throughout their lives makes adoption both necessary and proportionate. Nothing else will do for these children at this point in time and adoption best meets their particular needs.
141. In relation to contact, I stress that the birth mother must be offered post-adoption support as a matter of priority. I do not have the power to make a contact order of my own motion. Nobody asks me to do so. I think that if the birth mother can respond to this judgment in a way that is child-focused there are clear benefits to her seeing the children once a year. That may not be easy but it may help the children in the long run and it may be preferable to them finding her in an unstructured way without the support of the prospective adopters, potentially in their teenage years. But I defer to the prospective adopters as to whether this is in the best interest of the children when everyone has had time to think about this judgment. I will be ordering a risk assessment of direct contact to support the prospective adopters in their decision-making.
142. If photos could be shared with the birth mother in the social worker's office, that is something I think should be risk assessed at the completion of these proceedings. It is something I strongly took the view should be risk assessed at the end of the last proceedings. I accept that if the birth mother knows what the children look like, even if she does not retain a photo of them, there is a heightened risk that if she went to the area in which they live she Transcribed from the official recording by eScribers would be able to spot them. However, I still think it is a valuable risk assessment to carry out.
143. In relation to the birth mother's desire to give gifts to the children, again, I would leave this to the discretion of the prospective adopters as to whether in the future the children might benefit from having a gift from their birth mother for Christmas and birthdays.
144. The remote meeting that the prospective adopters and the birth mother are currently open to should be offered and should take place with the support of the Local Authority where the birth mother lives and the Local Authority in the care proceedings. Both social workers in the witness box committed to do this.

145. There needs to be the risk assessment of some form of contact with Y and the paternal aunt. That is the only possibility actually that the children have of some form of relationship with the paternal family but it does need to be really carefully risk assessed.

Conclusion

I make the following orders. I do direct and order that the birth mother must be 146. offered post-adoption support within the next two weeks. She must be given the relevant details.

147. I record that I have accepted the undertaking of the birth mother and the birth mother's partner in relation to the data breach.
148. I amend the threshold document in care proceedings under the slip rule so it is consistent with the care and placement order judgment I gave.
149. I dispense with the birth mother's consent to the making of an adoption order. It is necessary and proportionate to do so in the children's welfare.
150. I record the formal conditions for making an adoption order are met. I make an adoption order. Effect must be given to the name changes proposed by the adopters on registration.
151. I direct a transcript of this judgment be provided at the expense of the Local Authority, anonymised and published in the usual way.
152. I use my powers to make supplemental and incidental orders to order the Local Authority to offer a remote meeting to the prospective adopters and the birth mother within the next two months; that is by 17 June 2025. It is, of course, entirely a matter for the prospective adopters and the birth mother whether they wish to attend this but it must be offered.
153. I order a risk assessment of the paternal aunt, in relation to letterbox contact only to be carried out by 1 June 2025.
154. I order a risk assessment of the contact between the children and Y to be carried out by 1 June 2025. I think that this risk assessment will inevitably involve speaking to the Local Authority in which Y lives.
155. Now, I have no power to order this specifically but I was struck by the great sense of loss that the birth mother showed when speaking about the loss of her relationship with Y. In Transcribed from the official recording by eScribers my view the Local Authority should at least make a referral to the Local Authority area in which Y is living, asking that they consider treating Y as a child in need, because here is a child who has no relationship whatsoever with their birth mother and whose identity in relation to their maternal family is not being promoted. I have included in this judgment already a note of the birth mother's evidence in relation to Y and this extract from the judgment and this paragraph of the judgment I give permission to share with the Local Authority in which Y lives, together with the paragraph of the order that relates to the risk assessment and Y.

156. This is a birth mother who has the care of one of her children and who does not, on the evidence before me, pose a risk to Y in contact. The Local Authority in which they live has a duty to explore, in my view, what can be done to rebuild this relationship as Y's identity needs are clearly not met by the severing of their relationship with their birth mother entirely.
157. I order a risk assessment of the photo sharing and direct contact to be carried out by 1 September this year and then a further risk assessment to be carried out by 17 April 2026 – that is a year from now – and thereafter, as often as the prospective adopters may request in future, in line with the children's welfare. In that way we see in September and then a year from now whether those forms of contact are safe and the prospective adopters are aided in their consideration of whether that would help the children.
158. I direct a copy of this order and the judgment goes to the prospective adopters' social worker, the IRO and the Local Authority where the birth mother lives social services, and the extracts I have identified to Y's Local Authority. These people all have a collective responsibility to ensure the court orders are put into effect. I think it would be helpful if there was a review meeting between the prospective adopters, their social workers and the Local Authority in the care proceedings to ensure that all the orders that have been made have been actioned. It may be the IRO could convene that and I think that the best point to have that is 1 September 2025 when the first risk assessments of direct and photo contact should have been provided.
159. I order that the Local Authority disclose to the prospective adopters such information as may be relevant to enable them to consider a civil claim in relation to the data breach. They are no doubt entitled to such information under a subject access request, but this order can mandate it by 1 June 2025. I record on the order that there should be two-way letterbox contact by agreement with 160. all parties between the birth mother and the children twice a year.
161. In closing this judgment, I wish to thank the social work team for the work they do. I know that they do an incredibly difficult job under extreme pressure, but I do encourage the Local Authority in the care proceedings to reflect on this judgment about things that they may do differently in the future. We are all learning, and I include myself in that, and if a judge gives feedback or orders or directions it should not be viewed as a telling-off but as one human being trying to help another human being in this flawed, imperfect system we work in to do the best that we possibly can for the children we serve.
162. I wish to thank the advocates for the way they have conducted this case. This is such a difficult and sensitive case and they have supported their clients. They have ensured that the court had what it has needed to make this very difficult decision and I am extremely grateful to every single one of them. Transcribed from the official recording by eScribers

163. I wish to thank the Guardian for her clarity and the continuity which she has provided in this case. Her evidence was of immense assistance to the court and she drew together all the strands and synthesised them in such a way that I could have an oversight of what was best for these children.
164. If the children read the judgments that I have just given in later life they must know that their birth mother loves them, that she showed courage in coming to court for them, that she never gave up on them; she made changes for them but sadly it was too late for them to go home to her. They should also know that the prospective adopters were selfless and generous in the way that they have put U and V first. I am sure that they found these proceedings deeply difficult, facing the prospect that the children they have come to love might be removed from their care. What is so striking is that both prospective adopters and the birth mother have shown a level of empathy for each other. The birth mother, by offering undertakings [redacted], and the prospective adopters, by thanking the birth mother for what she has done, particularly at farewell contact for U. Both of them have treated the other with real consideration and respect. I thank both the birth mother and the prospective adopters for this on behalf of the children whom they all deeply love. I wish the children well in their forever family and the prospective adopters, for their resilience and their love and commitment to these children, have my thanks.
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This transcript has been approved by the Judge Transcribed from the official recording by eScribers 27

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