

ENGLAND AND WALES / JUDGMENT

London Borough of Barnet v Mother (K) & Anor

COURT
IN THE BARNET FAMILY COURT

BEFORE
MS RECORDER PICCOS

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Source record

IN THE BARNET FAMILY COURT
SITTING AT THE ROYAL COURTS OF JUSTICE
Case No. ZW24C50114
Neutral Citation: [2025] EWFC 335 (B)
Courtroom No. 22
Strand
London
WC2A 2LL
Tuesday, 22nd April 2025

Before: MS RECORDER PICCOS

BETWEEN: LONDON BOROUGH OF BARNET
and
Mother (K) and Child (N) through her Children's Guardian
MS K CLAXTON appeared on behalf of the Applicant Local Authority
MS L LANDSBERG (Solicitor) appeared on behalf of the Respondent Mother
MS S STAMFORD appeared on behalf of the Child through the Guardian

JUDGMENT

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RECORDER PICCOS: Summary of my Judgment for K (Mother)

1. Before I give my formal Judgment, I want to let you know the outcome of this final hearing K. This is so you do not have to wait for me to read my long decision to find out what I have decided about where N should live for the rest of her childhood. 2. I have read all the documents about you, your partner, M and N and I listened very carefully to everything that I was told in court last week.
3. During this hearing N is the most important person in my mind and I have to decide what is best for her until she becomes an adult. 4. I also have thought a lot about how my decision will affect you, your family, M and N, including her relationship with her siblings O and P.
5. K I see that you love N very much. I know you have tried hard to have N live with you. I know you have tried your best to care for all your children as well as you can.
6. When you gave your evidence to me, you tried hard to answer all the questions you were asked. I know how much N likes spending time with you in contact and that she gets sad when it is time to say goodbye to you. 7. I have read so much about N. I know if it was safe for her N would want to live with you. I have heard how special N is.
8. As you know I am being asked to decide if N should live with you and possibly with M too. I also have to decide if I don't think it is safe and the best thing for N to live with you whether I should make a placement order, which will mean her current carers are likely to apply to adopt her.
9. The social worker, parenting assessor and children's guardian all think you have tried your best, but sadly they think N should continue to live with her current foster carers and that they should seek to adopt her.
10. The social worker and children's guardian think you should send her a letter twice a year, and if the letters are regular, and that letterbox contact goes well, then you should see her once a year. They would also like N to see O and P.
11. Although you have worked hard K the professionals, the social worker, parenting assessor and Children's Guardian don't think with or without the help of M that you can look after N. They think you would need someone to help 24 hours a day, seven days a week to care for N, to provide good enough care for her and keep her safe.
12. I know this will be very sad for you to hear K, but I have decided N cannot be returned to your care and that these proceedings should not be adjourned for a further assessment of you and M. I have decided she should remain with her current foster carers, and that I will make a placement order and they may then apply to adopt her.
14. I have many reasons why I have made these decisions, which I will explain in detail in my Judgment. In summary K I am concerned that you are or have until recently used illegal drugs; you have not engaged with the work you needed to do such as therapy to address your past problems and bereavement of your mother or the domestic abuse work. I think this means you lack insight, and you are involved in risky relationships. I am worried you are

very vulnerable and that you cannot manage on your own and that you immediately move from one abusive relationship to the next.

15. I am pleased to hear that you have stopped using cannabis and your use of cocaine has reduced or even stopped. I am pleased you are going to Mind and have recently agreed to engage with the Freedom Project and Solace. The issue is these are all recent changes and although your emotional health and living situation seems more stable, it is still early days and you still have so much work to do to look after yourself.
16. I agree with the social worker and children's guardian that you need to do the work on yourself before you can care for a child. I also would ask you to please reconsider and engage with drug support services – it could help prevent you having a relapse, and also to engage with bereavement therapy to help you come to terms with the loss of your mother and the loss of your children not living with you.
17. K, for all these reasons I don't think you can safely care for N, with or without M's help. There has been over one year for you to have addressed these concerns satisfactorily during these court proceedings and also during the time since the previous proceedings about O and P. You could have attended contact more regularly, undertaken the drug and domestic abuse work that were found for you and you have not done these things. In terms of the Mind resource you are attending, this work has only just started and it is not clear if this will provide the in-depth therapeutic help you need to address your past and the loss you have suffered. N needs a final decision and she can't wait any longer for you to make the changes and do this work, in order to be able to provide good enough parenting for her.
18. It is sad that there are no other family or friends who can care for N. Therefore, I have decided to make a care and placement order for N and for her stay with her current carers. I agree you should have the contact proposed and it will reduce in the way the social worker told us in court.
19. K do you want to have a break now so you can speak to your solicitor about my decision. I will then be reading in court all the legal reasons for my decision. K I leave it to you to decide if you want to come back to hear that, but I will understand if that is too hard to listen to, as I know you will now be feeling very sad. Your solicitor will be able to listen to it so she will be able to make sure you find out everything I have said and Judgment at some point will be typed out so that you, N and her long-term carers can all read it.

Judgment

1. These are care proceedings brought in relation to N, a girl born in 2024, who is aged one. This judgment I am handing down on day four of a final hearing which commenced on 15 April 2025. Prior to my judgment, I told K my decision with short reasons so that she did not have to wait for this full judgment to be handed down to know my decision. K has attended by video link today, as has the Guardian. The child is represented through her Children's Guardian, and her barrister for this hearing has been Ms Stamford. The child's mother has

been represented by Ms Landsberg. The children's father has not been identified in these proceedings. The London Borough of Barnet, who I will call "the Local Authority" in this judgment, have been represented by counsel, Ms Claxton. 2. K is vulnerable. She was assessed by Dr Campbell, adult psychologist, to have low intelligence. Therefore, I have been mindful of Practice Direction 3AA, this being consideration of ground rules at the commencement of the final hearing, and we have taken breaks for K during the hearing. To make this judgment easier for K to follow, I refer to the lay people in the case by their first names. The applications before me are the Local Authority's application for a care order, which was issued in March 2024, and the Local Authority's application for a placement order, which was issued in October 2024. Position of the Parties 3. The Local Authority seek a care and placement order for N. They seek the mother's consent to the making of the placement order is dispensed with. There is a care plan for adoption. N is currently in an early permanence foster placement, and the plan is that those parents will apply to adopt N. The Local Authority have changed their contact proposals on the basis of the Guardian's recommendations to allow letterbox contact twice a year and once-a-year direct contact, if all goes well. The Local Authority are also committed to working with the other social work team who is assisting O and P to see if direct contact between the siblings is possible in the future. The Local Authority's position was supported in its entirety by the Children's Guardian. K seeks to have N returned to her care. She made an application in the evening of 10 April, so one working day before this final hearing, for her to be reassessed jointly with the older children's father, M. Summary of the Background 4. In March 2024, the London Borough of Hounslow issued care proceedings in respect of N. The matter was designated to the London Borough of Barnet in April 2024 by agreement. The concerns in this case are in respect of Mother's drug use, her association with risky individuals including R, domestic abuse, the mother's engagement with professionals, the mother's criminal history, the mother's unstable housing and chaotic lifestyle. All were concerns which led to her older children being removed from her care and being made the subject of care and placement orders relatively recently, at the end of November 2023. 5. N's father's identity has not been confirmed, although it is believed to be Mr Q. He was approached by the Local Authority to complete DNA testing, but said he did not wish to take part in that or be involved in N's life. Details of the efforts the social worker has made in this regard are in the social worker's statements in the bundle. In summary, the social worker contacted Mr Q's parole officer. She then spoke with Mr Q. He said he was not N's father and refused DNA testing. He said he did not want contact with N once he was released into the community, as he did not believe he is related to her. I am satisfied the Local Authority have taken all steps to try and identify N's father, and these proceedings need to continue in his absence. 6. The parties agreed final threshold at the hearing in November 2024, and this is recorded in that order. Summary of the expert assessments 7. During these proceedings, there have been various hair strand testing assessments of the mother as well as a parenting assessment by an in-house parenting assessor, Syeda Abedin. There has also been a psychological assessment of the mother by Dr Campbell. Essentially, the experts in the case conclude that the mother is unable to safely care for N. Going through the mother's hair strand test results, the first one

of April 2024 showed that the mother tested positive for cannabis and cocaine from October 2023 to March 2024. The mother's hair strand test results of October 2024 showed that the mother had tested positive for cocaine, but the evidence of her cocaine usage has decreased over time. The report states that it was possible that cannabis was used during this period, but the presence of THC in conjunction with a cannabinoid cannot be regarded as an absolute indicator of cannabis use. 8. The parenting assessment of the mother was negative and concluded: "The mother has not grasped the understanding into how the trauma of the domestic abuse and drug use has led to the gaps and difficulties in her life. This insight is yet to develop to create a space for any safe parenting of a child. That parenting assessment was completed August 2024". 9. Dr Campbell's psychological assessment of the mother concludes that she has well below average intelligence and that she has apparent difficulties protecting herself and her child and children from harm or otherwise very problematic situations. He states, "The mother has shown poor judgment and alerted capacity to anticipate problems". He says that "The mother may well be hard to help to any significant degree due to her intellectual level". Her problems are complex, and he doubts her self-reflection capacities are very well attuned. While he does not diagnose the mother with a formal mental problem, he states, "There is little basis for seeing her as a changed person compared to how she was assessed and otherwise scrutinised in the care proceedings regarding O and P". He concludes that: "N will be at risk if returned to the mother's care and that the two main issues affecting her parenting are her low intellectual level and her fairly passive and somewhat dependent personality which can be closely associated with problem parenting when the mother becomes involved with the so-called 'wrong sort', such as she rather passively does not extract herself from situations, as the mother of a young child needs to stay well away from".

10. Ultimately, he concludes: "The mother is, at best, in the early stages of changing life. Part of this is that she has had a third child while not prepared, not planning to have another, and when the matter relating to her older children is still essentially active".
11. There have been no positively-assessed alternative carers identified for N. The mother has not consistently engaged with contact. She was invited to and missed six contact review meetings. I have seen a bundle of contact notes and I have heard a lot of evidence about contact. What I was pleased to hear is that the mother's engagement with contact more recently seems to have been better. That current contact is once a fortnight for two hours.
12. At the hearing in November 2024, the mother made an assessment for a family friend and her partner to be assessed. Proceedings were timetabled to allow that further assessment to take place, but neither engaged with that assessment. The most recent report the Court has received was the mother's hair strand test. That showed that the mother had tested negative for cannabis, but positive for the constituent of the use of cocaine. This, during the period tested, was at medium level, save for February 2025, when it was at the lower level. There has been no test result since February in this case, but the mother states that she has now stopped using cocaine. Certainly, the results seem to indicate that she has reduced her

usage.

13. The mother's updating statement of late March 2025, for the first time, stated that she had rekindled her relationship with her former partner and father of the older children, M. He was released from prison in October 2023, just shortly before the final hearing in respect of O and P in November 2023. One working day before this final hearing, the mother applied for a joint assessment with him. The Local Authority and the Guardian both oppose the further assessment of M and the mother. Summary of the oral Evidence Social Worker EA 14. In terms of the oral evidence I have heard, it has been as follows: firstly, I heard from the social worker EA . The social worker has been involved during the majority of the duration of these proceedings. She has filed her final evidence, which supports care and placement orders being made. Should the Court make a placement order, she confirmed her position had changed to support the contact recommended by the Guardian. The social worker endorsed that the mother's contact with N is positive and that she has got a good bond with her, and that N knows K is her mummy, but she remains concerned about the mother's drug use, her lack of engagement with CGL, which is a drug support group and Solace, which is a domestic abuse support group. 15. She was further concerned that the mother had recommenced her relationship with M and begun cohabiting with him, but she had not been open with professionals and told them about this. The social worker had not found out about this until the mother's statement of end March 2025. The social worker confirmed that the maternal grandfather had been clear that he could not care for N, and she did not support a further assessment of the mother and M due to the previous domestic abuse in their relationship and that that assessment would not be within N's timescales. I found the social worker to be a fair and helpful witness who assisted the Court and was fair to the mother in acknowledging the positive aspects of her relationship with N. Parenting Assessor Ms A 16. I then heard from the parenting assessor, Ms A. The parenting assessor had done her assessment, plus an addendum one, a few months ago. She confirmed she had read all the updating court documents before giving her evidence, and it was clear that she had a good understanding of the mother and the difficulties she has had. The parenting assessor was pleased to hear the mother had disassociated from R, but she was concerned that the mother had reconciled with M, given her long standing allegations of the physical, emotional and financial abuse that she had suffered in her relationship with him.
17. The parenting assessor was concerned the mother had merely moved from one abusive relationship with R back to a familiar, but another potentially abusive relationship with M. She did not consider any future assessment would be positive of the two of them, and that delay for a joint assessment of them was not in N's best interest. I found the parenting assessor to be a thoughtful and fair witness who clearly had a good understanding of the concerns in the case and the challenges the mother faces. Mother's current partner, and father of her older children, M 18. I am grateful to the mother's solicitor, Ms Landsberg, for arranging to file at court at short notice, a statement from M, and M then gave evidence to the Court. He joined by video link. At first, it was noisy, but his neighbours' builders kindly stopped their work so he could be heard giving his evidence. He accepted he had been

emotionally abusive to K in the past, but said that he had not been physically abusive, nor did he accept he had ever been abusive to his children, O and P. He said he had become abstinent from drugs in prison and had been released in October 2023. However, when the care and placement orders were made in respect of O and P, in November 2023, he said he had relapsed, started using cocaine, drinking alcohol and putting weight back on that he had lost in prison.

19. He told the Court he had not misused substances for the last six months. He also told me that he had not engaged with drug support services. He said the mother had contacted him in October 2024 by text message and then moved in to live with him the same day. He said they then recommenced their romantic relationship two weeks later. He said he wishes to parent for N with K. He accepted the mother should have told professionals earlier about their relationship, and then their joint assessment proposal could have been considered earlier. I thought M answered questions the best he could, and he came across as being fair. However, I was concerned he lacked insight into past concerns and the potential future challenges of caring for N. Evidence of the mother 20. I then heard evidence from the mother. It was really clear in the mother's evidence how much she loves N as well as O and P. She accepted she had not told professionals either about staying with S, who was someone whose property she had gone to stay in-between extracting herself from the relationship with R and reconciling with M. She said she did not tell anyone because she did not think it was relevant or that there was a requirement to do so. 21. I thought the mother's evidence showed her level of vulnerability. It was clear how utterly devastated she was and still is about her mother having passed away, and that she still has not come to terms with that loss. She described some really concerning incidents of control and abuse whilst she was associated with R. She described an incident when she was physically assaulted whilst heavily pregnant with N, and that R had controlled her finances and her movements. She explained it was when she had been abused by R in a pub that had led to a stranger called S coming to her help in July 2024. S, that day, offered the mother a room to stay in, and she immediately went to live there the same day. 22. She explained how that relationship with S was not romantic, but it became a controlling relationship, and that is what led to her texting M in October 2024. Both M and the mother confirmed that they had not been in contact with each other since January 2023, when M was in custody. The mother then met with M on the same day as the message she sent him in October 2024 and, again, moved into his property that same day. The mother accepted in her evidence she had suffered severe domestic abuse from M previously. It is concerning to hear how, just within two weeks of moving into M's property, she recommenced her relationship with him. Both parents accept that they have not done any of the domestic violence work that was recommended in the previous proceedings. It is of concern to me that not only has she not engaged with the Freedom Programme, but she did not do the vulnerability assessment work recommended by professionals.

23. K explained she had not abused drink or drugs until her mother had died in October 2022, and it was around this time that R befriended her. The mother accepted there were risks that Social Services had been concerned about both in the current and the previous proceedings, including her association with risky adults, her use of drugs, and M's behaviour towards her and the children. She accepted she had not fully engaged with professionals in the previous proceedings or in the current ones, and there were difficulties with the parenting assessment getting started in these proceedings due to her initial lack of engagement with it. She accepted in the previous proceedings she had attended just 15 of 115 contact sessions, and she recognised that this impacted on O and P. She also accepted she had not been consistent in terms of contact with N. 24. In respect of R, the mother was aware that there were worries around her drug use, criminality, including possible firearms offences, that she had been involved in a child abduction incident, and that she had had her own children removed from her care. The mother said that M had been physically abusive towards her and that in an attempted strangulation incident, she accepted she had been frightened "a little bit". K accepted that M had been physically violent to O and P and that "M had battered the children" and made them throw food at her, but that he was now a changed man.
25. The mother accepted that the concerns in O and P's case were continuing in terms of the current concerns in respect of N's case. This is evidenced from the two threshold documents in the two cases. The mother accepted she had not always been honest with the Court about her drug use. In the previous proceedings, she denied she was using drugs, only for the hair strand test results to be received two days after the final hearing, which confirmed she was using cannabis and cocaine. The mother said she last used cocaine around six months ago. She could not explain why the recent test results had shown her to have a medium use of cocaine followed by a low use of cocaine in February 2025. 26. She accepted there were many difficulties for her and M in caring for the older children and that these may be the same for caring for N. She told me she did not need any support with drug misuse and did not need therapeutic work for bereavement, but she accepted that she would in the future take up the help offered with regard to domestic abuse vulnerability. I know that the mother found it hard to give her evidence, and I think she tried as much as she could to assist the Court in her answers. Children's Guardian, KJ 27. Finally, I heard from the Children's Guardian, KJ. The Guardian confirmed none of the evidence she had read or heard during the final hearing had changed any of her recommendations. In respect of the proposal for the mother to be jointly assessed with M, the Guardian thought, in his oral evidence, he had come across well and presented as honest and fair. However, her concerns about him included that he had only been released from prison in October 2023; that he had had a very difficult time when his two children had been permanently removed in the previous proceedings and as a result had relapsed in terms of his drinking and drug use; that he had a mental health breakdown and that even on his own case, he would have only been clean from substance misuse and alcohol misuse for six months, so it is fairly new sobriety in the history of relapse. 28. She was concerned that if K was still using illegal drugs, this could cause M to relapse and vice versa. She was worried that the mother's hair strand test showed

that there could have been drug misuse during the time that O and P had been in her care. She was concerned about the previous history of domestic abuse. She was troubled that the mother had not sounded very committed to the relationship with M in her oral evidence, and was worried about what would happen if the relationship breaks down, as it has before. She said the concerns about the mother are so significant in this case that it was unlikely that any future parenting assessment of the mother with M would be positive. She did commend M, though, for making changes to his life, but she did not get the sense that he was enough of a protective factor to outweigh the concerns that exist in respect of K.

29. With regards to K, the Guardian was pleased to hear she was seeking help from Mind, but that does not seem to be the in-depth therapeutic support that she needs to get over her past traumas. She is concerned that K has not engaged in substance misuse support or domestic abuse support; that she has moved from one abusive relationship with M, to another with R to another with Q and that she is now back with M; that the mother has shown how vulnerable she is in those relationships; that there is the past history of domestic abuse with M and that Dr Campbell has assessed the mother to have low self-esteem and to not rely on supportive people. 30. In addition, that she has missed a lot of contact, which has not been consistent for N or in her best interest. Again, she was pleased to note that the mother's attendance at contact had got better more recently. She did not consider that N had been prioritised enough by K, and that given the previous proceedings and that she knew that she was pregnant with N during those proceedings, the mother had not made any changes quickly enough or with enough motivation to change. The Guardian told the Court how N enjoys her contact with the mother. She knows when it is about to finish, and she becomes unsettled and cries. Given how important contact is for K and N, the Guardian considered it was disappointing about how much contact K had missed. The Guardian was optimistic about N being able to have direct contact both with her mother and her siblings in the future. 31. In answer to questions from the Local Authority, the Guardian expressed her concern that the mother had not been open and honest with professionals about her relationship with M and not applied for the assessment of him until the final hearing. She agreed with the Local Authority that she did not consider there was a gap in the evidence in terms of the Court being able to realistically consider an outcome which meets the best interest welfare needs of N throughout her life at this final hearing. The Guardian agreed with the social worker that any further assessment of M and K was likely to be negative, given that K has already been negatively assessed recently and the level of concerns in respect of M and him being deemed unable to care for O and P by the court as recently as November 2023.
32. The Guardian was also in agreement with the parenting assessor that K has to work on a number of her own issues before she will have the capacity to look after a child. The Guardian was asked about the fact the mother had not been afforded the opportunity to care for N in a residential unit. The Guardian explained how this had not been supported at the outset of proceedings due to the proximity of the previous care proceedings, but that the Guardian had asked for a midway parenting assessment of the mother, so, if positive, that

could have meant residential placements could have been reconsidered. In fact, it was because the midway report was not positive that there had been no progression to a residential assessment of the mother. 33. In terms of some of the changes the mother has made more recently, such as engaging with contact better and attending sessions with Mind, the Guardian was concerned these changes were relatively recent and that the mother could have made the changes previously, but had not done so. She questioned how sustainable the mother's changes are and that there would need to be a long testing period, that she would need to remain abstinent from drugs and engage with support and that that simply was not within N's timescales. We have already been in proceedings for over a year.

34. The Guardian did not think delay was proportionate at this stage, based on what is known, and she did not consider there was any realistic level of support that could enable the mother to care for N. She said she would need 24-hour-a-day support to make that a safe option and she could not think of any support service that could manage that level of risk. I found the Guardian to be a thoughtful and fair witness. She had clearly given the case a lot of thought in order to balance the options and reach her conclusions and recommendations.
- The Law

35. The Local Authority are bringing this case and it is for them to prove it. In deciding any disputes of fact, I remind myself the test I need to apply is that I have to be satisfied on the balance of probabilities. The burden of proof rests with the person making the allegation. I am required to consider the evidence as whole, which I have done. I have considered the relevant law in respect of this case, both in the Children Act 1989 and the Adoption and Children Act 2002. Before considering whether to make any public law order, I have to consider whether the threshold criteria are met pursuant to section 31(2) of the Children Act

1989. That states: "A Court may only make a care order or a supervision order if it is satisfied:

- (a) that the child concerned is suffering, or likely to suffer significant harm; and
- (b) that harm, or likelihood of harm, is attributable to: (i) (ii) the care given to the child or likely to be given to him if the order were not made, not what it would be reasonable to expect a parent to give him; or the child being beyond parental control".

36. When considering "likelihood of harm", this means no more than a real possibility it will occur, with the conclusion to the effect that it must be based on facts established on the balance of probabilities; Re B [2013] UKSC 33. It is important to also bear in mind the need for a vigorous analysis of the threshold as pointed out in Re A (A Child) [2015] EWFC 11. There is not, in this case, any dispute that the threshold criteria is met. Indeed, that threshold document is agreed and appended to the order of HHJ McKinnell of November 2024. 37. I remind myself of the rights to respect for the family's family life, which is enshrined within Article 8 of the European Convention on Human Rights. The Court should only interfere with those rights if it is necessary, just and proportionate to do so. In determining what final orders to make, because the Local Authority's plan is for adoption, N's welfare throughout her life is my paramount consideration. I have had regard to both

Welfare Checklists in section 1(3) of the Children Act 1989 and the Welfare Checklist at section 1(4) of the Adoption and Children Act 2002. I may only make a placement order with the consent of all persons with parental responsibility or by dispensing with their consent on the grounds that the child's welfare requires me to do so. 38. In terms of care orders with adoption plans, I remind myself of the summary contained in *YC v UK* [2012] 55 EHRR 33 and that that says that: "Family ties may only be severed in very exceptional circumstances, and everything must be done to preserve personal relationships and, where appropriate to 'rebuild' the family...It is not enough to show that a child could be placed in a more beneficial environment for his upbringing". 39. I bear in mind that a plan for non-consensual adoption is a plan of last resort. Therefore, I should not endorse a plan unless I am satisfied no less an interventionist order will do. This was reinforced by the forceful language in the case of *Re B (A Child)* above. Baroness Hale of Richmond, having reviewed the case law, concluded at paragraph 198 in that case: "Nevertheless, it is quite clear that the test for severing the relationship between parent and child is very strict: only in exceptional circumstances and where motivated by overriding requirements pertaining to the child's welfare, in short, where nothing else will do". 40. I also keep in mind the case of *Re KD (A Minor Ward) (Termination of Access)* [1988] 1 AC 806 and the case of *Re D* [2022] EWCA Civ 896, where Jackson LJ set out that: "Adoption can only be approved where it is in the child's lifelong best interests and where the severe interference with the right to respect for family life is necessary and proportionate". 41. I was also referred in submissions to the case of *Re J (Care Plan for Adoption)* [2024] EWCA Civ 265, which I have read and contains a helpful summary of what is required of the Court when the Local Authority's care plan is for adoption. I have also read the recent case of *Re M (A Child) (Placement Order)* [2025] EWCA Civ 214. Therefore, I must weigh up all the realistic possibilities in this case and identify and analyse the harm which may flow from each plan as well as the benefits before coming to my decision. I must analyse whether any harm I have identified could be reduced or mitigated. In this regard, I must consider what resources the Local Authority could make available to enable the family to meet the child's needs. I have to be satisfied there is no practical way of the Authorities providing the requisite assistance or support before I make a care order with a plan for adoption outside of the family. 42. I have to evaluate the realistic options for the child and weigh them up side by side, which was the test considered in *Re B-S (Children)* [2013] EWCA Civ 1146. When considering the evidence, I also remind myself of the case of *R v Lucas* [1981] QB 720, which, although was a criminal court case, is one that I can rely on. This was supplemented by the recent decision in the Court of Appeal of *Re A, B and C (Children)* [2001] EWCA Civ 451. 43. I have been mindful of Practice Direction 3AA given the mother's emotional vulnerabilities. I have also had regard to the Court's overriding objective in Part 1.1 of the Family Procedure Rules and, in particular, that sets out I must deal with this case justly, fairly and quickly. Throughout this judgment, I have considered not only the parties' rights to a family life but the parties' rights to a fair trial. I must bear in mind at all times the need for the Court to adopt the least interventionist approach. 44. In terms of parents' capacities to change, I have borne in mind the case of *Sir James Munby of [Re S]* [2014] EWCC B44 (Fam)?] and in terms of placement orders, should I make a placement

order, I need to consider whether I should dispense with the parents' consent under section 52(1)(b) of the Adoption and Children Act 2002, I remind myself I should only do so if I consider that her welfare requires that I should do so in the sense of this being something that is necessary. That was set out in *Re P* [2008] EWCA Civ 535. Finally, I must only make the orders if they are considered as necessary, just and proportionate. Threshold

45. Threshold has already been agreed in this case and found met as I have already set out. Therefore, I will turn to N's welfare. Welfare
46. The framework I must carry out for my holistic evaluation of each of the options are the Welfare Checklists. I am mindful of section 32(1) of the Children Act, which requires the Court to draw up a timetable with a view of disposing of the application without delay and, in any event, within 26 weeks. N's case has now been running for over 12 months. This has allowed for assessments to be undertaken and time for any improvements to be observed. I agree with the Children's Guardian that N needs a decision, and it is not in her best interest for this to be delayed any further.
47. In terms of my welfare analysis of the mother's ability to care for N, it is clear from the papers the strength of love K has for N and, indeed, all her children. It is also clear that N loves her mum. Indeed, it was acknowledged by the Children's Guardian how sad N is at the end of contact when she knows she will be leaving K. The concern, though, is whether K can consistently and safely care for N. In my analysis of the mother's ability to care for her, I very much rely on the oral and the written evidence that I have detailed carefully already. In addition the threshold document details the concerns in the case.
48. As part of my holistic evaluation, I am going to analyse some of the concerns. K is committed to N, and she has tried hard with professionals to cooperate with the assessments. It is clear N and K have a bond. K has been committed to attending this final hearing and, indeed, she has attended every day in person until this judgment was handed down, when she attended remotely and heard my summary before then leaving the video link. I have no doubt K would like to make the changes to allow her to care for N. She is in the very early stages of demonstrating some changes, such as not using cannabis and reducing her cocaine intake. I am also pleased to hear she has engaged with Mind for some therapeutic sessions. However, that is not the in-depth bereavement therapy she requires.
49. In summary, K seems to have taken on board she needs to do some work on herself, and the professionals consider this crucial before she can care for N. However, the concerns about the mother's lack of engagement with the parenting assessment, the amount of contact sessions missed, and her not sharing information with professionals are all of huge concern for those involved in N's case. Care and placement orders were made in respect of O and P in November 2023. Many of the concerns within these proceedings existed then. Therefore, K has had time both before and during these proceedings to address those concerns. She knew what was being asked of her in order for her to safely care for N. She has not engaged with the domestic abuse services and she has had negative parenting assessments. She has not engaged properly with professionals, and she, herself, acknowledged she has not been honest with them about the relationship she has had with M who she has now reconciled with.
50. In terms of her drug use, she denied using cannabis

and cocaine in the previous proceedings, and after that final hearing, tested positive for both drug groups. I am really concerned to hear how badly the mother was assaulted due to drug debt that had not been paid which was connected to R. This highlights the serious consequence that can be associated with drug use, that it is not necessarily just about the mother's ability to be emotionally available for N, but that there can be other consequences that mean she cannot keep her safe. 51. I know that the mother now says she has stopped using cannabis and cocaine, but in terms of her drug usage, the last test shows usage up to February 2025, which was the time of the last test result. I agree with the submissions on behalf of the Local Authority that the evidence of K around her drug use was somewhat confusing, but I accept she has made progress. However, I also agree with the Guardian that this is untested in terms of if the mother goes through another difficult period. The mother accepts she has not engaged with CGL, nor does she think she needs to engage with them. M was in a similar position to that of K. She knows that the professionals have considered this work to be necessary and that it would help her, but she does not show any insight into the necessity for her needing to do this work. I am concerned that the mother's reliance on drugs as a coping mechanism has been in existence for the last three years, and there is simply not enough evidence before the Court to provide the reassurance that she no longer needs to rely on drugs in the future to cope.

52. Moving now to domestic abuse. K is clearly vulnerable, and there have been a lot of concerns about domestic abuse in her relationships with R, M and S. She has done none of the domestic abuse work recommended, but she does now recognise the need for her to do this. Taking each of these relationships in turn, the concerns regarding R are multi-faceted. She has abused and controlled the mother. She is apparently involved in drugs, has had her own children removed and is involved in criminality. There were longstanding concerns about the mother's involvement with R, a relationship which continued into these proceedings. The mother, in her statement in November 2024, described that relationship as "toxic" and that R was violently abusive towards her. 53. In March 2025, the mother described how she suffered physical abuse from R. In her evidence, it was clear how terrified the mother had been of R. Whilst it is understandable she may have found it difficult to extract herself from that relationship, it is of concern to the Court that she did not do so. Indeed, when she did, it was because a stranger intervened and assisted her rather, than her gaining the insight to know that she needed to extract herself from that relationship. 54. In terms of moving to the next relationship with S, the mother was in a pub with R when S observed that relationship with concern and reached out to the mother. It is really concerning to me that that same day, she then moved into a room provided for her by S. This was clearly risky. I was pleased that she seemed able to now reflect that that had been a potentially risky move. However, that relationship also developed into a domestically abusive relationship, and she said that S had controlled her.

55. That relationship continued until she messaged M. Previously, she had told professionals that she had been in a domestically abusive relationship with M. She told the social worker in these proceedings she had lived independently from November 2024, when, in fact, she had been living with M. The social worker was unaware of this or even of her resumed relationship with M until very recently. I am concerned that on the same day that she messaged M, she then moved in with him and commenced a romantic relationship with him within two weeks. This is despite the very clearly documented concerns about domestic abuse in her relationship with him, both in these proceedings and even more clearly in the previous proceedings. The mother tells me her relationship with M is now a good one that is not characterised by domestic abuse, and I hope that is correct. However, I am worried that the backdrop of none of the domestic abuse work done either the mother or by M, given the previous proceedings' concerns, that it is difficult for this Court to know what the trajectory is for their relationship.
56. The mother's vulnerability and susceptibility to being in abusive relationships is obviously a concern for her ability to care for her children. It was one of the reasons O and P were removed from her care. I cannot see much improvement in the mother's decision-making around being in risky relationships. That leads me to believe that N would be potentially at risk of domestic abuse caused by the mother's inability to make safe choices around the adults she spends her time with. The mother has shown in two sets of care proceedings that she is not able to prioritise her children over these risky relationships. She has not accessed the support she needs and that has been recommended to her by professionals. 57. In terms of her past relationship with M, the serious domestic abuse described was not just in respect of K, but also in respect of O and P. She said that he had been financially controlling, had spent her money that was meant to be for rent and had used her bank account in the fraudulent activity for which he was subsequently incarcerated. There was a description of M encouraging O and P to throw food at their mother. It really does concern me that with the abusive relationship history with M as described by the mother, that the best option that she identify was to extract herself from the risky relationship with S and to text and move in with M that same day. The mother's domestic abuse vulnerability work has not started, and it is simply not in N's timescale for the Court decision to be delayed whilst that work is undertaken. Emotional Health
58. The mother was clearly devastated when her mother died, and it had a significant impact on her. Dr Campbell was concerned about the mother's involvement in risky relationships and how she can be dominated by others. He said that she is well-meaning and warm-hearted, but that she has a poor ego strength and that affects her own self-belief. This has an impact on her ability to make her own decisions and be in charge of her own life. He described K as "a passive person". That description of her makes me concerned in terms of her relationship with M, because although both of them tried hard to tell the Court what was going on in their lives, it was clear that some difficult discussions about their past and the allegations made had not been had between them. There also seemed to be a lack of information and clear discussion making by them until recently, about what was being proposed in terms of

them seeking a further assessment of them both.

59. Accordingly, in summary, I am concerned the mother lacks the requisite insight in relation to the issues she faces and that she has not made any substantive steps to address these concerns. Further, that she lacks the insight in respect of the true depth of the problems she faces and there is still a lot of work for her to be doing to be able to safely parent for N. I accept many of K's difficulties are simply not her fault, but I have to balance that with the fact that N's welfare is my most important consideration. I explored whether there are any support systems that could be put in place to enable K to care for N, and I was told that there were not, that she would require 24-hour-a-day, seven days a week. This is simply not realistic, and no Local Authority could be expected to fund it.
60. Turning now to the mother's application for an assessment with M. The parenting assessment of the mother within these proceedings is negative. It was not challenged. The application for a joint parenting assessment was received very shortly before this final hearing. M was not assessed in the previous proceedings due to him being incarcerated for much of them, and then not seeking to have the children placed in his care upon his release. I found M to be frank with the Court. He was fairly candid about the fact that once his children were removed from his care permanently in November 2023, he suffered a mental health breakdown and relapse in terms of his drinking, his eating habits and his substance misuse. He said he had only really achieved stability in respect of this six months ago and is currently waiting for bariatric surgery in respect of his obesity.
61. Even on his own case, if he ceased drugs and alcohol usage six months ago, that abstinence is in its early stages and has not been tested. Clearly, because of the timing of the application, there are no hair strand test results in respect of M within these proceedings. It is to his credit that he is supporting K and putting himself forward to jointly care for her. He seems to care for K, and I am pleased to hear that their relationship appears to be more stable now than during the previous proceedings.
62. It was submitted on behalf of the mother that as N is in an early permanence placement and not expected to move, and so a delay whilst there is an assessment of the mother and M would not be detrimental to N. The Local Authority do not agree with this. They are concerned it could lead to a delay of up to six months whilst the assessments are carried out and further final evidence is filed, and the parties wait for a further final hearing. The reality is an assessment is likely to take two to three months. It could be said a viability assessment could be done, but there has already been information available to the Court to know what would come up in a viability assessment and, therefore, any further assessment would need to be a full assessment. That would then be followed by at least a period of six weeks for the parties to file their evidence and then await a further final hearing.
63. The social worker was clear in her evidence, as was the parenting assessor, that any assessment of K and M would be negative due to all the concerns that I have outlined, and that both M and K are at the start of their journeys in terms of their abstinence and addressing their various issues. I already have clear updating evidence that the mother is

unable to parent N safely. Sadly, this follows on from the conclusion reached only as recently as November 2023, when the mother was deemed by the court as unable to parent O and P. There has been very little change in respect of the concerns, or progress that the mother has made since then.

64. M is, of course, not N's biological father, but it is to his credit he cares enough for K to want to help her and put himself forward to be assessed. It is of a huge concern to the Court that K did not mention her relationship with M in these proceedings earlier than her statement of 30 March 2025. That concern is compounded by the fact that even in a recent meeting with the Guardian at the end of 26 March 2025, the mother did not mention she was in a relationship with M or living with him or that she sought to be assessed with him. It shows a complete lack of insight that the mother made this application just shortly before the final hearing. 65. I have already highlighted the concerns around the domestic abuse within K and M's relationship in the previous proceedings and their reliance on substance misuse. We also know that M struggles with his mental health and that the mother is vulnerable. In the previous proceedings there were also concerns about M's criminality and, indeed, he was incarcerated in the last set of proceedings. 66. I agree with the social worker and Guardian there are a number of issues that K and M need to address. They need to undertake the work with drug dependency organisations and domestic abuse organisations. M is about to have major surgery, and he is dealing with the matters relating to his health in terms of that operation. It is clear it is not safe for N to be placed in the care of her mother, even with the support of M. The mother has described M as "an awful person when he is using drugs", yet, on the mother's own case, she was using them relatively recently, as was M. It is possible that either of them or both of them could relapse. This was something that the Guardian and the parenting assessor were also concerned about. It was said by the Local Authority, "We have no means of knowing if M and K's relationship will be longstanding, especially as K did not seem certain of the future of it". 67. I have summarised the law, and, of course, the plan for adoption is a draconian one, and adoption should only be considered as a last resort. It is said on behalf of the mother that this delay for a further assessment could mean there is a potentially less drastic option available for N. However, I have to balance a further assessment with the fact that N's welfare throughout her life is my paramount consideration. I do accept what is said on behalf of the Local Authority and the Guardian that a delay for further assessment potentially impacts on her and her caregivers in terms of prolonged instability and uncertainty about her permanence.
68. The Court must consider all realistic options within the child's and the Court's timeframe, and, indeed, it has done so. The mother has been given over a year in these proceedings in which to put forward alternative family members. The order of April 2024 made by HHJ Corbett at paragraph five makes it clear any alternative family members need to be put forward at that time, as otherwise they may not be assessed. The mother's sister was put forward but was not positively assessed. The mother put forward a family friend as late as November 2024, and these proceedings were delayed so that that assessment could take place, which was also not positive.

69. The mother mentioned to the Guardian at the end of 26 March 2025 that she sought to put her father forward, but he has told the social worker he cannot care for N, and Mother and him have not pursued an assessment of him. The Court already has the information before it and a clear analysis of the professionals including the social worker, the Guardian and the parenting assessor to know that any assessment of K and M is likely to be negative and that it is not in N's best interest for these proceedings to be delayed for that assessment. 70. I have to balance all of the options available. I am mindful that adoption is a drastic measure, but that I must evaluate all the options available to the Court, which I have done. I am considering N's welfare throughout her lifetime, not just her immediate needs. Whilst the Court needs to explore all options, the Court also has the overriding objective and has to bear in mind N's welfare needs and that prolonged uncertainty can be detrimental to a child's emotional well-being. It can disrupt a child's attachment to her caregiver. It can delay the child's permanency to be in a permanent and stable home, and, therefore, I have to balance the benefits of any potential assessment against the potential of harm caused by further delay.
71. These proceedings have already taken twice as long as prescribed in statute, and the Court has the benefit not only of the evidence in these proceedings, but of the evidence of the recent previous proceedings. I have weighed all of this evidence, and I do not consider it is in N's best interest for this final hearing to be adjourned to allow for further assessment, especially when there is clear evidence already that that assessment is likely to be negative. 72. In conclusion, the parenting assessment of the mother and all the concerns I have highlighted show that, sadly, K is not able to safely parent N. The parenting assessor and the Guardian were clear; in order to meet the needs of N safely to a good-enough standard, K would need constant support, which is just not feasible. The child's welfare means she needs a final decision to be made about where she will live permanently. I do not consider the improvements or that further assessments can be achieved in N's timescales. Sadly, there are no alternative family members for her. For all of those reasons, I conclude that K, with or without the support of M, sadly cannot meet N's needs. I realise how devastating this will be for K, given how much she loves N and wants to care for her. I know how hard she has tried to have her returned to her care, but it cannot be done in N's timescales, and there is no support package to enable her to safely care for N. Welfare checklist 73. In terms of the Welfare Checklist under section 1(2) of the Adoption and Children Act, that affirms that N's welfare throughout her life is my paramount consideration. Dealing with that checklist, I confirm that N is just one year old, and so unable to vocalise who she would wish to live with. However, I think if she was able to tell me, she would want to be brought up by her mother or another family member if that could be done so safely. I am sure if that was possible, she would also want to grow up with her siblings. I think if N could not live with her mother or siblings, she would wish to see them. I am sure that if she could not return to her mother, she would wish to stay with her current carers, whom she has spent a lot of time with now.

74. N has all the needs of a young child of her age. That is a need for a family where she can be kept safe, where her needs for emotional support and stimulation are met and where she can grow and develop. I have considered the long-term impact on N of being adopted. This will cause her to lose her legal ties with her birth family. I recognise that, sadly, not all adoptive placements succeed. As stated on behalf of the mother, of course, there are no guarantees the adopters' relationship will not break down. I am aware that adoption can cause difficulties for children in adolescence and later life. 75. In terms of her characteristics, N is aged one year and one month, and her ethnicity is white British. She was at risk of harm when these proceedings were instigated as set out in the threshold document. K wished to care for N, and I have explained in my judgment why I do not think this can meet her needs, nor can any other family member.
76. The range of powers open to the Court includes to make no order, a child arrangements order, a special guardianship order, a care or supervision order or, as I am being asked to do, a care order with a placement order. My analysis of these options is as follows: one option is for N to be placed with her mother. That could be done under a variety of different orders, but for all the reasons I have set out, I do not consider it is in her best interest to do this as it will not keep her safe. There are no alternative carers that can care for N. For all the reasons I have set out, I am not adjourning this final hearing for a joint assessment of K and M.
77. Another option available to the Court would be for N to remain in long-term foster care. This may mean that she has more contact with her mother and with her siblings. Given N is only one, I do not consider long-term foster care to be in her best interest. It would mean she is a looked-after child for the next 17 years with everything that comes with that, such as having a social worker, LAC reviews and it would not offer her permanence. It could mean that she had a variety of different placement moves during her minority, and it would not give her the security of a family which she can belong to for the remainder of her life.
78. The Local Authority, supported by the Guardian, seek the child is made the subject of a care and placement order and adopted. I may make the placement order only with the consent of all the persons with parental responsibility; in this case, that is the child's mother, or by dispensing with their consent on the grounds that the child's welfare requires me to do so. I have considered the long-term impact on N of her being adopted. 79. 80. I have considered that my paramount consideration is her welfare throughout her life. I have considered the proposals that have been put forward in respect of contact, and I endorse those. That is that there is indirect letterbox contact twice a year and once-a-year direct contact, and that there may be sibling contact. I endorse those arrangements, but I do not consider they need to be ordered. I dispense with the consent of K in respect of the making of the placement order, and given the father is not identified, I do not need to deal with his consent. However, for the avoidance of doubt, if he is identified, then I would dispense with his consent too. 81. In conclusion, it is very clear nothing else other than adoption will do to meet N's immediate and lifelong welfare needs. I agree with the proposal on behalf of the Local Authority that various documents are disclosed to the foster carers identified to potentially adopt N. I am

happy to hear submissions in respect of any disagreement about which documents should be disclosed. I would ask that the Local Authority fund a transcript of this judgment, given the placement order has been made. 82. 83. I make final care and placement orders. I consider it just and proportionate that I do so. I would like to thank everyone for their hard work in the case; that is the advocates and the professionals. In particular I would like to thank Ms Landsberg for the support that she has given to the mother during this final hearing. End of Judgment. Transcript of a recording by Acolad UK Ltd 291-299 Borough High Street, London SE1 1JG Tel: 020 7269 0370 legal@ubiquis.com Acolad UK Ltd hereby certify that the above is an accurate and complete record of the proceedings or part thereof 26

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