

ENGLAND AND WALES / JUDGMENT

N (A Child), Re

BEFORE

HIS HONOUR JUDGE WILLANS

(sitting as a Deputy Judge of the High Court)

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IN THE FAMILY COURT AT WEST LONDON

Case No: ZW24C50314
West London Family Court
Gloucester House, 4 Duke Green Avenue,
Feltham, TW14 0LR
Date: 15 January 2026

Before: HIS HONOUR JUDGE WILLANS
(sitting as a Deputy Judge of the High Court)

Between: THE LONDON BOROUGH OF EALING
Applicant
- and -
(1) A Mother
(2) A Father
(3) N (by his Children's Guardian)

Respondent
Luke McLean (instructed by Ealing Legal Services) for the Applicant
Claudia Gough (FCILEx advocate of Creighton and Partners) for the First Respondent
Emma Hudson (instructed by Russell-Cooke Solicitors) for the Second Respondent
Lucy Cheetham (instructed by Lawrence & Co Solicitors) for the Third Respondent
Hearing date: 8 January 2026

JUDGMENT

Re N (A Child) His Honour Judge Willans: What the case is about? 1. 2. 3. 4. 5. 6. These proceedings are at week 73. The child in question will turn 3 next month. He has lived half his short life in the care of the local authority. The applicant local authority ("the LA") seeks a final care and placement order with a plan of adoption of the child, [] ("N"). This is supported by his guardian ("the CG"). His parents oppose this plan and seek the adjournment of the proceedings so that N can be placed into the care of the father's brother and his partner in India as special guardians ("SGs"). In the alternative they contend N should be placed with his mother, [] ("the mother"). N's father, [] ("the father") does not seek to care for N. In the further alternative they would accept a care order but, oppose the making of a placement order. What information do I rely upon? I have a substantial hearing bundle of over 1500 pages. I have skeleton arguments from each party. I have heard limited evidence from the allocated social worker and oral submissions from each representative. I bear all this information in mind as I do my experience of the case since it first came before me on 4 April 2025. What are the realistic options? In considering what final orders to make the Court must identify and weigh the respective realistic options. In this case when considering final orders, the only realistic option is a choice between a final care order alone and a final care and placement order. The only other option is for the proceedings to be further adjourned as sought by the parents. But that is not a realistic option as understood within the case law. For the avoidance of doubt that does not mean I will not seriously consider this option. The preferred option of placement with the SGs is not a realistic option today and it is impossible to identify a given date on which it might become a realistic option. Put another way I could not conclude these proceedings today by making a final special guardianship order. To do so would leave N in limbo with an uncertain future. It would be a decision which fails to safeguard his welfare interests. It is not suggested I should place N with his father. The evidence does not support such an outcome. I could not place N into the care of his mother, whether under a supervision or care order. This submission, which is opposed by all professionals, is unsustainable when approached through the facts of the case. N has not had contact with his mother since

2024. As long ago as January 2025 the mother was offered an assessment but failed to engage with the assessment. Since that date there has been no request or application for further assessment. Throughout the proceedings her engagement has been poor and as stated by the social worker, and accepted by me, she has declined offers of parenting work and support. During the subsequent period there has continued to be challenges within her life, and it is difficult indeed to understand what N's lived experience would be, were he to be placed with her. When last with her he was Page 2 7. 8. Re N (A Child) removed by the police in circumstances in which both parents were arrested and an imitation firearm found within his pram. Attempts at contact have broken down as a result of N's response to contact and there remains a residual concern as to what N's lived experience was when with his parents. The local authority has the benefit of an order permitting them to refuse contact with the parents since February 2025. At no point has the mother sought the

discharge of the same. Instead, a series of meetings have been planned as a route to re-establishing contact. These have not been either effective or successful. It is clear to me the proposition of return to mother as part of a final order is unsustainable. For there to be a return the Court would need evidence as to the re-establishment of a relationship with N, evidence of a change in living circumstances and a meaningful parenting assessment. What legal principles apply to this assessment? The law in this area is well understood. I will summarise it but keep the broad principles in mind. N's welfare is paramount. I have regard to his welfare throughout his life and apply the extended welfare checklist found in the 2002 Act. I must find the legal threshold crossed (this is not in dispute) but the establishment of the same does not mean an order must be made. The making of an order flows from assessment of the N's welfare in the context of the realistic options placed before the Court and through a holistic approach. This analysis ensures the Article 8 rights of the child and family are fully respected and ensures a placement order can only be made where there is no other realistic option that would meet the need of the child for good enough parenting. I can only make a placement order where a parent does not agree by dispensing with their consent and this can only be done where the welfare of the child requires me to do so. This case has focused attention on principles found in M (A Child) (Placement Order) [2025] EWCA Civ. 214. I have also been taken specifically to the case of Re E (A Child) [2014] EWHC 6 (Fam). M was a case in which the plan was for placement of a child with family in Pakistan. This plan faced a series of challenges and the hearing judge decided there could be no further delay and made a final care and placement order rather than adjourning the proceedings for one further attempt at solving the challenges. As is always the case the Court must be mindful not to overly draw on the facts of the case. All cases are unique. I keep this in mind. In the Court of Appeal, King LJ. upheld the decision making of the hearing judge. In her judgment (§57 on) she focused on the submission that a further attempt to resolve the case should have been taken before final orders of this nature were made. In doing so she drew on other authority which highlighted the 'trade-off' between the need for more information and the presumptive prejudice to the child of delay. Finding the balance between the two is acutely impacted where the Court is dealing with young children for whom any delay is likely to be significant and in circumstances in which the law prescribes a 26-week limit to proceedings absent reasons necessitating an extension. King LJ. made a further important point when observing that 'Day 1' for the consideration of acceptable timetables is the date on which the application started not the date on which the Court is asked to consider the extension. It is easy to lose sight of this in a case in which there have been a series of extensions with the focus only being on the most recent period of investigation. I will return to this below. I have referenced E in respect for the submissions placed before me, but I question whether it has resonance for this case. In that case the late Sir James Munby as PFD (§46), Page 3 9. 10. 11. 12. Re N (A Child) noted the importance of Courts within this jurisdiction recognising the need for transparency with overseas consulates and other authorities of relevant states. In my assessment these principles have been respected in this case. The background to this case? The father is aged 31 and the mother 21. Both are Indian Nationals. The father tells me he

came to this country in 2015 seeking a better life. It is unclear to me the basis on which he entered the country but that right lapsed some time ago and now he has no right to remain. The mother entered the country with her family under a visa in

2017. That has expired and she continues to seek to regularise her status to obtain indefinite leave to remain in this jurisdiction. The parents tell me they met online. Confusingly the father says this was in 2019 whereas the mother says it was in 2022. I am told their relationship led to an estrangement between the mother and her family. She fell pregnant shortly after this and the parents then entered a religious marriage in early 2023, shortly before N was born. Concerns arose pre-birth because of non-engagement with health professionals and concerns around the parents' capacity to meet the needs of a child in their care. On birth an initial child protection conference was held which concluded with a child protection plan based on concerns around neglect. Between March 2023 and July 2024, a series of child protection and core group meetings were held. The parents' engagement with the process was poor and concerns as to N's lived experience remained unaddressed. In February 2024, the parents were arrested on suspicion of theft in respect of bottles of alcohol found to be concealed in N's pushchair. In July 2024 N was placed into police protection following the parents being arrested on suspicion of theft. N was in company with the parents at the time and an imitation firearm was discovered in his pram. The police expressed concern around N appearing malnourished and the home environment appearing unkempt. The parents were placed on police bail with conditions they could only have supervised contact with N. N was accommodated under s20 Children Act 1989. On 15 August 2024, this application was issued. What has happened during the proceedings? In this section I will highlight the key procedural events during the proceedings. A full understanding of the proceedings can be found in section B of the hearing bundle. I will particularly focus on the period of the last 6-months which is central to the issues placed before me. ICO: 22.8.24 At a first urgent hearing the Court placed N into the interim care of the LA. This has continued through the proceedings albeit N has suffered a series of placement moves. At the date of the final hearing a further, and fifth move was anticipated. This hearing set interim contact at two times per week with a view to increasing to three times a week. Sadly, twice a week was never achieved. At this hearing, the order recorded that the Indian Embassy should be notified of the proceedings and invited to attend future hearings. The Indian High Commission has not sought to attend any hearings within the course of the proceedings. Page 4 Re N (A Child) 13. 14. 15. CMH: 16 October 2024 This order recorded further concerns around ongoing criminal activity. It noted poor engagement by the parents with the directions to date. It further set in train the assessment process of the SGs and an independent assessment of the parenting abilities of each parent. The Court appropriately directed legal advice as to the procedural requirements were N to be placed with the SGs in India. An IRH was fixed for 5 March 2025. FCMH: 5 February 2025 The Court granted permission to the LA to refuse contact with the parents. There had been consistent issues with contact. On multiple occasions the parents had failed to attend contact. Further, on each of the occasions on which contact occurred, N demonstrated a high level of distress

when engaging with either parent. Whilst there were positive moments the contact was viewed as being emotionally harmful with N crying in distress, pulling away and vomiting. The explanation for this concerning response must remain a matter of speculation in the absence of clarity as to N's previous lived experience. The last contact was between N and his mother on 17 December 2024. The application in support of this request stated that of 16 contact sessions offered between August and December 2024 only 4 were attended (2 by the parents together and 2 by the mother alone). The parents failed to engage with the parenting assessment as clearly set out within the assessment report. The assessment of the SGs was positive. FCMH: 4 April 2025 This was the first hearing before me. The case was reallocated having regard to the placement proposals and the need for High Court approval. I have subsequently, with permission of MacDonald J. heard the case sitting as a Deputy Judge of the High Court. At this hearing, the LA provided an indication of its likely care plan which was for placement of N with family in India. The order records the submissions of the parties as to the process underway for registering N's birth with the Indian High Commission in order for him to gain a Indian Passport and for the SGs to obtain a visa to travel to this jurisdiction for the purposes of transition planning prior to the making of a final order. The parents agreed this plan. I again repeated the direction to both notify the High Commission and offered an invitation to attend forthcoming hearings. I fixed an Early Final Hearing for 20 June 2025 by which time all procedural steps were expected to have been completed, the SGs would have entered the jurisdiction, transitioning would have occurred, and the case would be ready for final orders. On 10 May 2025 I modified the timetable following a consent application on the basis that this would not impact upon the EFH. EFH: 20 June 2025 16. This hearing was not effective. The order sets out in the clearest terms my concerns as to the management of the case in the period between the previous hearing and this hearing. These concerns were directed at the legal department of the LA (rather than the social work team) and the other parties who it appeared to me had failed in their Page 5 Re N (A Child) duty to the Court under the overriding objective. Two days before this hearing I was told it would be ineffective as steps taken to register N's birth had not been successful, that the parents passports (which I had been told were available to enable the registration) had in fact expired and would need to be renewed and that the SGs had not entered the jurisdiction, indeed they had not even applied for visas pending resolution of the birth registration. I was provided with a clear revised timetable and asked to timetable in accordance with this. When I received this update, I had notified the parties I was considering making final orders at the hearing which might include a SG order and enquired as to whether the SGs would, if made, consider a s20 accommodation pending their arrival in the jurisdiction. Alternatively, I raised the suggestion of making a final care order with a plan for discharge on successful entry. I heard submissions on this suggestion, and my order sets out the position taken by each party in this regard. A significant aspect of the argument was the challenge that had been experienced obtaining the parents' engagement in the documentary process and the risk this would simply fall away should the proceedings end and the parents' not be represented. Having reflected I followed the shared position of the parties but cautioned in

the event of further delay the Court might make final orders at the next hearing. However, in the light of the above and in breach of the basic principle that proceedings should be limited as to hearings, I determined the case now demanded active judicial oversight at each stage to avoid further delay. My order required the visa application to be pursued immediately and set out the specific dates for the parent's passport applications to be made and the consequential dates for birth registration appointment at the High Commission. I listed the case to be heard on 1 August 2025 when I could review the success of the steps taken pursuant to the Order. The order sets out a detailed chronology of expected steps in advance of a further EFH on 1 August 2025. I made a separate order for sharing with the High Commission to facilitate the process. This Order set out the care planning in the case and made a respectful request to the High Commission to take such steps to facilitate the obtaining of the necessary documents to allow the same. In a postscript to the Order provided after the hearing (but included in the order) it is noted that the effort to obtain an expedited passport had failed. As a result, the order set out my request to the parties to consider the question of a combined SGO and care order (see F & G (Discharge of Special Guardianship Order) [2021] EWCA Civ 622) to help in finding a way through the impasse.

FCMH: 1 August 2025 This Order commences with a respectful request to the High Commission regarding the registration of the birth of N on the appropriate register. The order respectfully requested a timetable from the High Commission as to the likely timetable for documentation to assist with the care planning. I further provided a letter addressed to the High Commissioner of India supporting such request and authorised its release to him alongside the Order. At the time of the hearing the father was not in attendance having been remanded in custody following a recent arrest. The Order recorded the planning was for a placement in India but that this was contingent on documentation being obtained. I was once again urged not to conclude the proceedings but to give the process a further chance. The Order makes clear the High Commission was conscious of the case and willing to do what it could to assist. The order made clear that were Page 6 17. 18. 19. 20. 21. 22. Re N (A Child) this plan to fail the plan would then likely be one of adoption. I adjourned the case to 7 August 2025 to ensure compliance with its terms. This was due to my concern as to whether the mother would keep the appointment with the High Commission arranged by the LA on her behalf. FCMH: 7 August 2025 The mother kept her appointment in company with the social worker. Unfortunately, additional information was required. More importantly the SGs had been refused a visa with no right to appeal. The order set out a host of steps to be taken by the LA to attempt to resolve these growing issues. The order included specific recitals which I permitted to be shared with respect to the visa application to help support a further visa application. The LA expressed a growing concern as to permanency and indicated a need to consider alternative planning towards adoption. I directed an updating statement to consider the question of continued viability of placement in India and asked the LA to consider to what extent they might be able to activate the plan by transitioning in situ in India. FCMH: 1 September 2025 This was a further procedural review hearing. The father was now subject to a deportation order and was on bail whilst he appealed the decision. Adoption was now a parallel plan if an SG

outcome could not be achieved. As before the Order set out a clear timetable for the remaining obstacles to be addressed. I pause to note at this stage none of the following had occurred: (a) the child's birth had not been registered with the High Commission; (b) the mother had not obtained her renewed passport (the father's passport had become less relevant), and (c) no visa had been issued to the SGs. I fixed a further review hearing.

FCMH: 9 October 2025 By this point a second application for a visa had been refused with no right to appeal. The application had been supported both by the LA in correspondence and by disclosure of the terms of previous Court orders, indeed I issued a freestanding order for sharing for these purposes. The LA were moving closer to adoption as their plan whilst not ruling out SG. Consideration turned to whether a discretionary UK passport might be obtained to alleviate the difficulties in tandem with an OCI (this is an Overseas Citizenship of India certificate/card. An Indian National cannot hold dual citizenship and so many Indian Nationals who have elected to hold UK citizenship also hold this right which grants significant but not all entitlements in India). I indicated consideration would be given to concluding the proceedings at the next hearing. I found threshold proven based on the agreed threshold document. I gave directions for a placement application, directed 'final' evidence, and fixed both an IRH and final hearing.

IRH: 22 December 2025 23. At this hearing I was asked to direct the High Commission to attend the final hearing with a view to questions being asked of the High Commission at the hearing. I pointed out the Court of England and Wales had no jurisdiction to act in such a manner. Page 7 Re N (A Child)

Throughout the proceedings the High Commission had been appropriately offered the opportunity to attend hearings and had been respectfully invited to assist. There were boundaries to the authority of the Court even when sitting and exercising the inherent jurisdiction. In the order I 'accepted...the case has reached a point at which the Court must consider whether a line should be drawn, noting the very significant delay in the proceedings, the ongoing administrative barriers and external dependencies, and the absence of any clear or workable route to progressing the proposed placement in India, notwithstanding the substantial additional time afforded by the Court.' I confirmed this final hearing. What are the arguments? 24. The LA argue they have done all they can do and that the time for final decisions has now come. N is suffering real and significant emotional harm with the delay of these proceedings. He has experienced multiple placement moves and his welfare demands permanency now. There is no basis for considering a further adjournment will resolve the existing issues and no timetable for the same in any event. The Court has permitted extensive opportunity for these issues to be resolved. Sadly, the efforts have failed. There is no presumption in favour of a family placement. N needs a permanent family. The evidence does not support a final order placing N with his mother and a care order without a placement order would simply continue the delay. The LA have reached this position reluctantly. Through the last 6 months they have pushed back against my suggestions of finalising the proceedings on the basis that they wanted to do more to achieve placement in India. This conclusion has plainly been reached only after significant reflection. 25. The CG echoes these views. As with the LA she had sought to investigate all routes to family placement. She has consistently and firmly argued against earlier final

orders and has sought to identify steps that might resolve the problems we have faced. However, she has reached the conclusion that time has run out for this option and N now must have a chance for an adoptive family.

26. When questioned both the LA and CG recognised that were the factual circumstances to change shortly after any order then the LA would be highly likely to reflect on such a change if this meant that that which had previously been sought could now be obtained with confidence. But neither suggested I should fetter any order by clauses requiring action given the uncertainty surrounding the circumstances that might prevail at such time. Both opposed the notion of further adjournment on the basis that the Court had done everything that it could be expected to do and that the time for further effort had come to an end. The CG whilst accepting the proposed outcome was a stark interference in family life which justified the approach that nothing else would do, rejected the suggestion that every stone should be overturned. 27. The mother made her arguments for placement with her. I have addressed these above. I understand why these submissions were made but they have no evidential foundation and any order to such effect would be unsustainable against challenge. I note no application for a further assessment has been made and that her final statement deals with her role as potential carer as default to care by family and is contained within a single paragraph of four lines. It in no way explains how the Court might overcome the myriad of concerns arising with respect to such care. The mother Page 8 28. 29. Re N (A Child) supported the submission for an adjournment made by the father although she did not issue any application for the same and indeed her skeleton argument for the hearing asked the Court to make a final care order permitting further effort to make to bring N together with the family in India. It can be seen this is an endorsement of the suggestion previously made by me in June 2025. The father made no case for himself nor for the making of an SGO but argued for an adjournment. In default he offered support for the mother's proposals to care. His argument had two parts. First, it was said I should adjourn to permit further steps to be taken to achieve that which had not been achieved to date. As part of this it was said there was a gap in the information in that the Court could still do more to obtain from the High Commissioner clarity as to the timescales for the outstanding documents. It was said the Court should first invite the High Commissioner to attend Court prior to reaching final decisions. I was asked to reflect on the possibility that matters might in fact be close to successful completion and that it would only be via the High Commissioner that this could be confirmed. Second, I was asked to transfer the case to the High Court at the Royal Courts of Justice on the basis this might more successfully achieve a response from the High Commissioner. I was in fact hearing the case at High Court level and so this was more an argument for the matter to be before a full time Judge of the Family Division sitting at the RCJ. No application had been made for either of these proposals. It was raised for the first time in argument and the transfer point only raised in oral submissions. Understandably this argument was surrounded by reference to the nature of the decision I was being asked to make and the principled agreement of all that the SGs were a preferred placement option for N. In these circumstances I was urged to modify the

position I might have taken absent such circumstances. Discussion I heard limited evidence from the social worker, Ms Reeny Burgula. This did not materially change my understanding of the case, but it did reinforce the impact the proceedings are having on N, and the profound need he has for permanence. The social workers efforts in this case deserve recognition. From her statement it is clear she is a recently qualified social worker but notwithstanding that her work on this case has been exceptional. She has gone far beyond the expectation on social workers to assist parents. She has organised for the mother and facilitated her attendance at a number of appointments relating to the various documentary requirements in the case. I am confident that without her efforts we would not even have reached the stage we have in this case. She has shown commitment and perseverance in finding the best outcome for N. When directed she has provided clear and helpful evidence to the Court. She has been the allocated social worker in the case since my involvement and has a clear understanding of N's needs. Her rejection of the proposal of mother as carer was reasoned and realistic. I am in no doubt she has reached the conclusion of a placement order with real regret and that she has not done so without first confirming to herself that there is no other realistic option for N which can be obtained with confidence within his timescales. 30. One of the real issues in this case is whether in delaying an outcome the Court has in fact already travelled outside of N's timescales. I remind myself of the debate in June 2025 when I was raising the potential for a final order in conjunction with ongoing Page 9 Re N (A Child) work around overseas placement. At that time I envisaged, and I believe expressed the view, that this might then permit a period of perhaps 6 or so months during which the LA would progress the placement and would then have bring the case back to Court either for discharge of any care order (if successful) or to seek a placement order (if not). In agreeing with the parties and not taking this approach, I have in fact brought this process into the proceedings. But there should be no doubt this process has now been attempted, and I struggle to now see a conceivable child focused basis for attempting to repeat the same once again outside of proceedings by the simple making of a care order alone. I struggle with the suggestion that there has been inadequate liaison with the High Commission. From the first order in this case the High Commission has been aware of the proceedings, and the detailed procedural chronology above sets out additional and significant steps taken by the Court to obtain exactly that which is now sought through a further invite and adjournment. I have respectfully requested information, I have written to the High Commissioner, I have disclosed orders. Appointments have been obtained and kept. There is no reason to believe an invite will lead to a materially different outcome. It is not as if the Court has simply been ignored by the High Commission. At each stage there has been feedback as to the further procedural steps required and the deficits in the information. At this time there remain deficits in information relating to police checks in India. But this does not mean this is the end of the difficulties or that the process is now ready to be successfully completed. The parents have been part of this process throughout and have been represented. The High Commission is their High Commission and the documents sought are their documents. The issue of passports is dependent on them obtaining further documentary evidence. Yet despite the social worker taking on the duty of

fully supporting this the mother does not have a passport and there is no timeline giving confidence as to when it will be received or indeed if it will be received. The birth registration as a route to nationality cannot proceed without proof N is the child of an Indian National. The passport is the gateway to this. The route to transfer via a UK passport and OCI is obstructed by the fact the OCI itself requires the same essential building blocks to establish N has a route towards Indian citizenship. As such whilst the making of a care order will allow the LA to seek to regularise UK status and whereas adoption will grant N the status of adoptive parents, a care order will not permit N to achieve Indian citizenship or OCI. Indeed, the granting of a UK passport is in direct conflict with the obtaining of Indian citizenship where dual nationality cannot be held. I consider the question of a discretionary UK passport is not the solution either. It is problematic in circumstances in which it is being sought with an active intention for international relocation in any event. But it doesn't answer the points raised above. In short there is no short-cut to resolving this log jam. The essential component will remain the mother establishing her nationality rights in order that she can pass the same to N whether via direct nationality or via OCI. This is what I have been actively managing since April 2025 without success and now without confidence as to any timeline for success. The confident timelines given to me on multiple occasions have turned out to be illusory. So, I am left to consider adjournment based on a calibrated 31. 32. 33. 34. Page 10 35. 36. 37. Re N (A Child) level of confidence that that which has previously not happened will now happen within the foreseeable future and within a period consistent with N's wellbeing. The social worker pointed out that any placement would now be contingent on transit of N to India for transitioning. She noted the challenges this would bring as she would on arrival have no status as a social worker and so her care of N would be precarious to challenge. I recognise the LA have not ruled this out but there has been no ability to finely analyse how this plan might work given the failure to have a basis for actioning it. But this is the only way in which it could work. No one suggests there is any grounds for confidence that the SGs could travel here for transitioning. One can only speculate how this international transition might be managed should N demonstrate any of the responses he evidenced during contact with his mother. Whilst the SGs have been having indirect contact with N they have never cared for him, met or held him. For the avoidance of doubt an alternative route of a Petition in India is not one which is likely to be within N's timescales. There can be little doubt of the efforts made in this case as set out within the chronology above. At each stage active consideration has been given to finalisation and balanced against an alternative timetable to achieve success. At each stage, the Court has, and sometimes with reluctance, accepted further delay. I am being asked to do so again. But this is not Day 1; we are in fact beyond Day 500. The clear evidence which I accept is that N is not theoretically suffering harm because of delay but is actually suffering evidenced harm as shown by his day-to-day presentation. The parents rightly point to the stark outcomes raised by the case, but I must not lose sight of the potential that N suffers irreparable harm whilst I hesitate. I have regard to the extended welfare checklist. It is clear to me the heart of any assessment of this form is bound to focus on the need for permanence for N in a natural family setting in which he has a central role and a settled life-

long relationship with his care givers. Through this relationship he will have the best chances of building and sustaining both family and wider relationships and in doing so will have his emotional and broad physical and educational needs met. This is not in dispute with the issue being the prospects of this being done within family in India or otherwise in this jurisdiction. Certainly, an open-ended placement in care without confidence of permanency would be both damaging and destabilising to N's welfare with impacts on him throughout his life. No-one in this case argues for care as an outcome for N but I need to be mindful that through delay I might limit options available for N leaving only foster care on the table. Whilst this has met his basic needs to date there is good evidence that it is not working and is not a solution for N. It very rarely will be for a child of his age. It is easy to understand why such an effort has been made to secure a family placement for N. This would underpin his culture and identity and would be a basis for him travelling through life fully understanding of his background and embedded within culture and family. Alternative adoptive placement might support these cultural features but is most unlikely to do so at the same level as a family placement. In making this point I appreciate that N has not been able to maintain contact with his parents and as such his day-to-day association with his culture and background is dependent on the character and efforts of his foster carers. This would remain the case in the event of adoption. Page 11 38. 39. 40. Re N (A Child) The focus on N's personal characteristics requires me to have regard to his age and the significant delay in achieving permanence to date. The case is at 73 weeks and nearing three times the permitted period. Whilst each adjournment has been justified it has come with a harmful impact on N in delaying further the time when he can build lasting attachments to lifelong care givers. A point will be reached where delay may prevent him from doing so whether appropriate candidates are available or not. The SG approach highlights the benefits of family placement in permitting contact with the parents. I must be cautious in this regard though in the light of the difficulties the parents have shown in engaging with contact during the proceedings and the uncertainty of the route map towards contact in India given their difficulties with documents. I also bear in mind the challenges that contact has thrown up and can only speculate as to how SGs might manage these circumstances in future in India were they to arise. I must think about how adoption and the severing impact of the same will impact upon N in future years. There is a real potential for this impact to be significant and negative if poorly managed. However, against this must be set the reality that the child-parent relationship is currently severed and there are no clear grounds for optimism as to it being re-established within a confident timescale. I distinguish this from severance from wider family in respect of whom N has no significant existing relationship. But this does not mean a time will not come where the fact of adoption and loss of family will not cause N meaningful emotional harm. But at this time severance is a fact that will have to be addressed in any event, and the more pertinent question is as to whether this will be best met through a loving and nurturing relationship with settled carers. In my assessment N will come to understand his life story and be able to accept it, if it is addressed with him out of a settled, loving, and stable relationship. I am obliged to have regard to the views of relevant parties in N's life, their relationship with him and the likelihood of that relationship

continuing and the ability of that party to provide an environment in which he can have his needs met. Sadly, whereas I have regard to his parents' views, they do not have a current relationship with N and there is no sound basis for believing the relationship will continue. Indeed, at this point it needs to commence. I should have regard to the position of the SGs and do so. They have a limited relationship with N and on the evidence would actively pursue the same and seek to develop it given the opportunity. I keep this in mind. But undoubtedly, it is not a relationship which could justify long term foster care as an alternative were it to simply continue at the current level. The issue at the heart of this judgment is their practical ability to provide N with an environment in which he can have his needs met. This remains an unresolved question, and one cannot avoid the potential that they may not be able to achieve this outcome or that it will only arise at such a time that N will have suffered harm which may itself then undermine the relationship they can offer. I have regard to the harm he has suffered both as found in the threshold and in the delay in the proceedings. As with much of the above these factors highlight the imperative for a decision to be made. 41. I am obliged to undertake a holistic balancing exercise between the realistic options. Here the available final options are either a care order alone or a care and placement order. But no one argues for a care order for its own sake. Instead, it is seen as an option which would permit the continued pursuit of the SG route. No party argued Page 12 Re N (A Child) that foster care would be the right answer for N were he to be unable to be placed in India. If they had I would have no hesitation in rejecting this argument in the light of his age and his need for permanence and in the light of the evidence of the impact foster care is having on him. I recognise there will remain uncertainties as to the prospects of placement but there are no fundamental grounds to believe that placement is not a realistic option. The case law makes clear my duty is to determine whether this is an outcome consistent with N's welfare rather than to second-guess how the search for placement will play out if the Court permits the same. The social worker was asked to consider whether the currently unresolved nationality status might stifle the search for adoptive carers. I do not see it would. I am in no doubt that absent adjournment the right answer for N must be care and placement. But should I adjourn as argued? Plainly it would leave open an outcome with separate and additional benefits. But it would give no guarantees that this could be achieved, and the delay occasioned by the same may end up restricting the care and placement option should it have to be returned to later. I have reached the conclusion the time for final orders has been reached. Sadly, with hindsight I consider the time for reaching this decision was crossed some time ago. The Court has acceded to arguments for further time and the same have been permitted but N's welfare cannot permit further delay based on a hope that something will change in circumstances in which the Court has no control whatsoever over effecting that change. The options for N were identifiable in April 2025. At that point it was clear that N would either be placed with the SGs or would be subject to a placement order. We are nearly 9 months on, and the first option has been pursued to the boundaries of permissibility when one has regards to the welfare of the child at the heart of this analysis. This was a merited search for placement within family and within community, but sight should not be lost of the fact that it was a search for a placement with individuals with whom

N had no real relationship. This has not been achieved and to delay permanence in such pursuit would now be plainly contrary to N's welfare. To do so runs the risk that I sacrifice N's long-term welfare in search of an ideal. I remain troubled I have allowed this to go on too long. I am not willing to permit it to be delayed any further. I will make care and placement orders. I dispense with parental consent as N's welfare requires me to do so. Nothing other than adoption will do. It is a stark interference in N's family life, but his welfare demands it, and this makes it a decision which is proportionate, reasonable, and necessary. This is not a case for making or reciting contact expectations. At this point a section 34 order continues and no contact has occurred for over a year. It must be for the LA to engage with any requests to reinstate contact through an appropriate risk assessment process. Certainly, finding permanence at this point should be prioritised over contact resuming after such a period. This is not a case for a s26 order. I cannot rule out the possibility that the log jam identified above will be removed. In such circumstances the LA would need to reflect on what this means for the future planning for N and whether their previous plans remain viable and obtainable. But context will be everything, and it would be neither sensible nor helpful for me to speculate as to the appropriate response in such uncertain circumstances. They would need to be mindful of the extent to which their decision making might later upset 42. 43. 44. 45. Page 13 Re N (A Child) adoption planning. If this arises and the parents do not accept the decision made then the route of revocation will remain open to the parents. 46. These are my conclusions. They are made with a heavy heart, but I am sure this is the right decision in January 2026. I will send this decision out and will receive corrections and requests for clarification no later than 4pm on 13 January 2026. I would ask the representatives to notify me of any further redactions required to maintain confidentiality on publication other than redacting the heading and paragraph 2 of this judgment. This judgment can be shared with the parents and when finalised should be disclosed to the High Commission. I will hand down my finalised judgment as previously notified at a remote hearing at 9am on 15 January 2026. HHJ Willans Page 14

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