

IMPORTANT NOTICE

No-one shall publish or reveal the name or address of the mother who is the subject of these proceedings or publish or reveal any information which would be likely to lead to the identification of the mother or of any of her children in connection with these proceedings.

Neutral citation number: [2022] EWFC 97

MB14/22

IN THE FAMILY COURT SITTING AT MIDDLESBROUGH
ADOPTION AND CHILDREN ACT 1989

BETWEEN

A MOTHER

Applicant

And

A LOCAL AUTHORITY

Respondent

JUDGMENT

The Application

1. In this matter the Applicant, who I shall refer to in my judgment as 'the mother', applies for permission to oppose the making of an adoption order in respect of her son, who I shall refer to in my judgment as 'B'. The application for permission to oppose was listed before me for final hearing on 10 June 2022. The mother represented herself with the assistance of a McKenzie friend. The Local Authority was represented by Ms Harland. I have read the hearing bundle and heard oral submissions from the mother and on behalf of the Local Authority.

The Law

2. Section 47(4)(c) of the Adoption and Children Act 2002 provides that an adoption order may not be made in respect of a child who has been placed for adoption under a placement order where a parent opposes the making of such an order. However section 47(5) of the Act says that a parent may not oppose the making of an adoption order without leave of the court. Section 47(7) provides that the court cannot give leave to oppose the making of an adoption order unless there has been a change of circumstances since the placement order was made.

3. The law relating to applications for leave to oppose adoption has been very helpfully summarised by Pauffley J in *Re LRP (A Child)(No 2) (Leave to oppose adoption application)*, *CH v London Borough of Merton* [2014] EWHC 3311, as follows:
 1. “My intention is to summarise the essential themes emerging from *Re P (Adoption: Leave Provisions)* [2007] 2FLR; *Re B* [2013] 2FLR 1075; *Re B-S (Adoption: Application of s.47(5))* [2013] 2FLR 1035; *Re W(Adoption Order: Leave to Oppose)* *Re H (Adoption Order: Application for Permission to Oppose)* [2014] 1FLR 1266.
 2. The grant of leave is a two -stage process. The first question is whether there has been a change of circumstances. The change must be relevant or material to the question of whether leave should be granted. It must be of a nature and degree sufficient to reopen consideration of the issue, but the statute does not require that the change be significant. Whether or not there has been a relevant change in circumstances since the placement order must be a matter of fact for the good sense and sound judgment of the tribunal hearing the application (*Re P supra*).
 3. The bar should not be set too high because parents should not be discouraged from bettering themselves or from seeking to prevent the adoption of their child by the imposition of a test which is unachievable (*Re P; Re B-S supra*).
 4. If a change in circumstances is established, the court must go on to consider whether leave should be given. It will be necessary to evaluate the parent's ultimate prospects of success in opposing the adoption application. Are they more than just fanciful? Do they have solidity? In that connection, the judge must remember that the child's welfare throughout his life is paramount. The

judge will bear in mind events from the past, the current state of affairs and what will or may happen in the future. There will be cases where despite the change in circumstances, the demands of the child's welfare are such as to lead the judge to the conclusion that the parent's prospect of success lacks solidity (*Re W; Re H* [\[2014\] 1 FLR 1266](#)).

5. When performing the welfare evaluation, weighing and balancing the parent's ultimate prospects of success as well as the impact upon the child if the parent is or is not given leave to oppose, ten points should be borne in mind.
 - a) Prospect of success relates to the prospect of resisting the making of an adoption order not the prospect of ultimately having the child restored to the parent.
 - b) The two issues – change in circumstance and solid grounds for seeking leave – almost invariably will be intertwined.
 - c) Once a change of circumstances as well as solid grounds for seeking leave have been established, the judge must give very careful consideration indeed to whether the child's welfare really does necessitate the refusal of leave. Adoption is of "last resort" and "where nothing else will do."
 - d) The judicial assessment must take into account all of the risks as well as the advantages of each of the two options.
 - e) The court must have proper evidence, but this does not mean judges will always need to hear oral evidence. Typically, an application under s.47(5) can fairly and appropriately be dealt with on the basis of written evidence and submissions.
 - f) The greater the change in circumstances and the more solid the parent's grounds for seeking leave to oppose, the more cogent and compelling the arguments based on the child's welfare must be if leave to oppose is refused.
 - g) The mere fact that a child has been placed with prospective adopters cannot be determinative nor can the mere passage of time.
 - h) What is paramount in every adoption case is the welfare of the child "throughout his life." The court should take a medium and a long-term

view of the child's development and not accord excessive weight to what appear likely to be short term or transient problems.

- i) Judges must be careful not to attach undue weight to the argument that leave should be refused because of the adverse impact upon the adopters, and thus on the child, of their having to pursue a contested adoption application. In appropriate cases the disruptive effects of an order giving a parent leave to oppose can be minimised by firm judicial case management.
- j) Judges are urged to bear in mind the wise and humane words of Wall LJ in *Re P (supra)* – *"the test should not be set too high because ... parents should not be discouraged either from bettering themselves or from seeking to prevent the adoption of their child by the imposition of a test which is unachievable."*

6. In *Re D (Leave to oppose making of adoption order)* [2013] EWCA Civ 1480 Black LJ observed at paragraph 33:

"It was entirely appropriate that the judge should consider L's circumstances and those of the adopters. *Re B-S* underlines that what is paramount in adoption decisions is the welfare of the child throughout his or her life and that it is important for judges not to attach undue weight to the short-term consequences to the child of giving leave. It does not, however, say that even short-term consequences for the child are completely irrelevant and they certainly are not..... It is abundantly clear that, as the President said in *Re B-S*:

"In evaluating the parent's ultimate prospects of success if given leave to oppose, the judge has to remember that the child's welfare is paramount and must consider welfare throughout the child's life."

The President also added that:

"There will be cases, perhaps many cases, where despite the change in circumstances, the demands of a child's welfare are such as to lead the judge to the conclusion that the parent's prospects lack solidity."

The Background

4. B was born on 29 March 2021 and is now aged 1 year and two months. B's paternity is unconfirmed. The mother initially informed the local authority that B's father was a married man with whom she had had a relationship, however DNA testing established that that man is not the father. The mother then informed the local authority that her former partner, A, was the other putative father. However A has denied paternity to the local authority, has declined to undergo DNA testing, and he has played no part in court proceedings concerning B. B has three older half siblings, X, aged 18, Y, aged 17 and Z, aged 12. In 2019 care orders were made in respect of X and Y and a special guardianship order was made in respect of Z. None of the three half siblings live in the mother's care.

5. Following a contested hearing in 2019, Recorder Oldham made threshold and welfare findings in which he found that B's older siblings were suffering and were likely to suffer significant physical and emotional harm and neglect as a result of the care given to them, or likely to be given to them if no order were made, not being what it would be reasonable to expect a parent to give. In 2019 X described how the mother's partner, A, had hit her six times with a metal pole from the Hoover on her arms and legs and had kicked her in the back. The Court found that the mother had failed to protect X from physical harm by allowing A to hit her. The Court found that the mother prioritised her need to have a relationship with A over the physical and emotional needs of the children, and that even when the mother was advised by the local authority of the risks posed by A that she dismissed the local authority concerns and allowed A to spend unsupervised time with the children.

6. The Court in 2019 found neglect on the basis that the mother had failed to take Y to numerous hospital appointments and that she had failed to ensure that the children attended school regularly, in 2017-8 X's school attendance being 36.1 %, Y's being 0 % and Z's being 76.5%. The children's bedrooms were seen to be unclean and unhygienic.

7. In relation to emotional harm, the Court in 2019 found that in around January 2015 the mother sent X and Y abroad without any planning and did not attempt to bring them back for nearly a year, causing them significant emotional harm by the mother failing to prioritise her relationship with them. The mother regularly left Z with family friends. In September 2015 at the beginning of a new school term (and whilst X and Y were still away) the mother left Z with a family friend so she could travel abroad to a different country (other than where X and Y were living). The mother was away for around five weeks. Shortly after the mother left, the friend relinquished care of Z to another friend. The Court found that Z will have been frightened and bewildered by the mother leaving him in this way without any planning and that he will have suffered significant emotional harm. The Court found that the mother has had ongoing problems with her mental health and issues with her use of alcohol, placing the children at risk of emotional harm and neglect. The mother has been unable to protect Z from the escalating unpredictable behaviour of X and Y, with X and Y each having poor mental health, X having threatened to kill Z on a number of occasions and Y's mental health posing a risk of physical and emotional harm to her siblings. The Court found that the mother had continued to inflict significant emotional harm on Z by giving him a photograph on which she had written 'You are from my sacred place, my womb, therefore no evil, no demon, no enchantment, no witchcraft can take you away from me. My ancestors who are your ancestors will not allow strangers to raise their offspring while I'm still alive. No psychological manipulation will work on you. You are coming home to me where you belong after court. I love you, your ancestors love you, you don't belong where you are, and whoever tries to keep you away from me it shall never be well with them'. The Court also found that the mother had continued to cause significant emotional harm to X even through indirect contact, by bombarding X with telephone calls about the pending court final hearing, leading to X making threats against children's services and the judge that if the mother did not get Z back, X would end her life.
8. The local authority received a referral that the mother was pregnant in October 2020. A child protection plan was subsequently formulated in February 2021 and the public law outline commenced on 12 March 2021. Care proceedings in respect of B were

issued on birth. He was made subject of an interim care order the day after his birth and on discharge from hospital was placed in foster care in an early permanence placement. During the care proceedings a capacity to protect assessment was undertaken of the mother, which was negative in its conclusion.

9. Recorder Taylor at the conclusion of the final hearing in respect of B on 30 November 2021 found the threshold for making a public law order to be overwhelmingly crossed on the basis of the findings made in 2019 (as set out at paragraphs 5 – 7 above), in conjunction with the Court's additional findings that:

- a) Z told his carer that he had had contact with mother's former partner, A, at his mother's home in December 2020, despite a safety plan being in place that A was not to be around the children. The mother's dishonesty around this relationship places B at significant risk of physical and emotional harm and neglect.
- b) Despite the mother being aware of the local authority's concerns around A and that she was not to allow A to attend the family home, the mother prioritised A and allowed him to have contact with the children. B would be at continuing risk of physical and sexual harm.
- c) On 4 December 2020 the mother stated the previous concerns were 'fabricated and untrue'.
- d) On 12 March 2021 the mother said the outcome of the previous proceedings was shocking and the evidence provided was untrue.
- e) The mother has failed to properly understand the concerns of the local authority. If discharged into the mother's care, B would be at risk of suffering significant physical and emotional harm and neglect.

10. Recorder Taylor additionally made welfare findings on 30 November 2021, which can be summarised as follows:

- a) When DNA tests proved that the person the mother had named as B's putative father was not his father, the mother then named A as B's putative father. The mother has not been open and honest with the local authority and has shown that she has continued to have a sexual relationship with A despite the risks he poses to her and her children. The mother had vehemently denied that she had had

contact with A and had been adamant that the person who underwent DNA testing was the father.

- b) The local authority has assessed the mother however she continues to lack insight into the local authority concerns – she disputes that findings from the previous proceedings happened the way described; she was not fully open with the social worker when completing the assessment, refraining from speaking in depth about any of the abuse suffered by her children. She would refer to the physical abuse as chastisement, and would dismiss conversations about A. The Court found that she would seek to minimise any future allegations or disclosures of physical abuse.
- c) The mother has continued to put her needs above B's, being unhappy that contact had to take place in the city where B lives and wanting it to take place in the town where she lives so it would be easier for her to get to, despite being aware that B was not handling the long journey well due to his reflux.
- d) The mother accepts that the previous court findings were made but does not accept that they accurately reflect her culpability. The mother has been unable to move on from the fact that the court has previously rejected the mother's explanations and has made findings.
- e) In September 2021 the mother sent a number of TikTok messages to Z, then aged 11, telling him not to trust the local authority or the guardian, that he should record all of his conversations with them, that he should delete the messages she had sent him and that the local authority gets a lot of money for removing children.
- f) The mother is not in a position to work with the local authority or any protection plan. She does not trust the local authority and feels she is their victim. She shares the same view of the Guardian. She has not moved on from previous proceedings significantly at all.

11. In her judgment Recorder Taylor specifically found that the local authority had approached the care proceedings with an open mind and had given the mother the opportunity to engage with them, however Recorder Taylor observed that from the very outset, especially with regard to paternity, the mother showed that she was prepared, if not to mislead, to keep matters close to her own chest in order to further her own ends in her wish to care for her son. The mother was aware of the difficulties

arising from the previous proceedings and knew the importance of engaging openly and honestly with the local authority.

12. Recorder Taylor concluded the previous proceedings by making a care and placement order in respect of B, finding that no lesser order would secure B's welfare for the rest of his life and that B's welfare demanded that the mother's consent be dispensed with.

The mother's position

13. In support of her application for permission to oppose, the mother says that she has made the following changes since the placement order was made:
- a) Her mental health is stable;
 - b) She does not have a problem with alcohol, having attended two sessions with Change, Grow Live and having been discharged.
 - c) She attended all ante-natal appointments for B, met her own and B's needs during pregnancy by eating a balanced diet, and has maintained her home conditions.
 - d) She is in full time responsible employment;
 - e) She is not in a relationship with anyone and has had no involvement with A since B's conception. She would use Claire's Law in future.
 - f) She has a better relationship with her daughters
 - g) She has commenced the Freedom Programme as an attended course (having previously accessed the course online), having completed the first of five sessions.
 - h) She would engage with the local authority and other resources such as Home Start;
 - i) She is on the waiting list for counselling via My Sister's Place, targeted to support women whose children have been removed.

The local authority's position

14. The local authority, in its statement in response and in its oral submissions told the Court that the mother has not demonstrated an ability to work with the local authority, saying that she did not attend the farewell contact set up for B in January 2022 and that she has missed some previous contact with him, having last attended

contact on 6 December 2021, saying that she has not enquired about B's welfare, that she has not communicated with social workers for the older children and that she has missed some review meetings. The local authority also says that the mother has allowed Y to visit her home in breach of the safety plan. The local authority disputes that the mother has effected relevant change and contends that it would be contrary to B's welfare for leave to oppose to be given.

The mother's response

15. The mother disputes many of the matters alleged by the local authority in the statements of the social worker filed in these proceedings. She accepts that she missed the farewell contact with B, but says that she did so as she found the prospect extremely distressing and says that the local authority dismissed her request for an alternative date to be arranged. She says she missed a previous contact because it clashed with a leaving care tea party for X and that the local authority had not responded to her request to make up the time missed with B as a result of the clash. She says there have been a number of changes of social worker for the older children and says that poor communication is attributable to the local authority, not to her. She says that she is willing to work with the local authority and that she has an issue with B's social worker, against whom she has made a complaint, but not with the local authority in general. She told me that she has requested the local authority to communicate with her via her advocate because she did not feel listened to.

16. Because the application for leave has proceeded before me on submissions, I am unable in the absence of oral evidence tested by cross-examination to determine the facts in dispute between the local authority and the mother which relate to the period since the placement order was made. However I do not consider determination of these facts to be necessary to enable me to reach my decision because it seems to me that they are not relevant to the central issues of whether a change of circumstances of sufficient nature and degree has occurred and whether it is in B's welfare for permission to oppose to be given. I therefore disregard the disputed recent assertions of the local authority in reaching my decision today.

Analysis

17. I have considered the first question – can the mother demonstrate a change in circumstances of a nature and degree to warrant the granting of permission to oppose

– and I have determined that the mother has failed to do so. In reaching my decision I have relied upon the following factors:

- a) Recorder Taylor referred at paragraphs 44 and 45 of her judgment to the mother having been unable in evidence to demonstrate how she was responsible for the harm her children suffered other than by saying that there were times she was not emotionally available due to suffering from depression. However Recorder Taylor noted that during the proceedings in 2019 Dr Green, consultant psychiatrist, assessed the mother and concluded that although she had suffered from depression, he did not consider her mental state to impact upon her parenting. I acknowledge that the threshold findings made in 2019 and in 2021 refer to the mother having had ongoing problems with her mental health and having had issues with her alcohol usage placing the children at risk of emotional harm and neglect, however when one considers the welfare findings of Recorder Taylor and the content of her judgment it is clear that the issues which led Recorder Taylor to conclude that the mother was unable to care for B were the mother's continued association with A, despite the risk he poses, her lack of acceptance of the court's previous findings, her lack of insight, her inappropriate messages to Z and her inability to work with the local authority. Recorder Taylor did not base her conclusion that the mother was unable to meet B's needs upon the mother's poor mental health. The mother's current stable mental health therefore does not in my view constitute a change in circumstances since the placement order was made in November 2021.
- b) The fact that the mother has no current problem with alcohol use similarly in my view does not represent a change in circumstances since the placement order was made. The threshold findings in 2019 referred to the mother having had issues with her alcohol usage but Recorder Taylor made no mention in her welfare

findings or her judgment to alcohol misuse contributing to her decision that the mother was unable to care for B.

- c) It is to the mother's credit that she attended all ante-natal appointments for B, ate a balanced diet during pregnancy and maintained her home conditions in contrast to her failure to meet the needs of the children prior to the 2019 proceedings, but this information relates to the period prior to the placement order having been made in November 2021 so does not constitute a change in circumstances since the placement order was made.
- d) Again it is positive that the mother has full time responsible employment, but this of itself in my view does not represent a change in circumstances of a nature that would justify granting permission to oppose, as it does not have a direct bearing on the factors which gave rise to risk of harm to B and which led to the placement order being made.
- e) The mother says that she is not in any relationship and that she has had no contact with B's putative birth father, A, since B's conception in July 2020. This is not a change in circumstances as that was the mother's position at the time the placement order was made in November 2021. (It also contradicts the court's threshold finding that the mother allowed A to have contact with Z in December 2020 in breach of the safety plan).
- f) I am pleased that the mother considers her relationship with her daughters to have improved, but that of itself does not in my view have a bearing on whether the risks which the court found would be posed to B in the mother's care have in any way reduced.
- g) I am also pleased that the mother has arranged to repeat the Freedom Programme and has been placed on the waiting list for counselling. She is able to identify agencies able to provide support, such as Home Start. Recorder Taylor at the conclusion of her judgment noted that 'the mother is clearly an intelligent woman. I am sure, having read the references that have been provided and having observed her from the witness box, that she can be a very warm and responsible person. In those circumstances I hope that she continues to engage with ARCH and continues to improve her own level of understanding in order that she can develop the relationships that she already has with X and Y and that will be a benefit not

only for them but to her.' Recorder Taylor clearly contemplated that the mother would seek to improve her understanding and I consider that the mother's actions in accessing the Freedom Programme and appropriate counselling are consistent with Recorder Taylor's view of her. This work has however not yet been undertaken and I consider that the fact of the arrangements having been put in place do not of themselves represent a change in circumstances since the order was made.

18. It seemed to me from reading her judgment that the key factors which led Recorder Taylor to conclude that nothing less than placement for adoption would suffice to meet B's needs throughout his life were the mother's lack of acceptance that the findings of the court accurately reflect her culpability, her inability to fully understand and take on board her responsibility as a parent to emotionally nurture her children and protect them from harm and her failure to work openly and honestly with the local authority. I considered that the mother had not addressed these issues in her statement in support of her application and therefore gave her the opportunity to address me in submissions about any additional matters she wished to raise in response to the previous threshold and welfare findings and any further changes she considers she has made.

19. The mother is intelligent and articulate and with the assistance of her McKenzie friend addressed me at length and in detail. It was very clear to me from her submissions that the mother continues to dispute many of the earlier findings of the court. In particular, the mother disputes the conclusions of the capacity to protect assessment. She accepted that the Court had made findings based on the evidence of the local authority, but told me that she felt that the local authority had been biased since her pregnancy, that she had felt discriminated against, that the circumstances of B's removal from her care had undermined her confidence and ability to engage with the local authority, that there had been insufficient engagement by the local authority with her and insufficient assessment sessions had been undertaken.

20. The mother referred a number of times to the speed with which B had been removed from her care following birth, the fact that she had not been given an opportunity to move to a mother and baby placement with B following his birth, the sense of betrayal she feels in respect of the local authority because she says she was told she would be able to breast feed him for seven days before he would be removed. It is clear that the mother feels very deeply about these issues. I am conscious that B's removal from her care (irrespective of the merits of that decision, which was made at a time when the mother was legally represented and had the opportunity to argue her case at the time the order was made) will have been traumatic for her. The prospect of B's adoption I understand must also be extremely difficult for the mother to face and I have no doubt of her love for her son. But none of these factors assist me in deciding as I must whether the mother can satisfy me that there has been a change of circumstances since the placement order was made. It was clear to me from the mother's submissions that she continues to dispute significant aspects of the findings of the court and that she has failed to reflect on, acknowledge and address the deficiencies that the court has found in her parenting of her three older children and her lack of openness within the proceedings and the risks that would be posed to B, in light of those deficiencies, were he to be placed in her care.

21. Because I have concluded that the mother has not established the necessary change in circumstances, it follows that the second stage of the test – consideration of whether B's welfare requires me to exercise the court's discretion to grant permission – does not arise. But for the sake of completeness, I proceed to consider this question in any event.

22. The Court must of course have regard to the draconian nature of an adoption order, which by its irrevocable severance of the parental responsibility of the birth parent and the legal link to the birth family represents an extreme interference in the right to respect for family life of B, his mother and his siblings. In this case B is a black child whose mother is of African heritage. He is placed with a white prospective adopter. Post adoption contact is proposed to take place between B, his mother and his siblings by letterbox only. The local authority has filed a statement setting out the steps taken

to date and the ways in which, if an adoption order is made, the prospective adopter intends to ensure that B's cultural and identity needs are met.

23. The mother wishes B to be placed in her care. She says she is realistic about the challenges that would pose, given that B has remained in his early permanence placement since his discharge from hospital. The benefits of permission to oppose being granted are that this would allow the mother to advance her case for B to move to her care. If the mother were successful, this would give B the opportunity to be brought up by his birth mother, who clearly loves him. He would have the opportunity to form relationships with his half siblings and his cultural and identity needs would be met. The disadvantages of permission to oppose being granted are that in the short term B's carer would face a period of uncertainty and the prospect of a contested adoption application, the stress of which may indirectly be felt by B. B himself, if the mother is successful, would face the disruption and emotional harm of being moved from his current carer, with whom he is familiar. Much more significantly, B would be exposed in the care of his mother to the risks of significant harm identified by Recorder Oldham and Recorder Taylor, which Recorder Taylor concluded following a contested hearing could not be adequately managed other than by a placement outside the mother's care.

24. The advantages to B of permission to oppose being refused are that in the short term the adoption application would be determined without delay. In remaining with his current carer B would have the benefit of stability and security of care from his main attachment figure who has demonstrated an ability to meet his needs and who has been carefully assessed to ensure that he will be cared for free from risk of harm. The prospective adopter has shown a willingness to integrate B in the Black African community to ensure that B's cultural and identity needs can be met, and has demonstrated an understanding of the importance of life story work to assist B to grow up knowing at an age appropriate level about his birth family and having ongoing letterbox contact with them. The disadvantages of permission to oppose being refused are that this would mean that B's birth mother would be unable to oppose his adoption and B would lose the opportunity to be brought up in his birth family or to

grow up with a direct relationship with his mother and siblings. He would be brought up by a carer of a different heritage, and despite the adoption agency's best efforts, no placement can ever be said to be risk - free.

25. When considering B's welfare throughout his life, I attach little weight to the potential short -term disruption to B and to B's carer which would result from the granting of permission to oppose, as it appears to me essential to take a medium to long term view of welfare given the importance of the decision to B throughout his life. I am sure that B, if he could understand the issues, would wish to be brought up within his birth family if he could safely do so. If B in due course is adopted, the fact of being and the reasons why he is an adopted person are things that as he grows older he would need to come to terms with and would remain part of his identity throughout the rest of his life. Although B's mother wishes to be able to care for B, if he were placed in her care the risks identified by Recorder Taylor remain. B's older three half siblings have in the past suffered significant physical and emotional harm and neglect due to the mother's inability to protect them from harmful behaviour posed by her former partner and due to her own inability to recognise and meet their emotional needs. The mother has not been open and honest with the local authority in the past, which means that the significant risks to B in the mother's care could not be effectively managed by professional monitoring and support.

26. Because the mother continues to dispute the findings of the court, rather than shifting her focus to acquiring insight into the deficiencies in her past parenting, her responsibility for the harm suffered by her older children, her responsibility to work openly and honestly with professionals and to consider how she can change in order to become a better parent, B would be at risk of significant harm in the mother's care and the mother would be unable to provide B with a suitable environment in which he could grow up free of harm.

27. I have weighed up the prospect of B being brought up by someone of a different ethnicity and outside his birth family against the benefits that would be conferred on him were he to be brought up by his mother. I consider that B's overriding need is for

a stable and secure placement in which he can be brought up free from harm. The findings of Recorders Oldham and Taylor show that the mother sadly is unable to meet this need. B's carer has demonstrated a good understanding of B's identity needs, given his ethnicity, and a commitment to promoting an understanding by B of his heritage. If B is adopted, he will grow up with a knowledge that his older half-siblings were not adopted, however he will be able to understand in due course that, like him, they were also unable to remain in their mother's care for the same reasons that led to his adoption.

28. My analysis of the welfare issues in this case leads me to conclude that the mother's prospects of success in seeking to oppose an adoption order lack solidity. Even if the first stage of the test were met, given my view about the prospects of success, I consider it to be contrary to B's best interests to grant the mother permission to oppose.

29. The mother's application for permission to oppose the making of an adoption order is accordingly dismissed. The time for appeal against this decision is 21 days.

HHJ Cains

13th June 2022