

**IN THE FAMILY COURT AT WEST LONDON
SITTING AT THE FAMILY COURT AT BARNET**

St Marys Court
Regents Park Road
London

Before HIS HONOUR JUDGE OLIVER JONES

**IN THE MATTER OF
LONDON BOROUGH OF HARROW (Applicant)**

-v-

**(1) [PERSON B]
(2) [PERSON A] (via the Children's Guardian) (Respondent)**

**MS ANNE SPRATLING appeared on behalf of the Applicant
MR JAMES NORMAN appeared on behalf of the First Respondent
MR ANTHONY FORDE appeared on behalf of the Second Respondent (via the
Children's Guardian)**

**JUDGMENT
10th JUNE 2024**

WARNING: This judgment was delivered in private. The judge has given leave for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media, must ensure that this condition is strictly complied with. Failure to do so will be a contempt of court.

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JUDGE OLIVER JONES:

1. This is a final hearing in care proceedings in relation to a little girl [Person A], born on 7 May 2023, she is one year and one month old. The local authority is London Borough of Harrow, represented by Ms Spratling; the mother is [Person B], represented by Mr Norman; [Person A], who is represented through her Children's Guardian, Nayyar Hanif and by her counsel Mr Forde. Also present in court today is the mother's personal adviser Ms Havid who has been present throughout the proceedings and on most of the previous days. We have also had present in court [Person C] who is the mother's godmother although she is not present this afternoon. The putative father of [Person A] has been named as a [Person D]. He has refused to undertake DNA paternity testing. He was spoken to by the social worker and made it clear that he was not seeking contact and did not wish to be involved in the proceedings.

2. The local authority is seeking a care order and a placement order and its plan for [Person A] is one of adoption. The mother is seeking for [Person A] to be returned to her care, she would agree for that to be under a supervision order; alternatively, she is seeking the case to be adjourned so that a further parenting assessment can be conducted by an independent social worker. The other issue I need to consider is in relation to [Person C], the mother's godmother. She had been put forward as an alternative carer at an extremely late stage in the proceedings. At the issue resolution hearing I refused permission for assessment of her. In the course of this hearing the case has developed so that in her evidence she renewed her request for the court to direct an assessment of her as a carer.

3. It is my practice to indicate at the beginning of a judgment what I am going to do. That is really important because it would not be easy for, in particular, the mother to sit and listen to a lengthy judgment not knowing and feeling anxious about what the court's decision is going to be. So I am going to tell you what I have decided and then I will tell you the reasons why. If at any point it becomes difficult for you and you need to take a short break you must let me know.

4. In this case I am going to make a care order and a placement order. I have given consideration to all of the options available to the court. I consider that this is the only option that will be good enough for [Person A]. I am not going to allow a further assessment of [Person C] and I am not going to allow a further adjournment for an independent social worker parenting assessment. I know that this decision is not easy for you. I am sorry about that.

5. I am going to deal with the chronology of this case. The mother herself was the subject of a care order as a child in 2016. There were allegations of her suffering from neglect and physical chastisement. She was accommodated by the local authority when she was 11 years old and remained in local authority care until she was an adult. She has had a really woeful experience in care. She has lived in 10 different foster placements and then spent two years in a therapeutic residential placement where she was the victim of a sexual assault. She is a care leaver and so she has the support that she is entitled to as a result of that. She was only 18 years old when these proceedings began and she is now only 19 so she is a very young mother.

6. Those very difficult childhood experiences have impacted the mother and she has struggled with mental health at times. According to the agreed threshold, over the last five years she has made at least four suicide attempt. The most recent suicidal thoughts that she presented with at A&E were in April of 2022. I am glad that, notwithstanding the undoubted pressures of these proceedings, those sorts of issues have not arisen since. She has been the subject of assessment through the CAMHS service in 2022 but did not engage at that time, finding it difficult to do so. I make no criticism of her for that, therapy is not always easy.

7. When the mother was pregnant with [Person A] she underwent a prebirth assessment. There were positives that were identified that the mother was working with professionals in relation to [Person A]'s antenatal care and she made good preparations for [Person A]'s arrival. However, there were concerns about her parenting skills, which perhaps is unsurprising in such a young mother with her experiences. Unfortunately she did not engage with the parenting course that was offered. [Person A] was then born on 7 May 2023.

8. The proposal of the local authority through the PLO process was that [Person A] and her mother should move to a mother and baby foster placement. The mother had not very much earlier been moved to accommodation with the YMCA and she wanted to return there with [Person A]. The local authority's view was that a greater level of support was needed. There was a lack of agreement and as a result the local authority issued these care proceedings. On 15 May 2023 the court made an interim care order and approved the plan for the mother and [Person A] to be placed in a mother and baby foster placement.

9. There are criticisms of the mother being resistant to accepting or following advice during the time in the foster placement; that she was spending significant periods of time on her mobile; and remaining for extensive periods with just her and [Person A] in a bedroom rather than taking [Person A] out of the placement and outdoors. There was also one occasion when the mother was prop feeding [Person A] which she accepts took place

although she is keen to make clear that she was not asleep at the time that was happening and after that mistake was pointed out it has not been repeated.

10. While the mother was in that foster placement she underwent an independent social worker assessment by Ms Javaid which recommended a move to a different form of accommodation. So the mother moved to Patience is a Virtue, a specialist residential unit. During the time that she was there the local authority prepared a series of what are described as “road maps” - outlining support and expectations in relation to the mother’s care for [Person A]. The logs from that unit indicate that the mother was again spending significant periods of time in her room with [Person A]. Again it is reported that she was resistant to professional advice and there were concerns about how consistently [Person A] was being stimulated with an unhealthy focus on mobile phones.

11. There were two incidents whilst there. One on 12 December 2023 when the mother left [Person A] on the bed while she went out of the room and [Person A] rolled off. There was a further incident on 15 December when the mother, with [Person A] in her care, accompanied another resident of the unit to what transpired to be that resident’s father’s home. The mother felt that was an unsafe environment because of what the people in the house were doing, in particular consuming alcohol. Although she stayed near the door, the mother felt unable to leave. The mother told the professionals about that incident about two weeks later when there was discussion about why, she having been quite close with the other resident, at that stage appeared to no longer be so.

12. During the period at Patience is a Virtue the mother was the subject of a second independent social worker parenting assessment, it is described as an addendum parenting assessment. It was conducted by a different worker, Ms Meza.

13. On 2 February 2024, before Ms Meza had concluded her assessment, the mother absconded to the United States of America with [Person A]. The circumstances in which she left with [Person A] were no doubt stressful. The mother had received a summons from the Crown Court requiring her to give evidence in relation to her allegations of sexual abuse, something which she was no doubt anxious about. I have seen a large number of social media messages between the mother and a lady named [Person F] who is the mother of [Person E]. Those messages make it clear that over a number of weeks the mother had planned and indeed researched about how to undertake a move for her and [Person A] to the United States of America. She even went so far as to check whether [Person A] was named on a no-fly list as a result of being subject to an interim care order.

14. On 5 February 2024 [Person A] was made a ward of court by the High Court. The mother was subsequently arrested in Seattle at the airport and was placed in a detention centre in the United States. [Person A] was removed and placed in the care of a foster family for over a week before her return to this country was arranged on 10 February 2024. She was then placed with foster carers. On 14 February the wardship order was discharged, the interim care order reinitiated. On 29 February [Person A] moved to be placed with another set of foster carers where she remains, they are early permanence carers. She is observed to have settled well in that placement and to be content.

15. On 6 June 2023 Her Honour Judge Jacklin KC made a direction that required the parents to identify any alternative carers that they sought to be assessed by 13 June 2023. In March 2024 [Person C] attended a family group conference and in the aftermath of that sought to put herself forward as a carer for [Person A].

16. The matter came before me on 17 April 2024 when all the parties were seeking to persuade the court to extend the court timetable and to allow for a viability assessment of [Person C] to be conducted as well as potentially a special guardianship assessment if it were successful. I refused the application for further assessment. There was no formal application before the court. I had received nothing in writing from [Person C]. The enquiries the social worker had made by telephone to [Person C] were not promising because they suggested a degree of ambiguity about her commitment. In the circumstances I was not persuaded that further delay was justified. I also refused to allow a further assessment of the mother by Dr Radcliffe, the psychologist.

17. The mother lodged an appeal against that case management decision which was supported in relation to the viability assessment by the guardian. On 2 May 2024 King J refused permission to appeal. She gave the following reasons:

“This court will only rarely interfere with case management decisions made by an allocated judge.

In this case the applicant seeks to appeal two such decisions:

- i) A late viability assessment of the applicant’s Godmother. The applicant was 10 months out of time to make the application, the Godmother had never been introduced to [Person A] notwithstanding that they lived nearby and the Godmother had not been invited to a family conference. The Godmother had herself, it was suggested, expressed reservations about embarking on an assessment. The reason for the very late application would seem that it was only during the currency of the proceedings that the applicant has got to know/become

sufficiently close to the Godmother to put her forward. The judge was entitled to conclude that that was not a sufficient reason to allow such a late application.

Whilst another judge may have been willing to allow the assessment given the local authority's willingness to countenance the potential delay, the judge was entitled to conclude that it was not in [Person A's] best interest to do so.

- ii) An addendum from Dr Radcliffe: the management of experts is the province of the trial judge. In the present case the judge was entitled to conclude that the proposed addendum was not necessary nor proportionate. A further 15 hours of work was proposed to consider, substantially, the circumstances surrounding the applicant's wrongful removal of [Person A] to the US in circumstances where there is a comprehensive report as to her mental health and an up-to-date ISW report.

There is no real prospect of an appeal being allowed and permission to appeal to be granted and accordingly permission to appeal is refused.”

18. The case had been listed for this final hearing starting last week on 3 June. The mother has submitted a statement from [Person C] as well as one from the maternal grandmother, both of which set out the support that they would offer the mother. It was proposed that [Person C] would attend court to support the mother. However, when she did attend on day 2 the mother's counsel indicated that, having had the opportunity to speak to [Person C], she was keen still to be considered as an alternative carer and he sought permission for her to give oral evidence which I allowed.

The evidence

19. A main bundle of 810 pages; a supplemental bundle of a further 510 pages; a placement order bundle of 106 pages; a contact notes bundle of 160 pages; and placement logs bundle of 505 pages. I make no criticism of the number of bundles received, which is partly because of the way in which I have encouraged the parties to case manage the bundles.

20. I did not hear evidence from Dr Radcliffe. He prepared an assessment dated 18 August 2023 which concluded that the mother does not suffer from any psychological conditions nor a personality disorder although the scores indicate mild anxiety and low mood. The mother had reported that she had been diagnosed earlier in her life with ASD and with ADHD but Dr Radcliffe, in his assessment, could not identify indications or traits of ASD nor symptoms of ADHD. Dr Radcliffe recommended a professional support package with a professional

supervisor who is an systemic practitioner or a dyadic developmental therapist or practitioner. He indicated that the mother and baby foster placement, which is where the mother was at the time, was not meeting the mother's needs and that she required a specialist placement with a proper plan.

21. Around the same time the first independent social worker assessment was completed by Ms Javaid, it is dated 18 October 2023. She also has not been called to give evidence. She wrote:

“It has been a difficult situation for her, in that her own experiences of care are bringing up difficulties in being able to hear the advice of the foster carer. Until quite recently [Person B] was spending a significant time within four walls and not providing [Person A] with the stimulation and experiences she needs. There appears to be regression in her independence with the foster carers providing a lot of advice not only for [Person A] but also for [Person B]'s hygiene, self care and eating habits too. In this context [Person B] is not demonstrating that she can meet [Person A]'s needs consistently especially as [Person A] is very young and demanding with an expectation that parenting will be harder as she develops. I worry about how [Person A]'s needs will be mentalised within this time and, despite [Person B] vocalising that she would like to build the knowledge, she has refused services to date: mother and baby placement, parenting coaching and domestic work as examples.”

22. I understand the reference to “domestic work” to mean domestic abuse work.

23. Ms Javaid was unable to make any firm recommendations and proposed that the mother and [Person A] should be placed in a different sort of placement. While I note the concerns that she identifies she also recognised strengths as well, writing that, “[Person B] shows promising signs of good enough parenting but there remain some gaps that could impact the care of [Person A] and subject her to chronic neglect.”

24. The first witness I heard from was Ms Meza, the independent social worker. She had prepared an addendum parenting assessment dated 3 March 2024. She reported that the mother regretted her actions when she removed the child to America, that she has a bond with [Person A] and has begun to make changes to her parenting, albeit slowly and still small. Ms Meza's opinion was that the mother's ability to work with professionals was very challenging and not easily fixable. Her view was that no professional and family support would be enough to help the mother meet [Person A]'s needs and she felt there were no measures capable of keeping [Person A] safe. She concluded, sadly, that the mother should not care for [Person A]. Questions were put in writing and Ms Meza answered those on 4 April 2024.

25. I found Ms Meza to be a balanced and fair witness. She acknowledged positives in the mother's care of [Person A], she described their good connection and said that the mother had been trying to do the right thing. She explained that she had concerns about the mother's care even before the removal to the United States. She considered that there was a need for a safety net around [Person A] and that would not recommend a move to an unsupported situation without significant monitoring and intervention. She did not accept that her opinion had been determined because of the removal to the United States. She identified a number of lesser concerns about the mother's parenting, for example, hygiene. There had been some concerns about hand washing and about using the baby's clothes to wipe her mouth but she explained that these were not major concerns but room for improvement. Similarly, there was a concern about the range of food being offered to [Person A] but again it was not put that this was a grave concern. She told me the mother had been unwilling to discuss with her about the occasion when she and [Person A] had ended up in the home of another resident's father.

26. It was put to Ms Meza that the observations in the contact notes show a quality of interactions that are indicative of the mother having always provided good stimulation to [Person A] both when they were placed together in foster care and later in Patience is a Virtue. Ms Meza did not agree with that. She said that in Patience is a Virtue the CCTV cameras had not been put in the mother's bedroom so that she would be comfortable living in that environment but when the mother had been seen with [Person A] by professionals, both there and in the foster placement, the observations of the interactions were poor with the mother often being preoccupied by her phone instead.

27. That evidence struck a chord when I heard later from the guardian who pointed out that it was during those periods that the mother was still in her relationship which was mostly conducted online with [Person E] in America and that it was after the mother returned from the United States when the relationship with [Person E] had ended that she was then able to engage in contact without the same sort of distractions. Ms Meza described the removal to the United States as a "heavy issue" but said it is not the only issue, she was concerned about other things around it: that [Person E] had been allowed by the mother to meet [Person A] when he visited this country without any professional being aware of that happening; that the mother had had a long dialogue with [Person E]'s mother about them going to the United States; that the mother had initially bought a one way ticket to go there and had only bought a return ticket at the airport so that she would be allowed on the flight.

28. Ms Meza's evidence was that when she used the Parent Assess model, which is the same model as Ms Javaid had utilised, the mother's scores had deteriorated by the time of the addendum assessment. She remained concerned about the mother's consistency in meeting basic care needs and considered there was a mismatch about the mother's understanding of how those needs are to be met. I found Ms Meza to be a reliable witness and I accepted her evidence.

29. I heard next from the social worker Deena Joseph. She has been [Person A]'s social worker throughout the proceedings and in fact was appointed about a month before [Person A] was born. She gave credit to the mother for the many positives that she willingly acknowledged. She told me that the mother and [Person A] have a good bond. She said that the mother has demonstrated that she can keep her accommodation clean and tidy, that [Person A] was always clean and well presented, that the mother was polite in her dealings with professionals, that she would do her chores and laundry, that the mother had been able to wean [Person A] and that incidents such as making the mistake of going out without leaving enough nappies or milk for [Person A] while she was gone had not been repeated once they were pointed out.

30. The social worker, however, maintained the concerns about the lack of stimulation offered to [Person A] in the foster placement and Patience is a Virtue and she told me that her observations of the mother with [Person A] had been of the mother being busy on the phone while [Person A] was left to do her own thing or to watch TV although she said that those sorts of interactions are no longer being seen during the supervised contact. She accepted that she had not discussed with the current carers the possibility of post-adoption contact and there was some criticism that it had not been thought about. She explained the local authority's concerns about a potential flight risk, that are raised through contact in the light of the removal to the United States as well as the importance of ensuring that [Person A] was settled in any future placement.

31. I found Ms Joseph to be a fair and reliable witness. I was impressed by the continuity she has brought to this case. It is particularly important with a young parent such as this mother who has struggled to trust professionals on the past to have had only one social worker for the child rather than cope with a succession of different professionals. The work that Ms Joseph has undertaken appeared to me to be thoughtful and supportive. I found her to be a fair and reliable witness.

32. I heard from [Person C]. There were many positives about [Person C]. She has brought up her own three children as a single parent, she works for a local authority as a

customer service adviser, she spoke well in her evidence. She is not only the mother's godmother but she is the maternal grandmother's best friend. She gave me the strong impression that she sees herself as part of their family and them as part of her family. It was clear that she wants to help and that she was prepared and willing to make the necessary sacrifices to care for a very young child so that [Person A] could remain within the family network.

33. I will deal with her evidence in more detail later in this judgment. I am cautious of not being critical of her for not revealing issues about her past until the local authority sought to cross-examine her on the information in its files. It seemed to me that, given the way that her evidence evolved with the court having previously refused permission for her to undergo a viability assessment, that I ought to extend to her the benefit of the doubt about the way that evidence came out and, to her credit, when the information was put she appeared to be forthcoming and frank about the difficulties that she has experienced in her life.

34. I heard from the mother. I do not doubt that she loves [Person A]. She had indicated in her statements and to the professionals her regret for her actions in taking [Person A] to the United States. The mother accepted many of the criticisms made of her. She accepted that previously she was not willing to accept advice and told me, in effect, that she had recognised that in the light of the events of earlier this year perhaps she needed more help than previously she had admitted. Her narrative was quite complex because, while she was now expressing regret and indicating her willingness to work with professionals, she had recently told the Children's Guardian of her wish to be free from Social Services' involvement and it seems to me that that is a long standing element of her mindset about these proceedings and Social Services' involvement generally that on one level she believes that if only Social Services were not involved everything would be fine for her and for her care of [Person A].

35. The mother has made some recent improvements. She has engaged with four sessions of parenting work with Ms Lewis which started on 25 March 2024 and would have helped her build on parenting skills. She is now minded to obtain some therapy and has sought referrals. In her evidence the mother was obviously nervous; she warmed up when talking about [Person A] when she was clearly more animated. I found she mostly accepted matters that were put to her. She made no attempt to avoid or minimise matters that would be unhelpful to her case, for instance, accepting that she had lied about her relationship with [Person E] when she had been asked and had categorically denied being in that relationship.

36. She told me that her decision to go with [Person A] to the United States was an "impulsive last minute decision". I was not persuaded that that aspect of her evidence was

entirely accurate. It was perfectly clear from the messages that the decision to go was made after many weeks of not only entertaining the idea of leaving for America but researching and making plans. I accept that when she finally decided to go that decision was most likely precipitated by receiving a summons to give evidence in the Crown Court which had arrived the day before. However, that final decision was the endpoint of a considerable period when she was seriously entertaining plans to go to the States.

37. The mother accepted that she had not been open and honest with the professionals in the case, in particular about her relationship with [Person E] and also her plans to go, but in her evidence to me I found her to be a truthful witness. I have the sense that she feels a bit defeated in these proceedings - that she realised that the case had gone badly for her after the removal to the States and that she saw no point in doing anything other than simply telling the truth, warts and all. That is what I think she did.

38. When it came to [Person C]'s evidence she told me she had been unaware of the difficulties until the local authority brought them to light and as a result she was unsure whether [Person C] should be considered as a carer for [Person A]. Towards the end of her evidence the mother told me that she just wants [Person A] to be happy and to have a good childhood.

39. I heard last from the Children's Guardian Ms Hanif. She told me that the mother's evidence was very profound in that she accepted many of the issues and accepted where she had made those errors and that she was very clear she recognises where she went wrong and that she would do things differently. However she also identified what she described as a complicating factor which was that the undertone, which had certainly been present during her interview with the mother, that the mother was also very clear that she wanted to be free from Children's Services.

40. The guardian pointed out that the mother continues to harbour anger towards social work professionals but she is also capable of developing good relationships with individuals. She pointed out that the mother has a good relationship with her support worker and also pointed out the relationship the mother has with [Person E]'s mother. However, the guardian identified that even when a supportive and kindly approach was taken in advising her the mother nonetheless did not accept the advice. That appears to be the way that [Person E]'s mother was messaging the mother when advising her to finish the parenting assessment and that it was not a good idea to come to the United States, but the mother rejected that advice and still went ahead with the travel.

41. The guardian told me that she had been supportive of the application for [Person C] to be assessed and had supported the subsequent appeal. However, after she had spoken to [Person C] she then did not recommend a further assessment – or an assessment, I should say – as part of her final analysis. She said that if [Person C] was such a profound person as she claimed in the mother and [Person A]’s life then why did she not come forward before? She could not understand why [Person C] had not been in touch with professionals when she could just have picked up the phone. The guardian’s position was further bolstered by the information revealed during [Person C]’s evidence which she described as concerning and having implications about her ability to parent [Person A].

42. The guardian was also very concerned about the mother’s approach to the topping up feeding issue. She said that even though it was just for a matter of days it was a very serious concern that [Person A] had been crying because she was hungry and was losing weight. She pointed out that the mother remains resentful about being pressured to change the way she was feeding [Person A]. Overall, I found the guardian to be a fair, balanced and reliable witness and I accepted her evidence.

The Law

43. Section 31(2) of the Children Act 1989 sets out that:

“[The] court may only make a care order or supervision order if it is satisfied—

that the child concerned is suffering, or is likely to suffer, significant harm; and

that the harm or likelihood of harm is attributable to—

the care given to the child, or likely to be given to [her] if the order were not made, not being what it would be reasonable to expect a parent to give to [her].”

44. The burden of proving the case falls on the local authority. It must do so to the civil standard of proof, the balance of probabilities. The court must be satisfied that the occurrence of any fact in question is more likely than not, it is not for the mother to prove she did not do something that has been alleged.

45. I give myself a *Lucas* direction. In this case the mother has admitted telling lies to professionals but I remind myself there may be a number of reasons why a person may tell a lie. A person may lie deliberately because they are guilty of what is alleged but they may lie for other reasons, for example, to bolster a weak case, protect someone, out of panic or to

cover up disgraceful or embarrassing behaviour. If a person lies about one matter it does not mean that they are not telling the truth about something else.

46. So far as the mother's lie about her relationship with [Person E] and her trip to the United States, it seems to me that those were primarily borne out of her general mistrust towards social workers and the local authority borne out of her own experiences.

47. I reminded myself of the case of *Re S* [2014] EWCA Civ 135 in which Macur LJ, when considering the issue of dishonesty, said that the fact of a parent's non-disclosure or deceit is not necessarily determinative of a parenting capacity or, depending on the circumstances, an inability to co-operate with the authorities. I am mindful the statutory principle of delay is likely to be harmful to a child and I acknowledge the court should take the least intervention as to approach commensurate with the child's welfare. I also have considered the human rights of the mother and of [Person A] to private and family life and that any interference with those rights has to be justified and proportionate.

48. I have considered the no order principle under section 1(5) of the Children Act that the court should not make any order unless it considers that doing so would be better for the child than making no order at all.

49. Section 1 of the Adoption and Children Act 2002 sets out that the paramount consideration of the court must be the child's welfare throughout her life; section 1(4) of that act sets out the welfare checklist that the court must have regard to in light of a placement order application. Section 21 and 52 of the Adoption and Children Act also apply. Section 52 deals with parental consent and states that a court cannot dispense with the consent of a parent to the child being placed for adoption unless the court is satisfied that the welfare of the child requires the consent to be dispensed with.

50. I remind myself that the court can only make a placement order if it is justified having given paramount consideration to the child's welfare throughout her life and having had regard to the other matters in the welfare checklist. I remind myself that a placement order with a plan for adoption is one of the most draconian steps a court can take. I am mindful of the guidance under *Re B (Care Proceedings) (Appeal)* [2013] 2 FLR 1075 and the need for proportionality when the court examines whether or not to sanction a placement of a child for adoption. Such a course should only be approved as a last resort when all else fails and the court must be satisfied that there is no practical way of the authorities or others providing the requisite assistance and support and where the child's welfare dictates that nothing else will do.

51. I also remind myself of the case of *Re B-S (Children)* [2013] EWCA Civ 114 that although the child's interests are paramount the court must never lose sight of the fact that those interests include being brought up by the natural family unless the overriding requirement of the child's welfare makes that not possible and that the court must consider all the realistic options before coming to a decision.

52. I must take into account the assistance and support that would be available to the mother and I should avoid a linear analysis in favour of a global holistic evaluation of all the realistic options taking into account the positives and negatives of each option. I have also been taken to the case of *Re J* [2015] EWCA Civ 222 and in particular the words of Aikens LJ at paragraph 56(vi):

“It is vital that local authorities, and, even more importantly, judges, bear in mind that nearly all parents will be imperfect in some way or other. The State will not take away the children of ‘those who commit crimes, abuse alcohol or drugs or suffer from physical or mental illness or disability, or who espouse antisocial, political or religious beliefs’ simply because those facts are established. It must be demonstrated by the local authority, in the first place, that by reason of one or more of those facts, the child has suffered or is at risk of suffering significant harm. Even if that is demonstrated, adoption will not be ordered unless it is demonstrated by the local authority that ‘nothing else will do’ when having regard to the overriding requirements of the child's welfare. The court must guard against ‘social engineering’.”

53. I have also been taken to the case of *Re E (A Child) (Care and Placement Orders)* [2023] EWCA Civ 721 and in particular the words of Baker LJ at paragraph 41 where he said:

“If there is an evidential gap which has to be filled before a decision can be taken about a child's future, it is very unlikely that the fact that it might take a few months to fill the gap would by itself warrant refusing an adjournment, bearing in mind the lifelong consequences of the decision reflected in the statutory principle in s.1(1) and (2) of the Adoption and Children Act 2002 that, when coming to a decision relating to the adoption of a child, the paramount consideration must be the child's welfare throughout his life.”

54. I turn now to the threshold criteria. The parties have agreed the facts on which they say the threshold test is established. That document is over three pages starting at page 445 of the supplemental bundle. I accept the contents of that document and I am satisfied that they do establish that the test under section 31 of the Children Act is made out. I will in due course invite, when Ms Spratling drafts the final order, for the wording of that document to

be appended to my final order so that the exact reasons why or based on which the threshold I have found to be established is unambiguously set out but I do not think it is helpful for me simply to read them into this judgment now.

55. [Person A] is too young to be able to ascertain her wishes and feelings. She has the typical needs one might expect of a one year old child. She is entirely dependent on her carers to meet her needs. She needs to be loved, cared for, fed, bathed, she needs to have routines and boundaries so that she can feel safe while she learns about the world. She needs stimulation to encourage her development help her to meet her developmental milestones. I am glad to say there is nothing about her presentation that has raises concerns about her future development.

56. I have already dealt with the threshold criteria which sets out the harm that [Person A] was suffering or at risk of suffering. As to relationships [Person A] has with relatives, she has a significant relationship with her mother. Her mother has been her primary carer for a long time - most of her life. They have a good bond. [Person A] is obviously happy and enjoys spending time with the mother and the contact that they have had has generally been of good quality. [Person A] also has a relationship with her maternal grandmother who also attends some of the contacts. The grandmother was positively viability assessed but withdrew from that assessment thereafter. The relationship between the mother and maternal grandmother appears to fluctuate, at times being supportive, but at other times the difficulties of their relationship dominate.

57. [Person A] has a limited relationship with [Person C]. They have not met in person. [Person C] has seen [Person A] through screens during video contact that was enabled by the mother. I am not entirely clear just how frequently that took place but [Person C] gave me the impression it was quite regular. [Person C] told me that she loves [Person A] but, given the limitations about the way that they have interacted to date, I am not persuaded that for the child her relationship with [Person C] holds significant value at the current time although I recognise that potential exists for such a relationship to develop. [Person A], sadly and unfortunately, has no relationship with her putative father who has played no obvious role in her life or these proceedings.

58. The advantages of [Person A] living with her mother are that she would get the very significant benefit of growing up within her natural family with a mother who loves her. It would enable the potential continuation of the sort of positive interactions that have been seen in contact, the mother has shown warmth, love and affection interactions and [Person A]

is plainly comfortable with her mother. It means that [Person A]'s identity needs have been well met with her mother but also with her grandmother and godmother available to her.

59. The disadvantages of that are that the social work professionals are unanimous (save for the first social worker who was undecided), so Ms Meza, the social worker and the guardian all agree that the care that the mother is able to provide for [Person A] is not good enough. There have been some elements of poor care observed - moments of inattention; leaving [Person A] on the bed; and, prop feeding. There were some to which a greater level of concern was attached such as being resistant to topping up [Person A]'s feed with formula milk when she was six weeks old and losing weight.

60. There are other problems that have arisen. The issue of trust and working with professionals is one. The mother from the outset of these proceedings was already engaging in a relationship with [Person E] since early 2023, primarily online although they did meet when he visited this country. The mother's secrecy about that meant that both Ms Javaid and Ms Meza's parenting assessments were conducted on a false premise because the mother was not being open about what her circumstances were with respect to [Person E]. When the mother took [Person A] to the States her intention was to go to [Person E]'s family. The local authority says that that was risky, that she did not really know him and that they were effectively strangers.

61. However, in my judgement the bigger issue is that the mother's plans were so flimsy that they placed [Person A] at risk. Firstly, by the time she went, according to the messages I have seen, the relationship with [Person E] had by then ended. Secondly, although there was reason to believe [Person E]'s family would put up the mother and [Person A], there was no longer term plan. The mother had not given proper consideration to: her and [Person A]'s immigration status in the United States; how she would get funds; that she would not be able to work when she was there; that she did not know how to obtain healthcare in the United States and did not know about obtaining insurance; and so, she took a very young child with her to the United States where they would have been reliant on the kindness of people that she only knew from the online world primarily to keep herself and [Person A] from becoming destitute. As it transpired, matters in the US fell apart rapidly with [Person A] being placed in foster care, the mother being arrested and subject to criminal investigation although I note she told me that the police have recently indicated that they are taking no further action.

62. The difficulty with the mother conducting such significant parts of her life in secrecy is that when the court is now being asked to extend confidence about future work and whether

support and monitoring would be effective then it is difficult to look beyond the difficulties of the past. As to the mother's lack of engagement and co-operation with professionals, the mother was frank in accepting that that was a feature of her time in foster care and in Patience is a Virtue.

63. I cannot ignore how young the mother is and that she has been scarred by her own experiences as a child and as a child and young person in care. It is perhaps in that context unsurprising that she has struggled to work with Social Services. The mother told me in her evidence that she has learnt from her experiences, particularly from earlier this year; that she recognises that she is perhaps not as capable as she believed and that she needs to listen to and take advice. However, the mother's obstinacy in the face of advice has not been limited to her dealings with Social Services. There are examples her of ignoring advice even from people with whom she plainly has a trusting and supportive relationship. So, for example, she ignored [Person E]'s mother who advised that it was unwise to travel to the United States and suggested that she should complete the assessment process instead. Similarly, the advice about topping up the feed came not from social work professionals but from the health visitor and the GP and it was only in the face of considerable pressure and persuasion from the social worker and the guardian that then the mother finally relented.

64. The mother is likely to continue to mature as she gets older and there is the potential that her skills as a parent may improve with maturity but I have to factor in her profound struggle in accepting the need for advice. I have no doubt that for her the consequences of her travel to the States were significant and it is possible that they have shifted her mindset. However, in my judgement, it appears that she is only at the start of such a shift. In her recent conversation with the guardian the mother reiterated her long standing view that what she really needs is to be free from Social Services' involvement. The problem with that approach is that it is the opposite of a growth mindset and if the mother were to continue to reject and resist advice and support it means that both she and [Person A] would miss out on the help that they need but potentially would expose [Person A] to a further risk of harm.

65. I think it is relatively unlikely that the mother would be so unwise as to try to take [Person A] abroad again and abduct her but that incident is the last in a pattern of incidents where the mother, in my judgement, has struggled to prioritise [Person A]'s needs. I have no doubt the mother regrets absconding to the United States but in my judgement she is still in the early stages of developing insight into her actions and how they impact on her parenting. She still has a long way to go to make the change that she needs to be able to care for [Person A]. In my judgement there is a real risk that something could occur in the mother's life in the

future, whether it is borne out of prioritisation of a new partner or a poorly considered decision that would impact badly on [Person A]. I consider there is a real risk that these sorts of issues may yet continue to occur.

66. I am very sympathetic about the mother's difficulties about leaving her room. It does not reflect, in my judgement, any wish on her behalf to neglect [Person A] but, rather, it reflects the magnitude, the size of the mother's own needs, that she is struggling to cope with which, as a side effect, also then impacts negatively on [Person A] whose needs conflict.

67. I have given consideration to what sort of support could be put in place around the mother and [Person A], whether it could be enough to enable the mother to be able care for [Person A]. There have been high levels of support put in place to date: a mother and baby foster placement, Patience is a Virtue placement, with carefully considered bespoke plans for support with the road maps and written agreements. However, even with those very high levels of support they have proved to be insufficient to keep [Person A] safe and to ensure that her needs were consistently met and I am not satisfied that there is a level of care that could be made available to make up for the deficits in the mother's care.

68. I have given consideration to whether I should adjourn the final hearing to allow for a further assessment of the mother. That would enable a third independent social work parenting assessment to be conducted and, in effect, to look at what improvements have been and can be made since the last assessment in March. I do not consider that such a further assessment is necessary. In my judgement, there is no gap in the evidence. The court already has two parenting assessments. The circumstances of the mother absconding to the United States do not, in my judgement, create the need for a further assessment. Rather it provides greater evidence about to the mother's actions as a parent. I am satisfied the court has all the information it needs to be able to carry out a fair evaluation of the case.

69. I have considered the advantages of adoption. It would mean that [Person A] would be placed in a home where her needs can be met with approved matched carers. In this case it is likely that the current foster carers may be approved to adopt. If that were the case, [Person A] would have the benefit of maintaining continuity with established relationships in a home where she has become settled and not need to move again. Although it is possible that, for whatever reason, she would not end up these current foster carers in which case she would need to move.

70. I am mindful that I am not comparing the option of [Person A] living with her mother to [Person A] being adopted by her foster carers. Rather, I am comparing the option of [Person A] growing up in the care of her mother to adoption in principle. It would mean, if

she were adopted, that [Person A] would get a lifelong and enduring relationship with her carers. It means that she will benefit from their support not only during her childhood but also during her adulthood. It means that she will be freed from Social Services' involvement. She would not be visited by a social worker at least every six weeks; there would not be regular looked after child reviews and annual LAC medicals and she would be able to grow up in a family environment.

71. The disadvantages are that [Person A] would not grow up within her natural family. It would mean that she would miss out on receiving the love and affection that the mother can offer her. It would mean that the good bond that she has with her mother would be broken and it would sever the legal relationships between her and her mother. It means she would also miss out on the opportunity, to the greater extent, of getting to know her grandmother and the wider maternal family as well as important individuals within the network such as [Person C], the mother's godmother.

72. As an adopted person [Person A] would grow up in a family where her parents are not her flesh and blood. At some point [Person A] will have to understand that and will need to come to terms with the reality that she has been adopted and that there is a birth mother and a birth family out there who are not caring for her. Life story work and letterbox contact are likely to be very helpful so that [Person A] can understand her journey. However, I have no idea how easy it will be for [Person A] to understand her history and come to terms with it. Some adopted people can really struggle with that aspect of their identity during their childhood and even during their adult lives; other adopted people are seemingly untroubled by it, they say it just felt natural anyway. I have no way of knowing how it will be for [Person A] who is of course only one year old at the moment.

73. I also factor in that there is a risk of adoption breakdown. It is not a particularly high risk in this case given [Person A]'s age, given her good health and development, and given that she has been placed with concurrent carers. However, nonetheless, I cannot rule out the possibility of an adoption breakdown and if that were to occur it would be devastating for [Person A].

74. I have heard submissions about the option of long term foster care. That would have the benefit that [Person A] would be able to maintain contact with her mother and other family members throughout her childhood but I am not satisfied that it is a realistic option in this case because, for a child as young as [Person A], it would mean the continual involvement of social workers over the next 17 years of her childhood and it carries a real

risk of placement breakdown or even of multiple placement breakdowns during her childhood.

75. I turn now to deal with [Person C]. At this stage the application for a viability assessment of [Person C] has already been refused and an appeal of that decision failed. However I am invited to reconsider in light of the evidence the court has heard. I have already given a judgment in relation to my case management decision when I refused the application for a viability assessment of [Person C] and that judgment ought to be read alongside this one. The considerations of that judgment remain valid. I relied on the case of *L and others (Children) (Care Proceedings)* [2017] EWHC 2081 Fam in which Keehan J at paragraph 12 said:

“The message has to go out loud and clear that these very late challenges to viability assessments, or the very late identification of family members will only be countenanced by the Family Court if there is exceptionally good reason as to why they have not hitherto come forward, and the assessment of them does not have an adverse effect upon the timetable for determining the future of the children.”

76. In this case Her Honour Judge Jacklin directed that alternative carers must be identified by no later than 13 June 2023 and accompanied that by a paragraph which was marked “Important” and in bold type stated that:

“The court made clear to the parents that this may be their only opportunity to put forward alternative carers. If a person is put forward late, there is a real risk that the delay to the child’s timetable will mean they will not be given an assessment. The court expects this point to be reinforced to the party by any solicitor acting on their behalf.”

77. I have now heard that the reason why [Person C] is being put forward so late is simply that she did not expect that the situation would arise where it was proposed that [Person A] would be placed away from the mother or from the maternal grandmother and she did not realise that she could be assessed until the more recent family group conference in March 2024.

78. [Person C] told me she believed she had not been put forward because the maternal grandmother felt that [Person C] had reached a point in her life where her own children were almost fully grown and did not think she would want to return to parenting a small child. She told me she was offended and hurt that she had not been thought of. However, [Person C] has been aware of the mother’s and [Person A]’s situation throughout [Person A]’s life;

primarily through the maternal grandmother although also through direct video and telephone contact with the mother herself.

79. The reason for [Person C]'s delay in coming forward is not exceptionally good. In my judgment it is not reassuring that she has never made any contact with the social work team at any point to seek contact with [Person A] including after March of this year when she had the social work details and had also expressed her wish to put herself forward, although I do note that she has sadly suffered a recent bereavement which may have been a factor.

80. One of the effects of the way in which [Person C]'s position has evolved during this final hearing is that she was asked about her own circumstances in evidence in chief and she asserted a very positive outlook about her parenting of her three children: "I feel like I did a fantastic job. My kids are successful and happy children. I never had issues with parenting."

81. It was that assertion about her parenting that caused the local authority to seek to rebut it by relying on information from the Social Services' files. When they were put to [Person C] in general terms, [Person C], to her credit, was frank and accepted much of the information. She has long standing problems with her mental health that go back for more than 15 years. She has diagnoses of emotional unstable personality disorder, depression, anxiety and OCD. She described periods when she would struggle with her self-care such that she may not shower or brush her teeth for five days. She explained that she would "robotically" conduct the care tasks for her children, cooking and cleaning the house. She told me that she is on antidepressant medication and has been since 2021 as well as medication to help her sleep and a beta blocker. She said that she has responded well to that medication which was reduced at the end of last year and that her care is managed through her GP. She accepted that she spent six weeks as a voluntary in-patient at the Priory Hospital at the end of 2020 going into early 2021. She accepted that she had raised with her GP her concern about her own alcohol use, although she explained that she had not been a regular user of alcohol but had started using it as an unhealthy coping mechanism after her own mother passed away and when she realised she was doing that she reached out to the GP.

82. She accepted that her oldest two children had been involved with the CAMHS service; she told me that her eldest had self harmed once; and that her middle child had been involved with CAMHS over a number of years. She accepted that there had been a referral in April 2021 from a Dr Perinol who was very concerned about her mental health after she had "lost it" with her middle child, becoming very angry, distraught and describing that child in abusive language. She accepted that her middle child had been accommodated by the local

authority in 2022 due to the difficulties in their relationship and she told me that she had had to protect her youngest child from exposure to the middle child's self harming behaviour.

83. [Person C] had not volunteered that information to the professionals or the court until after the local authority sought permission to rebut her oral evidence. However, when asked, she then was frank and she said she had not mentioned it because she had not been asked and that she had nothing to hide. Towards the end of her evidence she told me that if she is, "not good enough to care for [Person A], fair enough".

84. When I consider the information now before the court I am more firmly of the view that a further assessment of [Person C] is not necessary. The reasons why [Person C] was put forward so late are not, in my judgement, exceptionally good. It appears that [Person C] was aware of [Person A]'s circumstances throughout her life but has not been proactive in seeking to come forward or, indeed, in seeking to see [Person A] and the mother told me in her evidence that [Person C] had not asked her to see [Person A] either. While I am sympathetic to [Person C]'s difficulties, I do not consider that it is in [Person A]'s best interest for the court to entertain a further delay in these proceedings, which are already over a year old, to allow for a viability assessment to be conducted.

85. It is not my function to conduct a viability assessment from the witness box, rather it is my role to determine on the information before me whether an assessment is necessary. In the light of the information that I have received about [Person C]'s circumstances as well as the very late proposal of this assessment, I am satisfied that further assessment is not necessary and is not justified. In the circumstances I am not satisfied that a placement with [Person C], who at the moment is unassessed, is a realistic option for [Person A].

86. When I consider all of the pros and cons of each of the realistic options I reach the conclusion that [Person A]'s welfare throughout her life requires that I should make a care order and a placement order. I am satisfied that adoption is the only means by which [Person A]'s means can be met to a good enough standard. I have given careful consideration to the potential of the mother to care for [Person A]. There are a number of significant positives about the mother and the care that she has given to [Person A], not only the warmth and love that she shows but there are plainly many aspects of [Person A]'s basic care that she was able to meet. However, in my judgement, there is a pattern of the mother having been unable consistently to prioritise [Person A]'s needs and of having acted in ways that may be detrimental or harmful to [Person A].

87. I am glad that the mother now recognises these difficulties and wants to seek to address them and overcome them. Unfortunately that was not the case for the first nine months of

these proceedings which were met by almost total intransigence from the mother who was very resistant to advice. Since the events that took place in the United States the mother has shown improvement but it has been slow. In my judgement she remains in the early stages of change and the improvements that she needs to make are unlikely to be achieved within [Person A]'s timescales; [Person A] needs a decision now about her future, she has already spent more than a year, almost her entire life, in proceedings. It would not be right for her to keep waiting and waiting.

88. There are no alternative carers available, the maternal grandmother withdrew and I have dealt with [Person C]. I do not consider the option of long term foster care to be realistic. In the circumstances [Person A]'s welfare throughout her life requires that I make a care order to the London Borough of Harrow and I approve the plan for adoption. I make a placement order in favour of the London Borough of Harrow and dispense with the mother's consent on the basis that [Person A]'s welfare requires that I should do so for the reasons that I have already given. I recognise the draconian nature of the orders I am making and that they represent a significant infringement of the right to private and family life of the mother and the child but I consider in this case that they are proportionate and necessary because there is no other lesser order that will be good enough for [Person A].

89. I have also considered the question of contact. The local authority's plan is for [Person A] to have two-way annual letterbox contact with her mother. It was clear in the course of the social worker's evidence that the local authority have not sufficiently entertained the possibility of direct post-adoption contact. There are some very significant obstacles to such contact, in particular there is a flight risk. In circumstances where the mother has already absconded with the child once, I cannot reasonably ignore the possibility that she might try to do something again. However, there are ways to manage such risks: the obvious ones like using a contact centre but there are also slightly more nuanced ones like making sure that the local authority potentially holds the mother's passport during periods of contact.

90. I am not going to make any order in relation to contact. I do not know how the mother will react to the court's decision today. Although I note that she has continued to be calm and respectful in the court throughout this final hearing and this judgment. I consider it would be unhelpful for the court to assert what should happen next.

91. I did invite the local authority in the course of the hearing to enquire with the prospective adopters as to their attitudes about post-adoption contact and I have been told that they are nervous but willing to discuss it. It seems to me that that is a justifiable and very

sensible position for them to take. There are potential benefits for [Person A] in having direct post-adoption contact in terms of her sense of identity but also being able to receive and experience the love that her mother can show to her but there are also potential risks, not only a flight risk but potentially of it being undermining to her adoptive placement and her stability and security in that placement which now needs to be the priority. In my judgement it is right that there should be some proper discussion and thought given to these complicated issues so that the prospective adopters can think about them and can potentially make an informed decision about what they consider would be best for [Person A].

92. So I make a care order and a placement order and I refuse the application for a further assessment of [Person C]. I also refuse the application for an independent social worker assessment of the mother. I will direct the local authority to obtain a transcript of my judgment which I will in due course seek to have finalised so it can be published. I propose to leave in the names of the professionals and the local authority but to remove the names of [Person A], the mother, [Person C] and the other lay persons who have been involved but I am open to any submissions in relation to that.

93. I want to thank the advocates for the skill and care that they have brought to this case. I want to thank the mother for the way in which she has engaged with the court process. I realise it has not been easy for her but I am very grateful for the respectful and dignified way that you have managed throughout what must have been a very difficult hearing. I am grateful to the mother's personal adviser for her presence and support to the mother during this hearing. Whilst [Person C] is not here to hear my words, I am grateful that she stepped forward, albeit late, in the hope of being able to assist. It is far better that the court knows about her situation and that she tried, rather than for her and the mother to spend their time wondering what if. I think it is important also for both [Person A] and indeed the mother that [Person C] made that attempt, so she has my thanks for that.

94. That is my judgment.

ANNEX:

AGREED AND APPROVED NOTE OF JUDGEMENT OF HHJ OLIVER JONES DATED
17TH APRIL 2024

1. This is case relating to [Person A], a girl born on 7th May 2023 so now 11 months old. [Details of parties]. These proceedings have been running since mid-May 2023. The case took a difficult turn early this year when the mother took [Person A] to the USA requiring High Court orders to ensure her return. Since her return [Person A] has been separated from her mother and placed in foster care. Her putative father has played no role and has refused to engage in DNA testing.
2. Case is listed for an IRH today. The local authority has not provided final evidence in accordance with the last directions. It has run into difficulties because the mother has put forward her godmother as alternative carer at extremely late stage. For reasons I do not understand the local authority has fallen into the mistake of thinking that such a request trumps the court's directions. The local authority should have prepared its final evidence as ordered.
3. The position that I am now invited to consider is whether there should be a viability assessment of the mother's godmother. I have a very small amount of information about this lady. I am not even sure what her name is. Undoubtedly this is an extremely late application.
4. HHJ Jacklin KC made an order on 6th June 2023 which stated the parents must by no later than 13th June 2023 provide details of any alternative carers they seek to be assessed. That direction has with it a paragraph marked important saying '*The Court made clear to the parents that this may be their only opportunity to put forward alternative carers. If a person is put forward late, there is a real risk that the delay to the child's timetable will mean that they will not be given an assessment. The Court expects this point to be reinforced to the party by any solicitor acting on their behalf.*'
5. Since that direction was made, the mother did in fact put forward some family members who variously withdrew or were negatively assessed. There was a Family Group Conference to which the godmother was not invited. Ms Davies points out that this young mother is herself a care leaver. There have been difficult family dynamics but there has been an improvement in relationships and that is why godmother is now put forward at this stage. She also points out that for a significant part of the proceedings [Person A]

remained in the mother's care. The implication of that is that the importance of looking at alternative carers is somehow lessened.

6. The other aspect is that the realistic options are now reduced heavily so that the local authority's final care plan which is yet to set to paper is likely to be one of adoption. Ms Spratling on behalf of the local authority says that the connection between godmother and [Person A] is not a close one on the face of it. It is not believed that she has even seen [Person A].
7. The social worker spoke to godmother briefly yesterday and confirmed she was willing to be assessed. However she expressed a degree of ambivalence, saying her family members have raised concerns about it. The local authority's position is that it seeks to have a robust decision at the end of case; thus it could conduct a viability assessment by the end of month - 30th April. If that were positive, then a full SGO assessment would be complete by end of July.
8. The Children's Guardian supports a viability being conducted. The Guardian is also concerned that this is very late in the day but given the alternative care plan is one of a placement order, the Guardian's view is that it needs to be undertaken.
9. I forwarded to the advocates the case of [L & Ors \(Children : care proceedings\) \[2017\] EWHC 2081 \(Fam\) \(05 May 2017\) \(bailii.org\)](#). In paragraph 12, Keehan J says: *'The message has to go out loud and clear that these very late challenges to viability assessments, or the very late identification of family member will only be countenanced by the Family Court if there is exceptionally good reason as to why they have not hitherto come forward, and the assessment of them does not have an adverse effect upon the timetable for determining the future of the children.'*
10. [Person A's] welfare is my paramount consideration. In this case there are stark choices before the court, however the message from Mr Justice Keehan and HHJ Jacklin KC are perfectly clear. I am not satisfied that there is an exceptionally good reason now to conduct a further viability assessment. It will have an adverse impact on the timetable if that assessment process is successful. It has already had an adverse impact on timetable given the non-compliance with directions as a result of the godmother being put forward.
11. If the court had had final evidence available today, I would have been able to list a final hearing in the first week in June but I am not able to do so because the local authority did not comply with my directions. The application for a viability assessment is refused. The fact that this lady is expressing ambivalence is far from reassuring in any event.

12. The next issue is Dr Radcliffe. He has conducted an assessment and an addendum. On the last occasion I made provision for questions. His responses are, 'I can't answer without further addendum' and he seeks to undertake a further 15 hours of work. The questions being put are relatively straightforward. They are:

"1. Please meet with Mother in person and comment on whether any of your opinions contained within your initial assessment have changed.

2. Can you indicate if Mother may benefit from any treatment, therapy or support which she is not already receiving? What is the likely duration of such treatment? Could any such treatment take place with [Person A] in the care of her mother?

3. Please assess the mother's understanding, insight and acknowledgement of the local authority's concerns of her behaviour and the incident on 2nd February 2024 and the impact of this upon the child."

13. I am not satisfied there is a gap in the evidence such that Dr Radcliffe should conduct further assessment. I cannot see that the mother's psychological profile will have shifted by virtue of her having taken child without authority to USA. 15 hours is a high level and is not justified or necessary. The court will hear evidence from the mother which will go to her insight and what she says about her trip to USA. I do not need a psychologist to tell me about that. Regarding therapy he has already given his views, if he does not feel he can update his views in writing then it can be said in the witness box.

14. I refuse the application for an addendum psychological assessment. It may be parties want to resend questions to the expert given the court's decision.