

**IMPORTANT NOTICE**

This judgment was delivered in private. The judge has given leave for an anonymised 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 child and members of her 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.

Case No: XX19C00459

**IN THE FAMILY COURT SITTING IN XXX**

**IN THE MATTER OF THE CHILDREN ACT 1989**

**AND IN THE MATTER OF D**

Date: 20.2.20

**Before :**

**HHJ Lynch**

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**Between :**

**A Local Authority**

**Applicant**

**- and -**

**M**

**F**

**D (through her Children's Guardian)**

**Respondents**

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**Emily Ross for the Applicant**  
**Adam Hall for the 1<sup>st</sup> Respondent**  
**Maria Temkow for the 2<sup>nd</sup> Respondent**  
**Meggie Chan for the Child**

Hearing date : 20.2.20  
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**JUDGMENT**

## **Introduction**

1. These proceedings are about a little girl, D. Her mum and dad are M and F and they both have parental responsibility for her. The other important person in this case is F's aunt, P, who is going to look after D as she grows up.
2. When D was born her parents were very young and there were worries about whether D would be safe living with them, not least because M and F have arguments which at times mean they are aggressive and violent to each other. The social worker began this court case, asking the court to make a care order which would make the local authority responsible for D. An interim care order, one that lasts just for the length of this court case, was made [last summer]. The case had not begun sooner because D was born very early and it was not at all clear that she would survive. She was in hospital for a very long time because of her health problems and we now know that she has since been diagnosed with [condition removed]. During the time this case has been in court, D has lived with foster carers and arrangements have been made for her to spend time with her mum and dad.

## **The Issues and the Evidence**

3. Today at court there was no argument about what would be the right thing for D in terms of where she lives and who she sees. Although D has lived with a foster carer so far, the plan is that she will go to live with F's aunt with the local authority staying involved under a care order. That is a plan that everyone agrees with, although F has not seen his solicitors very recently to they are working on the fact that the last time they spoke to him he agreed with D living with P.
4. For me to make a care order today, I have to be satisfied that when the local authority began this court case D was likely to suffer significant harm because the care likely to be given to her by her mum and dad was not what it would be reasonable to expect a parent to give to her. I have looked at all the written evidence and I can see that this is true and M and F accept it too. I am going to explain what I know about M and F which means D would not be safe living with them.
5. At the time M got pregnant she was only fourteen years old and F was sixteen. There were problems with how they were being brought up by their parents and social workers were involved with their families. The relationship between M and F is one where there is domestic violence of both the verbal and physical kind. The police had been called out a number of times when

there had been problems between them. F in particular struggles to control his feelings which can lead to him behaving in an angry way. He also has some mental health problems and has not got help with this. His mental health may well cause or affect his angry behaviour. M and F also use cannabis.

6. Of course M and F are very young and bringing up a baby like D would not be easy for anyone. D was born very early with a lot of health problems and she was in hospital for a long time. While she was in there her mum and dad found it very hard to come and see her regularly or stay very long when they did. The social workers realised that they were not going to be able to look after her by the time she came out of hospital but they came up with the idea that D could go to live with her mum with a foster carer. That person would make sure D was looked after okay and keep her safe while helping to teach M how to look after her. The problem was that M turned up to hospital so little it was not felt she was committed enough to this plan and so the decision was made that D should live on her own with a foster carer while people looked a bit more at M and F.
7. During the time D's case has been in court, people have been trying to understand the kind of people M and F are and whether they could be helped to look after D. A psychologist met with both M and F and he wrote a report for the court. His view was that neither of them would be able to look after D. He realised how immature M was, not surprising given her age, and said her attitude was going to make it hard to work with her. He also talked about how difficult she found it to control her anger and so she became aggressive. Similarly with F, the psychologist said he was very fragile inside and this had an effect on how he coped day to day. F coped poorly with stress and his main solution seemed to be to smoke cannabis. The psychologist said both M and F were likely to end up in relationships which were chaotic and volatile and they themselves were likely to be aggressive and confrontational in one way or another.
8. The social workers also tried hard to meet with F and M to get information about them and they too wrote a report for the court. Again they felt that D could not live with either of her parents. They said that neither parent had got very involved with the court process or with D's life and were not turning up a lot of the time when sessions were arranged for them to be with D. In light of the psychological assessment and all the other problems, the social workers came to the view that D could not live with M or F.

9. Fortunately F's aunt, P, came forward and said she wanted to look after D for the rest of her life. She met with social workers a number of times and the social workers decided that the best thing for D would be for her to go and live with Kelly. The social workers have a plan of how she will be supported to look after D, including having lots of specialised training. Because D has not yet gone to live with her and because there could be problems in the future, including because of D's health problems, the social workers tell me it would be best if they stayed involved under a care order.
10. It is going to be important for D to know her mum and dad and have a relationship with them but the problem is that they have not been going often to see her and because of that the social workers have had to think about how often sessions should be set up between D and her parents. The plan is to try to make this happen monthly at a contact centre. Someone from the social worker's office will supervise those sessions until a time when P she can.
11. D's guardian has thought about the local authority's plan was for her and agrees with that. She too was certain that it would not be safe for D to live with either her mum or her dad. She wanted to be sure that P had had all the right training and is happy now that that is all in place. She agrees that the social workers should stay involved and says I should make a care order.
12. As I said earlier, F did not come to court today and all his solicitor could tell me was that when he last spoke to them he was happy with D going to live with P. M though did come to court today and she spoke with her solicitor beforehand so a statement could be written out for her. M explained that she loves D very much and wants what is best for her. Ideally she would want D to come and live with her that she realises that is not possible. She does not really know P but has read the report about her and she has seen where P lives and she thinks this will be a good home for D. She wants to go on seeing her little girl, as she obviously loves her very much, and agrees with the plan for that to happen once a month. Given that I know M would like to have cared for D, this must have been such a hard decision for her to reach. Her solicitor told me how she been thinking about it for a few weeks and realised it was what was best for D. It is obvious to me that, as M says, she is not giving up on her little girl. This shows me how she has made a decision that is all about what is best for D and not at all about what she herself wants to happen, a very hard and brave thing to do.

## **My Decision**

13. In preparing for this hearing, given nobody was arguing about what I should do, I read just the key parts of the written evidence, and I know this case well because I have been responsible for it all the way through. Nobody has given evidence in court, but I have heard from the lawyers about what people want to happen.
14. I have to think about what orders if any are needed for D. Wherever possible, children should be brought up by their parents and if not by other members of their family. I know that D and her parents have a right to a private family life. And when I make my decision I must remember that D's welfare throughout her life comes first in my thinking. I have gone through in my head all the possible outcomes for D and balanced up the pluses and minuses of each. When doing that, I have thought particularly about the list of things in what is called 'the welfare checklist' which can be read in the most important Act of Parliament about children's cases, the Children Act 1989.
15. From all the evidence I have read, I can see that it would not work D going to live with her mum or her dad. They are still both incredibly young and have their own problems which mean they are not equipped to be a mum or dad yet. That does not mean it will not happen in the future for them right now their daughter needs to be safe and settled with someone bringing her up who will meet all of her needs. The evidence shows me that that person is not M or F but I am satisfied from what I have read that P will be. She is going to need help, not least because of D's health problems, and it is right that the local authority should stay involved. The social worker is also going to need to sort out the time that D spends with her mum and dad, as it will be very important that she keeps up her relationship with them.
16. So, looking at the options for D, I do agree that the right thing for her is for her to live with her great-aunt with the protection and support that will come with a care order. I am satisfied that the local authority's final care plan for D, including the plans for her to see her mum and dad, is the best thing for her and is proportionate. **I therefore make a care order.**
17. There is one further direction I wish to make. I think it is hugely important for children who grow up not living with their parents that they have information available to them, through the person caring for them, so they can make sense of their early life. This judgment, in setting out what I have read and heard in court today, gives at least a summary of that start. I propose therefore to order that **this judgment must be given by the Local Authority to P so that it is**

**available to D when she is older. That however is on the basis that it should be kept private so apart from P looking at it herself she may only show it to any medical or therapeutic staff working with D of the family.**

18. I also make the **usual order about court costs** in this matter.

THE WORDS AGREED BY EVERYONE EXCEPT F  
(BECAUSE HE IS NOT HERE TODAY)  
FOR THE THRESHOLD CRITERIA,  
THE REASON WHY THIS CASE BEGAN,  
THESE WORDS ALSO BEING APPROVED BY THE COURT

The threshold criteria as set out in section 31(2) of the Children Act 1989 are met in respect of D in that at the time protective measures were taken, she was likely to suffer significant harm in the form of physical and emotional harm and neglect, and that such harm is attributable to the care likely to be given to her not being what it would be reasonable to expect a parent to give to her.

In particular :-

1. There is domestic violence between M and F, including both verbal and physical abuse. This would place D at risk of significant physical and emotional harm.
2. The father struggles to manage his feelings of anger, and any resultant behaviours arising from this, this would place D at risk of significant physical and emotional harm.
3. The father has not sought support and treatment for his mental health issues despite professional support, advice and assistance to do so, his mental health may have an effect with regard to 1. and 2. above and would place D at risk of significant physical and emotional harm.
4. Whilst D has remained in hospital following her birth, the parents have struggled to spend regular and significant time with her, upon her discharge from hospital she will have a high level of need and there are reasonable grounds to believe that the parents will struggle to prioritise and meet all of her needs above their own and she will be at risk of significant neglect.
5. The father and mother consume cannabis. This may affect their ability to meet all of the needs of D all of the time and place her at risk of significant neglect.