

<p><i>Luton Borough Council v Ms C (The Mother) and others</i></p> <p>[2024] EWFC 87</p> <p>Mr Richard Harrison KC (Sitting As A Deputy High Court Judge)</p>	<p>The child (5yrs) with medical needs had been cared for by Mr and Mrs D, the foster carers for nearly 4 years; they wished to care for her on a permanent basis. All agreed the placement, the legal structure was not agreed. They sought an adoption order which was opposed by the parents. In the event an adoption order was made, the parents' case was that contact should continue on at least a bimonthly basis. They contended that the benefits of contact were a reason to refuse an adoption order or alternatively to make an order for post-adoption contact. The local authority and the guardian acknowledged that aspects of the contact have been positive for C but that it has also been a source of stress for her as being caught in the middle of a fraught relationship between the mother (in particular) and Mr and Mrs D, the root cause of which is the mother's inability to accept the parental role which the foster carers have been fulfilling for C. Adoption order made; no post adoption contact order.</p>	<p>Held:</p> <p><i>I do not consider that it is appropriate for me to make an order for post-adoption contact. Despite the recent research about the potential benefits of ongoing contact, it remains the case that it will rarely be appropriate to impose an order upon unwilling adopters.</i></p> <p><i>I am also very conscious of the fact that for contact to be beneficial to C will require the parents – in particular the mother – to come to accept the reality of C's placement with Mr and Mrs D and that they are no longer her parents. It will be enormously challenging for them to be able to accept this and it is impossible for me to predict whether they will manage to do so. I accept that Mr and Mrs D will be astute to promote C's interests going forward and that this will include facilitating contact if they judge it to be beneficial for her. They will be able to draw upon the support of the local authority in keeping contact under review'.</i></p>
<p><i>D-S (A Child: Adoption or Fostering)</i></p> <p>[2024] EWCA Civ 948</p> <p>Court of Appeal</p>	<p>Appeal against a decision refusing a placement order in respect of a child of 11 months. The parents had learning difficulties, they wanted to care for C but didn't challenge the judge's decision however they did not want her to be adopted and wanted her to remain in fostercare. Appeal allowed; Placement Order made. Parents placed particular emphasis on the question of</p>	<p>Lord Justice Peter Jackson:</p> <p><i>'C has a relationship with her parents and half-siblings. They understandably want to keep her within the family. I respect their position but, seen objectively, C's family relationships are not of such importance that they can outweigh the predominant need for her to have a family of her own. This factor speaks in favour of contact taking place, if it can be arranged, after C is placed for adoption and later adopted.</i></p> <p><i>...As to contact, the local authority can be expected to honour its care plan for current contact, and for a 3-month search for adopters who will accommodate meetings with family members. It</i></p>

	<p>contact, and the modern thinking on the benefits of contact alongside adoption.</p>	<p><i>transpires that there were two missed occasions of sibling contact for health and logistical reasons: that will have been a pity for the children but it does not signal the need for the court to impose an regime on the local authority that could only be changed though litigation if it proved problematic. Overall, it would not be better for us to make a contact order, in fact it might be detrimental to the greater priority of finding an adoptive family for C.'</i></p>
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