

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

FAMILY DIVISION

**IN THE MATTER OF THE ADOPTION (NORTHERN IRELAND) ORDER
1987**

RE L2 and O (post adoption contact)

MORGAN J

[1] This is an application for adoption of L2 and O who are aged seven and four respectively. They were freed for adoption by order of Gillen J on 30 November 2005. Their parents and siblings have applied for direct contact post adoption. Nothing should be published which would disclose the identity of the children or their family.

[2] M and E are the mother and father of seven children. Concerns arose in relation to the consumption of alcohol by E and issues of neglect in respect of the children. On 16 May 2003 Emergency Protection Orders were granted in respect of E1, D, S, L1 and L2. An Emergency Protection Order was made in respect of O when he was born in 16 July 2003. The eldest child is now 21 and has never had any orders made in respect of him. On 6 September 2004 Care Orders were granted in respect of E1, D, L1 and S. I have already referred to the hearing before Gillen J which resulted in Care Orders and Freeing Orders in respect of L2 and O on 30 November 2005.

[3] Both M and E were assessed by Dr McDonald in the course of care proceedings. Each was assessed as having significant limitations of intellectual ability which impacted on their ability to provide adequate parenting. By the time of the hearing before me both E1 and D had returned to the family home. L1 and S were in long-term fostering with relatives and had direct contact once per fortnight. Throughout the proceedings before

Gillen J the parents were resolutely opposed to adoption harbouring hopes that the children would be returned to the family home.

[4] At the time of the Freeing Order Professor Tresiliotis had reported that there was an assessed need for L2 to have contact with her birth mother at least. The Trust proposed direct contact involving the family with these children on four occasions per year. Between 20 December 2005 and 26 January 2007 5 contacts involving the family with the children have been arranged. It has become apparent that neither the parents nor the children remaining at home have found themselves able to support the proposed adoptive placement. Each member of the family has expressed their strong opposition to the proposed adoption. There was evidence of behaviour tending to undermine the placement during the contact and hostility displayed towards the Trust in the course of the contact.

[5] On 29 August 2007 direct sibling contact was arranged with L1 and S. That contact proved positive and it is now proposed that direct contact should occur between the children twice per annum. The prospective adopters support that contact and Mrs Wassell and Professor Tresiliotis are of the view that this is in the interests of the children. Each recognises the danger that L1 and S may be influenced by the attitudes of their parents and other siblings and consequently it will be important to monitor the contact to ensure that it meets the needs of L2 and O.

[6] There is overwhelming evidence from the Trust, the Guardian, Mrs Wassell and Professor Tresiliotis that the continuation of direct contact for any other member of the family is likely to undermine the proposed adoptive placement. The remaining members of the family have expressed themselves resolutely opposed to the concept of adoption and made their views known recently again to the Guardian. Although represented at the hearing neither the father nor the children chose to give evidence before me and I have every reason to think that their resolute opposition to permanence outside the family continues. I have taken into account the statements made by the 3 older children in which they say that they would not undermine the placement but their recent statements to the Guardian indicating their opposition to adoption and the evidence of the previous contacts prevents my placing much weight on these statements. At the moment I see no realistic prospect that any of these family members would be prepared to engage constructively in work which might alter that situation.

[7] M was the one family member who gave evidence before me. It is clear that she deeply loves her children and finds it difficult to cope with the prospect that they will not be returned to her. In her evidence before me M now says that she is prepared to accept the adoptive placement. She finds it impossible, however, to accept the concept of adoption. In exploring this with her in her evidence it is clear that her concept of adoption involves a process

of rejection of children by the parent. She is also of the view that it involves the exclusion of the parent from any aspect of the child's life. It is, perhaps, not difficult to understand against that background why this lady rejects the concept of adoption.

[8] Although post adoption services were provided to M by the Trust it is clear that M did not materially avail of those other than to seek to secure contact. If she is to arrive at a position where she will be able to give support to the children in their new placement she will require considerable assistance. Even then the issue of whether post adoption contact should be introduced must depend on the circumstances and needs of the children. In the course of the hearing the parties agreed that it would be beneficial for M to engage in post adoption counselling with the Family Care Society. That would assist her to support and accept the adoptive placement and to begin to understand properly the concept of adoption for the children. The post adoption counsellor would liaise with the post adoption contact worker if M's progress raised a realistic prospect of direct contact.

[9] I am satisfied that the arrangements for direct contact with L1 and S are in the interests of the children. I note that indirect contact is proposed between the subject children and those family members remaining at home. I recognise the advantage in particular to L2 that could be gained from direct contact with those family members but I consider that the evidence that the placement would be undermined is so substantial and potentially harmful to the children that it would not be in their interests to order it.

[10] I consider that the arrangements now proposed for M represent a proportionate response which opens the door to the possibility of direct contact at some stage in the future. M and E are to have twice yearly indirect reciprocal contact. If M finds herself able to accept the concept of permanence for the children and to support the adoptive placement there may well be a substantial argument that L2 in particular would benefit from direct contact. Indeed it may well be that the proposed direct contact between L1 and S with the subject children will itself raise the issue of contact with the birth family and the proposed work with M may well assist in being able to respond positively to that situation.

[11] Accordingly I refuse the applications for direct contact for the reasons set out above and make no order in respect of indirect contact on the basis that the arrangements for this are satisfactory.