

THE HIGH COURT

[2013 No. 37 MCA]

IN THE MATTER OF THE ADOPTION ACT 2010

BETWEEN:

THE ADOPTION AUTHORITY OF IRELAND

APPLICANT

And

IN THE MATTER OF A PROPOSED ADOPTION OF K. S. H. (A MINOR)

RESPONDENT

Judgment of Mr. Justice Henry Abbott delivered on the 4th December, 2015.

1. These proceedings involve an application by the Adoption Authority of Ireland [hereinafter: the "Authority"] under ss. 18(5) and 18(6) of the Adoption Act 2010, to the High Court for an order approving the placing of baby K.S.H. for adoption, without notifying the natural father, in circumstances where the mother refuses to reveal his identity.

2. Baby K.S.H. was born on the 14th July, 2012, and is now 7 months old. She is currently in a pre-adoptive foster home with persons who are not the prospective adopters. The natural mother has been repeatedly counselled by social workers from the accredited body, named in the affidavits [hereinafter: the accredited body] with regard to the repercussions of not notifying the birth father. The natural mother, who is aged 22, has been counselled regarding the need for him to be consulted, both for the well-being of the child and for the father's own rights to be exercised, as is required by s.18(5).

3. The natural father has not been notified, because the identity of the father is unknown to the accredited body and the mother continues to refuse to reveal his identity. Further, the accredited body has taken all steps reasonably practicable to obtain the cooperation of the mother and has been unsuccessful in doing so. The accredited body also has no other practical way of ascertaining the father's identity.

4. Following a hearing in the High Court on, 15th February, 2013, on this application, this Court expressed very serious reservations regarding the failure to notify the natural father. This Court has found the application to be a serious matter, and that making an order, without notifying the natural father would appear to be against the interests of the child and of the father. This Court also stated that it was uncomfortable with the fact that the child was a secret. The Court outlined that the problem with secrets was that they are frequently found out and that the father would probably find out eventually. If this happened, the father could then take steps to challenge any adoption order that had been made. This Court asked that these comments be communicated to the mother of the child.

5. Social worker number 1, [hereinafter: "social worker no. 1"], from the accredited body, spoke with the natural mother and conveyed the views of the High Court. She informed the Court on the 22nd February, 2013, that despite hearing the views of the High Court, the natural mother remained adamant that she would not reveal the identity of the father. She indicated that the birth mother has not revealed the pregnancy to anyone but her sister (with whom she was very close), and that she is adamant that the matter remain a secret.

6. On the 22nd February, 2013, the Court was told that the birth mother had told social worker no. 1 that she had left home in the latter stages of pregnancy and moved into an apartment with her sister, so that she could conceal the pregnancy. The birth mother states that the birth father is on medication for depression and that he has had a number of stresses, including recently failing his exams and his sister being diagnosed with a very serious and possibly life threatening illness. She states that his parents find it difficult to support him, that his mother suffers from stress and depression and his father works abroad. She told social worker no. 1. that she explained away her increased weight during the pregnancy by indicating that she had a metabolic condition. The details concerning the relationship with the birth father and surrounding the birth of the child are more fully set out in the report of social worker no. 1 and in the affidavit of the natural mother, which were each exhibited to the grounding affidavit.

7. On the 22nd February, 2013 the Court again reiterated its view that the natural father had a right to know about the child so that he could exercise his rights, if he wished to do so, including applying to become a guardian of the child, or opposing the adoption. The Court also stressed the importance of the child having a right to know who the father is. The Court directed that the natural mother would come to court so that the matter could be discussed with her, and a hearing date was set for 27th February, 2013. It was also directed that submissions be filed for the assistance of the Court setting out the law with regard to the rights and interests of all parties in this complex situation.

Legal Framework

8. The legislative framework is set out in the Adoption Act 2010. Section 17(2) requires that before an accredited body places a child for adoption, it must take such steps as are reasonably practicable to consult the father regarding the placement.

9. Section 17 (2) states:-

"Subject to this section and s. 18, where an accredited body proposes to place a child for adoption, the accredited body, before placing the child for adoption, shall take such steps as are reasonably practicable to consult the father for the purpose of:-

(a) informing him of the proposed placement,

(b) explaining to him the legal implications of, and the procedures related to, adoption and

(c) ascertaining whether or not he objects to the proposed placement.”

10. Sections 18(5) and (6) provide that where the birth mother refuses to identify the father, the accredited body will counsel the mother on the implications of such an action and if the mother continues to refuse to identify him, the adoption can only proceed with the approval of the High Court. Section 18 (5) and (6) state as follows:-

“(5) if the identity of the father of the child is unknown to an accredited body and the mother refuses to reveal the father's identity, the accredited body:-

(a) shall counsel the mother in order to attempt to obtain her cooperation, indicating to her;

(i) that the adoption may be delayed,

(ii) the possibility of the father contesting the adoption at a later date,

(iii) that the absence of information about the medical, genetic and social background of the father may be detrimental to the health, development or welfare of the child, and

(iv) such other matters as the accredited body considers are appropriate in the circumstances, and

(b) if the mother, after counselling, continues to refuse to reveal the identity of the father, shall furnish the Authority with a written report of the counselling that the accredited body has provided.

(6) Where the Authority receives a written report referred to in subsection (5)(b) and is satisfied that the accredited body

(a) has taken such steps as are reasonably practicable to obtain the cooperation of the mother, and

(b) has no other practical way of ascertaining the father's identity,

then

(i) the Authority, after first obtaining the approval of the High Court, may authorise the accredited body to place the child for adoption, and

(ii) at any time after being so authorised, if the accredited body has not ascertained the father's identity, the accredited body may place the child for adoption.”

11. Apart from these sections, the Adoption Act 2010 does not provide any further machinery or provisions to assist in determining the identity of a birth father. Finally, it should be noted that s.19 of the Adoption Act 2010 requires that in all proceedings involving the adoption of a child, the welfare of the child is the paramount consideration. Section 19 states as follows:-

“In any matter, application or proceedings before

(a) the Authority, or

(b) any court,

relating to the question of the arrangements for the adoption of a child, or the making of an adoption order, or for the recognition of an inter-country adoption outside the State, the Authority or the court, in deciding that question, shall regard the welfare of the child as the first and paramount consideration.”

12. Thus, the Act of 2010 specifically authorises the High Court to make an order approving the placement of a child for adoption, where the father has not been notified, in circumstances where the mother refuses to reveal his identity. In determining whether to make this order, the welfare of the child is the first and paramount consideration.

Convention Principles: The Rights of the Father and the Child

13. Clearly, issues arise with respect to the rights of the natural father in this case. The authorities in Ireland, the United Kingdom and under the European Convention on Human Rights indicate that a natural father should be notified regarding the adoption of his child, in all but the most extreme or exceptional cases. Much of the case law deals with a situation where a positive decision is made not to consult with the birth father.

14. The Court has accepted that no value judgement has been made by the accredited body, or by the Authority that there is a positive reason not to notify the natural father. The factor impeding notification in this case is the fact that the mother refuses to identify him and there is no other practical means of identifying him.

15. The birth mother has sworn an affidavit, setting out the circumstances of the conception of the child and the circumstances of the natural father together with her reasons for not identifying him. The affidavit sets out that:-

(a) She has known the birth father as a friend for eight years but only began a relationship with him in 2011;

(b) She states that the relationship continued until September, 2012, when it ended, but that she remained good friends with the birth father;

(c) She concealed the pregnancy and birth from the child's father and from her own family and friends. The only person who is aware of the birth of her child is her sister;

(d) She has been counselled extensively by social worker number 2 [hereinafter: “social worker no. 2”] , and by social worker no. 1, with the accredited body in relation to s.18(5) of the Act of 2010;

(e) She made a decision early in her pregnancy not to inform the child's father regarding the pregnancy or the birth of the child because the father suffers from stress induced depression, is receiving medication, is currently in a depressive state and is reclusive;

(f) She states that during the past 12 months, the father experienced a great deal of stress arising from failing his college examinations and his sister developing a life threatening illness, which has necessitated her being hospitalised on many occasions;

(g) She further states that the mother of the birth father also suffers from stress and anxiety and that his father works abroad;

(h) She states that she believes that learning about the child and about the concealment of the pregnancy and birth would increase his level of stress unacceptably;

(i) She further states that it is her belief that the natural father would agree with her decision to place the child for adoption;

(j) She states that she knows the family of the birth father well and can provide any medical, social background and genetic information for the child and her prospective adoptive family.

16. The leading authority in this jurisdiction on the requirement to notify the natural father of a child being placed for adoption is *W.S. v. Adoption Board.*, [2010] 2 I.R. 530., although it should be noted that the case did not involve a situation where the mother refused to reveal the father's identity. In *W.S. v. Adoption Board.*, O'Neill J. set aside an adoption order in circumstances where the natural father had not been notified about the placing of his child for adoption. The father had been in a relationship with the natural mother for four years and had in fact lived with the child and her mother for a period until he was charged with criminal damage, and after a disagreement had absconded abroad. Although he was back in the country at the time of the proposed placement, he was not notified about the making of the order. The natural mother had told the Authority that she was unaware of the whereabouts of the natural father, that she had been the victim of domestic violence and that she and her extended family would be in danger if the father was notified of the application for adoption. The birth father contended that the mother was aware that he had returned to Ireland prior to the finalisation of the adoption process, but had not given this information to the Authority.

17. The learned judge found that there had not been any independent verification of the allegations regarding the birth father. He also held that the Court must assess the nature of the relationship between the child and the father in determining whether to notify him. The learned judge held that a critically important factor in deciding to notify or not is the duration of any relationship and the depth of any commitment by the father to the child. He held that the relationship in that case was one of some longevity such that a normal parental bond was formed between father and child. He stated that unless there was an abusive element such that the relationship should be terminated in the interests of the welfare of the child, then the balance was swayed towards notification.

18. O'Neill J. reviewed the legal authorities under the European Convention on Human Rights and held that Article 6 (right to a fair hearing) and Article 8 (right family life) can be engaged depending on the circumstances. He also reviewed the case law from the U.K. regarding the notification of fathers regarding adoption proceedings. He summarised the U.K. case law as follows:-

"In general, the courts have taken the view that if family life, as that term is understood in the context of Article 8 of the Convention, is established on the particular facts then a father should be notified of the proposed adoption application, unless there are strong reasons not to do so, although the legislation also permits a court to dispense with notice to a father who does not have parental responsibility. In the recent case of *Re L.* [2008] 1 F.L.R. 1079, Munby J. usefully summarised the current state of the law as follows:-

'[25] The court has an unfettered discretion [to join a natural father to adoption proceedings], to be exercised having regard to all the circumstances and in a manner compliant with the requirements of the Convention. That said, and where there exists family life within the meaning of Article 8 of the Convention as between the mother and the father, one generally requires "strong countervailing factors" (*Re H and G (Adoption: Consultation of Unmarried Fathers)* [2001] 1 FLR 646 at [48]), "very compelling reasons indeed" (*Re C (Adoption: Disclosure to Father)* [2005] EWHC 3385 (Fam), [2006] 2 FLR 589, at [17]) or "cogent and compelling grounds" (*Birmingham City Council v S, R and A* [2006] EWHC 3065 (Fam), [2007] 1 FLR 1223, at [73]) to justify the exclusion from the adoption process of an unmarried father without parental responsibility.'

In *Re H; Re G (Adoption: Consultation of Unmarried Fathers)* [2001] 1 F.L.R. 646 Butler Sloss P. expressed the view that she would expect judges or district judges giving directions in adoption or freeing for adoption applications to inform natural fathers of the proceedings unless, for good reasons, the Court decided that it is not appropriate to do so. In the first case it was held that family life was established by the natural father in circumstances where the parents had a relationship for several years during which they had cohabited and where the father had enjoyed ongoing contact with the elder child they had together. It was further held that there would be a breach of that father's Article 8 rights under the Convention if the child was placed for adoption without notice to him and that he should be given notice and an opportunity to be heard. In the second case, family life was not found to exist as the parents had never cohabited and their relationship was not sufficiently constant to have established *de facto* family ties."

19. O'Neill J. then went on to discuss the case of in *Re R. (Adoption: Father's Involvement)* [2001] 1 F.L.R. 302., where a father without parental responsibility was, in all the circumstances of the case, held by the Court of Appeal to be entitled to be given the opportunity to be heard in adoption proceedings. A balancing exercise of all relevant considerations, including the father's rights under the Convention, was undertaken. Butler-Sloss P. said that there would be instances where it would not be proper to join a natural father to proceedings. However, she noted that even though the track record of the father in that case was not good, he ought to be given the opportunity to be heard. O'Neill J. quoted from that portion of her judgment where she held as follows, at p. 306:-

"As my Lord has said, there will be extreme cases such as rape where it would be wholly inappropriate for such a father to be joined. There is a spectrum and the question is: at what point does each father without parental responsibility stand on that spectrum? The judge decided that this father-although as my Lord has said his track record was not encouraging - ought to be given the opportunity to be heard, because the judge took the view he was entitled to be heard and also the judge took the very pragmatic view that not to allow him to do so might store up trouble in the future. He quite rightly did not underestimate the trouble that might be stored up, even after the child had been adopted. Far better to have it out in the open and heard and dealt with before the adoption order was made, if it is right so to make such an

order.”

20. The Authority and the accredited body stated through the applicants submissions that the case law places a very strong emphasis on the need to notify a natural father regarding a proposed placement for adoption. They also recognise the difficulties created when a natural father is not notified. Unfortunately, extensive efforts aimed at persuading the natural mother to reveal the identity of the father have come to nothing. Despite the fact the very real concerns of the Court have been conveyed to the birth mother, about the consequences of not notifying the natural father, to date the mother has remained adamant in her decision. As the mother continues to refuse to identify the natural father to the Court at hearing, the Court was faced with a very difficult issue that had not been determined in *the W.S. v An Bord Uchtala* case.

Case Law from the U.K. Regarding a Refusal to Identify a Father

21. There is an authority from the U.K., *Re L (Adoption: Contacting Natural Father)* [2008] 1 F.L.R. 1079, which grapples with the very complex issues that are before the Court in these proceedings. In that case, the mother became pregnant during a brief relationship with the father. The mother concealed the pregnancy from both the father and her own family. Before and after the birth, the mother was resolute that the child should be adopted. Within two hours of giving birth, the mother left the hospital without seeing the child, who was left in the voluntary care of the local authority. The mother had provided certain information about the father, but nothing that would enable him to be identified or traced.

22. The local authority sought guidance from the court as to whether it should attempt to contact the natural father or the maternal family. In accordance with the recommendation of the guardian, the judge ordered that the authority need not contact the maternal family, but he required the mother to attend court to disclose key information about the father, as he deemed such information to be necessary in the child's interests. The child was at that stage, one year old. The mother duly attended court, but said that no further information about the father could be provided. The local authority and the guardian on behalf of the child strongly argued the many benefits to the child of identifying the father.

23. Munby J. made an order that the local authority need not and should not take any further steps to seek to identify the father or the paternal family. He noted that in this case the mother was adamant that her family should know nothing about what had happened and it seemed to the learned judge that in all the circumstances, this desire should be respected. He stated the following at point 11:-

“There is, if I may say so, much humanity and wisdom in what Holman J. said in *Z. County Council v R.* [2001] 1 FLR 365 at 367.

‘The dilemma must, in fact, be a very old one. Although no statistics are available, many children must have been adopted over the years, outside their birth families, and with no knowledge by, or investigation of, other members of the birth family. Adoption exists to serve many social needs. But high among them has been, historically, the desire or need of some mothers to be able to conceal from their own family and friends, the fact of the pregnancy and birth. So far as I know, it has not previously been suggested, nor judicially determined, that that confidentiality of the mother cannot be respected and maintained. If it is now to be eroded, there is, in my judgment, a real risk that more pregnant women would seek abortions or give birth secretly, to the risk of both themselves and their babies... There is, in my judgment, a strong social need, if it is lawful, to continue to enable some mothers, such as this mother, to make discreet, dignified and humane arrangements for the birth and subsequent adoption of their babies, without their families knowing anything about it, if the mother, for good reason, so wishes.”

24. However, Munby J. stated that a further attempt should be made to obtain information from the mother about the child's father in the interests of the child's welfare throughout her life. An order was made urging the mother to provide the information. The mother attended the Court but said she could provide no further information. It was urged, on behalf of the child and on behalf of the local authority that there was a need now to progress matters without any further delay as the child was now just over a year old and needed finality. An adoption panel appointment had been booked for 3 weeks time and papers needed to be filed within a week.

25. Munby J. noted that the duty of the local authority under the U.K. legislation to consult with the birth father was qualified by the important words “so far as is reasonably practicable”. He noted that “the local authorities duty under s. 22(4) to engage with L.’s father is, in the circumstances, so qualified as to be at present non-existent.” He then referred to the Convention authorities that have been referred to above and said as follows at p.25:-

“I do not propose to add to the jurisprudence. The court has an unfettered discretion, to be exercised having regard to all the circumstances and in a manner compliant with the requirements of the Convention. That said, and where there exists family life within the meaning of Article 8 as between the mother and the father, one generally requires ‘strong countervailing factors’ (*Re H and G (Adoption : Consultation of Unmarried Fathers)* [2001] 1 FLR 646 at [48]) , ‘very compelling reasons indeed’ (*Re C (Adoption; Disclosure to Father)* [2005] EWHC 3385 (Fam) [2006] 2 FLR 589, at [17] or ‘cogent and compelling grounds’ (*Birmingham City Council v S, R and A* [2006] EWHC 3065 (Fam) [2007] 1 FLR 1223, at [73]) to justify the exclusion from the adoption process of an unmarried father without parental responsibility. At the end of the day, however, every case is different and has to be decided having regard to its own unique circumstances.”

26. Munby J. went on to say that based on what the mother had told of her relationship with the father of the child, he was sceptical as to whether family life was actually engaged in the circumstances. However, he noted that given how little was known about the father, it would not be safe to proceed on that basis and he said he would proceed on the basis that the father's rights under Article 8 were indeed engaged.

27. He said that the issue at the heart of the present case was this: “Can the mother be compelled to reveal his identity?”

28. He specifically noted the cogent arguments made on behalf of the local authority and by the guardian of the child in identifying the benefits or possible benefits to L., now and throughout her life, in knowing who her father is:-

“Like any other child, L. should have the opportunity of growing up within her birth family if at all possible; so adoption should not normally be considered until all possible family members have been ruled out. It may be that there is ‘out there’ a father who would want to and be able to bring her up. If her father cannot himself bring her up then it might nonetheless be appropriate for L. to have contact with him, even if only indirect contact after she has been adopted. And even if she is to be adopted, then for the purposes of life story work L. needs to know as much as possible about the father and his family, so that, for example, she can in later life, if she chooses to do so, try and trace him. Also, she needs the emotional security of knowing that all this was investigated, along with any relevant medical, ethnic and

financial/inheritance matters, before the final decision for her adoption was made. Her mother's stance is denying her all these things.

These are compelling arguments, and they explain why I made the order I did on 15th June 2007."

29. However, then Munby J. grappled with the practical difficulties posed by the refusal to reveal the father's identity. He concluded that there was virtually no prospect that the mother was going to volunteer any further information about the father. He noted that while the powers of the judge exercising the inherent jurisdiction of the Court were theoretically limitless, there was no effective mechanism by which the Court could compel the mother to disclose more than she had currently revealed about the father. He stated that the Court should not seek to force or to coerce someone in the mother's position and that no further steps could sensibly be undertaken. He stated there was something deeply unattractive and unsettling in the idea that a woman, in the mother's position, should be cross-examined in order to compel her to reveal the name of the child's father, and in any event, such cross-examination would not necessarily have obtained the truth. Contempt could not be proved unless the judge was satisfied to the criminal standard that the mother was telling lies and this was an unlikely outcome with punishment, in any event, unthinkable. He concluded by stating at p.40:-

"The whole process smacks too much of the [i]nquisition to be tolerable. And it is not to be justified merely because we believe, however, strongly, that what we are doing is being done in the best interests of a child. Here again, as it seems to me, the wise words of Holman J. have a powerful resonance.

We can reason with someone in the mother's position. We can seek to persuade. But we should not seek to force or coerce- and how else in this context could one sensibly characterise the threat of cross-examination or the threat of punishment for contempt. Of course, as Holman J. pointed out (see *Z. County Council v R.* [2001] 1 FLR 365 at page 375), the matter is not to be determined on the say-so of a mother, but we have to face the realities. And the reality here, in the particular circumstances of this case is, I am quite satisfied, that we have to accept what the mother has told us. It would be wrong to push matters any further. I decline to do so."

Facts of the Present Case

30. The report of social worker no. 1, dated 12th December, 2012, sets out the salient details of this case. It repeats much of the detail that is set out in the affidavit of the birth mother referred to above. The birth mother is 22 years of age and she contacted the accredited body at the beginning of May, 2012, when she was 30 weeks pregnant to learn more about the adoption process. She told, social worker no. 2, that she had made a conscious decision at the beginning of her pregnancy to proceed with the pregnancy, but also to conceal it. On a second and third meetings with social worker no. 2, on 28th June and 10th July, 2012, the social worker discussed in more detail with the mother, her decision not to reveal the pregnancy to the father of the child and not to reveal his name to the agency.

31. The mother told the social worker that she had known the birth father as a friend for about eight years but they had only been in a relationship for the past 12 months beginning in July, 2011. They previously had been in a relationship for about three months in 2008 to 2009. She said the birth father would be overwhelmed and unable to cope with knowing about the child. She explained that he is on regular medication for depression and that if he fails to take it, he can be overwhelmed, he isolates himself and withdraws from social interaction. She said he has had a number of stresses recently, including failing his exams and his sister being diagnosed with a life threatening illness. She stated that his parents find it difficult to support him and that she was not willing to increase his stress levels by telling him about the pregnancy. She stated she wished to place her child for adoption so that she could grow up in a loving home with two parents.

32. She was counselled extensively about the ramifications of not consulting the birth father, both for the well-being of the child and for the father's own rights to be acknowledged and exercised. According to the social work report, the birth mother is anxious that an early placement for the child should proceed as quickly as possible but she also understands her refusal will inevitably delay the process. She also states that she believes the birth father would agree with her decision to place the child for adoption and would not wish to contest it, if he knew about it.

33. The child was born on 14th July, 2012, and is now over 7 months old. She was immediately placed in a pre-adoptive foster home as the birth mother held firm to her adoption plans. The birth mother has received some up-to-date information on the baby's progress. She has seen some photographs and has visited her on two occasions but has remained detached from her. On the 6th and 27th November, 2012, social worker no. 1, further explored the question of the birth father. At this stage, the birth mother indicated that she and the child's father were no longer in a relationship and that the reasons for not telling him remain the same. She stated that she is protective of him and also of her parents. She foresees the hurt that they would suffer in knowing of a grandchild that would be lost to them by adoption. She stated she is anxious that an adoption placement should proceed at the earliest opportunity.

34. Social worker no. 1, concluded in her report that despite having been counselled extensively by two separate social workers, the mother continues to hold to her original decision in respect of the birth father and there is no sign that this will change. The report concludes that the child should be placed for adoption at the earliest opportunity.

35. On the 22nd February, 2013, social worker no. 1 attended at the High Court and indicated to the Court, through counsel, that the baby is still in pre-adoptive care and has not been placed with prospective adopters. This application is to place her with a prospective adoptive family. As stated in the affidavit filed on behalf of the Authority, it is believed that the earlier the child is introduced to her adoptive parents, the higher the chance of the successful development of a strong bond with the adoptive parents and the lower the chance of difficulties or breakdown. As the child ages, this process is likely to become more traumatic for her.

36. If the placement for adoption is not approved by the High Court, social worker no. 1 instructs that the child will have to be transferred to the care of the H.S.E., where she will be placed in long-term foster care. Social worker no. 1 indicated that in those circumstances, it would be hoped that she could be placed with a foster family that might ultimately adopt her, if at some future date she becomes available for adoption. Unfortunately, such a situation is fraught with uncertainty. It is difficult to see what factors will change so as to free up the child for adoption. In those circumstances, the child is left in a legal limbo, without any emotional or legal certainty regarding her status in a foster family.

The Hearing

37. The Court having considered the affidavits of the social workers, directed that the natural mother and her sister attend the court as witnesses. The natural mother gave evidence consistent with the affidavit evidence and remained adamant in refusing to divulge

the identity of the father of the child.

38. The sister of the natural mother, equally, remained adamant in refusing to divulge the identity of the father of the child. However, the sister and the natural mother gave evidence to the Court indicating that they would furnish all possible information in relation to the medical conditions of the natural father, and his immediate family and all such predispositions as would be in the the interest of the child, short of disclosing the identity of the father. The sister further indicated that she had confided in her councillor that the natural mother had given a child up for adoption and only she and the natural mother knew the identity of the father and would not be diverging same. She added that she had not disclosed the identity of the natural father to her counsellor and would not be doing so.

39. Having heard the natural mother and her sister, the Court is satisfied that they both have been fully counselled in relation to the decision which the natural mother has made in relation to the adoption of the child, and further the decision not to divulge the name of the natural father. This Court is satisfied, that short of divulging the identity of the natural father, the natural mother will furnish the adoption authority with all further appropriate information, short of that which will identify the natural father. The Court considers that both the natural mother and her sister are educated and intelligent women, and apart from their reluctance to divulge the identity of the natural father are very responsible young people who will live up to the acknowledged responsibilities to liaise with the adoption authority, in the interest of the child.

40. Having regard to the submissions of counsel for the adoption authority and in particular the passage from the judgement of Holman J. in *Z. County Council v. R*. This Court is satisfied that it should take a similarly balanced approach between the need to ensure a speedy adoption, of the child in this case, and the protection of the privacy sought by the natural mother in relation to the identity of the natural father. In doing so the child's interests are not being fully met by reason of the need to know the identity of and have the support of its father, and the father's rights in turn in relation to the child are not being met. Nothing more can be done to ascertain the fathers identity. However, notwithstanding these deficiencies the interests of the child remains paramount as directed by the Act of 2010, and the Constitution, and the child's speedy adoption and placement for adoption dictates that the Court (with considerable regret) should make the order sought under s.18(5) and 18(6) of the Act of 2010.

41. This judgment is given in circumstances where there has been no legitimate contradictor either in the interest of the child or the unknown father. It is noted that in some of the English cases the child was represented by a guardian ad litem. This step is not envisaged by the Act of 2010. This Court reserves its decision to appoint a guardian ad litem in a further similar case in the future