



Neutral Citation Number: [2025] EWHC 856 (Fam)

Case No: ZC95/24 and ZC96/24

**IN THE HIGH COURT OF JUSTICE**  
**FAMILY DIVISION**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 09/04/2025

**Before :**

**THE HONOURABLE MRS JUSTICE JUDD**

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**Between :**

1) Mrs B

**Applicants**

2) Mr B

- and -

A Local Authority

**1<sup>st</sup> Respondent**

-and-

A

**2<sup>nd</sup> Respondent**

-and-

B

**3<sup>rd</sup> Respondent**

(through their Children's Guardian, Toni Jolly)

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**Hilka Hollmann** of Dawson Cornwell LLP for the **Applicants**  
**Jillian Hurworth** (instructed by **Surrey County Council Legal Services**) for the **1<sup>st</sup> Respondent**  
**Eva Holland** of Cafcass Legal for the **2<sup>nd</sup> & 3<sup>rd</sup> Respondents**

Hearing dates: 11<sup>th</sup> March 2025  
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**Approved Judgment**

This judgment was handed down remotely at 10.30am on 9<sup>th</sup> April 2025 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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THE HONOURABLE MRS JUSTICE JUDD

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.

**Mrs Justice Judd :**

1. I am concerned with applications for adoption with respect to two young children who are of primary school age. The children, who are not biological siblings, were both born in Sierra Leone and placed in an orphanage by their respective birth parents.
2. The applicants originally adopted the children in Sierra Leone and took them to their home in the United Arab Emirates. They now seek English adoption orders, as orders made in Sierra Leone are not automatically recognised here. As English law permits adoption as long as one adopter is domiciled here, there is a legally recognised route to making such orders.
3. Over the course of the last two years I have dealt with numerous applications such as this where children have been relinquished by their families into orphanages in Sierra Leone, and then adopted there by families who are habitually resident in the UAE. In each case the applicants have had a Home Study Report prepared by a Dr. Andrea Tosatto, a Psychologist who practices in the UAE and represented by a lawyer in Sierra Leone called Emma Banya. In all cases the High Commission of Sierra Leone has been informed, but have not chosen to make any representations in the proceedings. The proceedings are always served on the Home Office, and the Department for Education. They have not sought to intervene.
4. In every case so far the reports of the families have been highly positive, whether the assessments have been carried out in the UAE or by the local authority and Children's Guardian here. The reasons that the children have been relinquished in Sierra Leone have almost invariably been because their families have not been able to look after them as a result of poverty, death and/or serious illness.
5. Although there has been no evidence in any of the cases before me that anything untoward has happened other than the placement of relinquished or orphaned children from Sierra Leone with adopters from abroad, there must always be a concern in cases where there are a number of adoptions of children who come from birth families who live in significant poverty and disadvantage into families who are materially much better off, of a form of 'trade' in children developing. I do share that concern because, by the time this court is being asked to make decisions the children have almost always been settled in their adoptive families for a long time, and have no memory of their early lives. If orders are not made, their well-being could be significantly compromised. The fact that this court does make adoption orders is, however, capable of encouraging a form of trade in the country of origin, if it does exist. It is extremely difficult for full enquiries by the authorities here to be made into what has happened in Sierra Leone, especially as the events have usually taken place some years ago.
6. For these reasons, each case that comes before the courts must be carefully scrutinised.
7. In this particular case, the applicants are both British Nationals and were born here. They married almost 20 years ago, and have been living in the UAE for almost all of that time. They decided that they were interested in adopting, and attended a number of workshops there on inter-country adoption, transracial placements and underwent psychological evaluation. They had medical assessments and police checks.

8. In 2018, Emma Banya, the lawyer in Sierra Leone, contacted them to state that she had become aware of a mother who was seeking to relinquish the baby she was expecting (she had already relinquished one child for international adoption). The father was unknown.
9. The adoption went through the legal process in Sierra Leone, with the birth mother giving her consent by providing her thumb print upon an official document. The applicants were approved, and thereafter for a period of several months travelled to Sierra Leone to spend time with the baby and to learn about her. The adoption order was made in June 2019. The adoptive mother attended that hearing and spoke to the judge. The birth mother and her relatives also attended, as did the director of the orphanage. Once the order was made, a passport was issued and entry clearance given so that the child could be taken to the UAE.
10. The applicants also sought to adopt a second child from Sierra Leone. This child is a little younger than the first child and appears to have lived with their birth family for some time after their birth and then placed in an orphanage because they could no longer care for the child. The documents from Sierra Leone give a somewhat inconsistent history of the child's early life, especially in relation to the length of time they were with their birth family and whether or when they went into an orphanage. The applicants have explained that they visited the second child in the orphanage so that they are sure they were living there, and believe that the confusion may have come about because the child still continued to have contact with their family after they were placed in the orphanage.
11. Once the child had been identified and matched to them by the authorities, the applicants asked a local pastor to visit the family several times to make enquiries and state that they were always told that the family wished to give the child a better life. Because of the Covid pandemic, the applicants were not able to travel to Sierra Leone to take part in the adoption process and to take over the child's care personally (albeit they supported them financially) until 2021. They were approved as adopters and then the order was granted later that year. They attended the hearing remotely. The birth parents and relatives attended the hearing in person and gave their consent.
12. Once the second child had been settled in their home for some two years, the applicants decided that they wished to apply for British adoption orders. This necessitated an application for leave to apply (and give notice to the local authority) for one of the children who had not been living with them for the requisite period of three years, but not the other, who had. I granted leave pursuant to s42(6) Adoption and Children Act 2002 on 13<sup>th</sup> November 2023.
13. The applicants have a family home in England, and so notice was given to that local authority. The Annex A reports are wholly positive and recommend that the orders be made. For the purposes of that assessment the social worker visited the family three times at the home in England and also carried out three further appointments virtually when the family were at home in the UAE. Further checks were carried out with the police in both countries and the children's school.
14. I joined the children as parties to the proceedings in October 2024. The Children's Guardian saw both of them in her office in December, speaking to them together and separately. She has also spoken to the family from their home in the UAE by Microsoft

Teams. After the last hearing she spoke to the birth parents of the oldest child, and they confirmed their consent to this adoption not only to her personally but by signing their witnessed consents on the relevant A104 court forms. Nobody has been able to trace the mother of the youngest child to confirm the consent she gave in 2019.

15. The applicants have filed all the documents from the High Court in Sierra Leone with this court, so that they have been fully considered by the social worker and the Children's Guardian. Where there have been some issues, or gaps, such as the fact that the consent forms were in the case of one child, not dated and witnessed by the Orphanage Director rather than an person authorised to administer an oath, and in the case of the other, the mother did not appear to have had independent legal advice, the Children's Guardian has identified this and advised that more information should be obtained.
16. Having carried out a full assessment of the background and family, the Children's Guardian fully supports the applications.
17. All who have been involved with these applicants speak very highly of them and the care they are giving to these young children, who are happy and thriving. All say the applicants are providing a very high standard of emotional and physical care. They underwent a substantial amount of preparation before entering the adoption process and are sensitive to the children's short and long term identity and cultural needs. They are ensuring that there is communication with the birth families where this is possible, and, in the case of one of the children, direct contact with a birth sibling.
18. The applicants have a good standard of living and have large, supportive families living in the UK and Europe.
19. There are medical reports for the applicants and likewise for the children. Subject to a few queries about the children's vaccination status there are no issues. There are no issues with the reports in relation to the applicants, although there are no medical records for the male applicant which predate 2014. Nonetheless he directly assured me in court that he did not suffer from any significant physical or mental illness, or condition before that time. There is one issue of concern but he has been given advice about that.

#### Formalities

20. I am content that the formalities for adoption have been met. On the evidence, the parents are both domiciled in the UK and retain a family home here. They are over 18 and married. The local authority has had sufficient opportunities to see the family in the home environment in their area pursuant to section 42(7) of the Act.
21. I am satisfied as to the consent of the birth parents of the second child. The original forms that they signed were not dated or properly witnessed, but more recently they signed another, witnessed and dated, A104 form and spoke to the Children's Guardian. It is abundantly clear that they support the application.
22. Things are not quite so clear for the mother of the first child (the father is unknown). She attended the adoption hearing in Sierra Leone and gave her consent to that adoption order, but she does not appear to have been given independent legal advice and she does

not read or write. Since that adoption order was made it has not been possible to trace her despite considerable efforts to do so. She may very well genuinely consent given her actions in relation to the proceedings in Sierra Leone, but the need for fully informed consent is so fundamental to the process that I have determined that I should dispense with her consent on the basis that she cannot be found pursuant to s52(1)(a) of the Act. That is plainly the case, as is the fact that she has had no contact with anyone involved in these proceedings for many years. The birth father does not have parental responsibility and so there is no need to seek or dispense with his consent.

**Welfare**

23. All the reports about the family from everyone are positive.
24. The children regard the applicants as their parents and each other as siblings and as such very much would like the orders to be made confirming that legal status. Each of the children has a need for loving security and permanence in the only family that they know.
25. There will be an effect on each of the children as a result of being separated from their families of origin and brought up by a different family, but this is something which happened when they were each very young as a result of the circumstances their birth families found themselves to be in. Those families wanted their children to have a better life. The applicants are sensitive to the needs of the children to know about their families of origin, their culture and for the first child to have contact with her birth sibling. They provide information about the second child directly to the family.
26. Save as mentioned above, the children do not have a relationship with their birth family, although they will be brought up in the knowledge of them, and assisted to make contact in the future should they so wish. They have strong bonds with the applicants and their families in the UK.
27. In coming to a decision about adoption, the child's welfare throughout her life is the court's paramount consideration. Each child is unique, with their own wishes and feelings, their own needs, their own birth family, thoughts and outlook. This is only a short judgment and so I have spoken of the children together but I wish to make it absolutely clear that I have considered them separately (and by name too, although that is not set out in the judgment for the sake of anonymity). In fact, their interests so far as these applications are concerned are fully aligned. They regard each other as siblings, and the applicants as their parents, because this is how they have been living for several years. It is in the best interests of each child that the court recognizes this by making adoption orders, so that they are full legal members of the family, and siblings to each other under the law of this country, where they are likely to make their home at some point in the not too distant future. No lesser order would meet their needs and right to respect for their private and family life in accordance with Article 8 ECHR.
28. I make the adoption orders accordingly.