

**IMPORTANT NOTICE**

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.

This Transcript is Crown Copyright. It may not be reproduced in whole or in part other than in accordance with relevant licence or with the express consent of the Authority. All rights are reserved.

Case No: BM24C50325

Neutral Citation Number: [2025] EWFC 165 (B)

**IN THE BIRMINGHAM FAMILY COURT**

Priory Courts  
33 Bull Street  
Birmingham B4 6DS

Date of hearing: Tuesday, 29<sup>th</sup> April 2025

Page Count: 7  
Word Count: 2176  
Number of Folios: 30

**Before:**

**DISTRICT JUDGE PARKER**

**Between:**

**BIRMINGHAM CITY COUNCIL**

**- and -**

**(1) CF**

**(2) DS**

**(3) THE CHILD**

**(By their Children's Guardian)**

-----

**Applicant**

**Respondents**

**MS S. GLOVER** (instructed by Lega Services) appeared on behalf of the **Applicant**

**MS. H. WINGFIELD** appeared on behalf of the **First Respondent**

**MS N. BURGE** appeared on behalf of the **Second Respondent**

**MS Z. SMITH** appeared on behalf of the **Third Respondent**

-----

**JUDGMENT**

Digital Transcription by Marten Walsh Cherer Ltd  
2<sup>nd</sup> Floor, Quality House, 6-9 Quality Court, Chancery Lane, London WC2A 1HP

Tel No: 020 7067 2900. DX: 410 LDE

Email: [info@martenwalshcherer.com](mailto:info@martenwalshcherer.com)

Web: [www.martenwalshcherer.com](http://www.martenwalshcherer.com)

**DISTRICT JUDGE PARKER:**

1. I am dealing with O, who was born on 1<sup>st</sup> December 2024.
2. The threshold document, for which the father has responded, the mother has not so she is deemed to have accepted it, cites previous local authority involvement and previous proceedings which concluded on 19<sup>th</sup> October 2023, and is clearly met in this case
3. The mother suffers with her mental health, there are a number of referrals which are of significant concern, as indeed the father's mental health as well. There have been multiple markers in relation to father's PNC checks, and similarly with the mother. There has been a history of the use of illicit substances for both parents, and when the child was born, he was exhibiting mild withdrawal symptoms. The mother failed to engage and attend antenatal appointments, meet with professionals, engage with the support worker as well as in relation to her parenting assessment.
4. The accommodation that is available to these parents is not suitable. The father is currently detained in prison following sentencing for a second breach of a non-molestation order against the mother. We do not know the outcome in relation to that. There has been domestic abuse between the parents, and a number of police call outs. There has been an allegation of sexual assault against the father. The mother also failed to seek treatment for a sexually transmitted infection, which could have been dangerous for her child. The mother was also in close contact with her sister, who is a registered sex offender and subject to a prevention order.
5. Clearly, the mother is vulnerable and has complex needs. There have been negative parenting assessments, and a negative assessment of the paternal grandparents. At the Child Protection meeting on 2<sup>nd</sup> September 2024 none of the professionals could

identify any protective factors. The concerns in this case appear the same as those in relation to previous proceedings, and these difficulties therefore are longstanding. The parties' relationship is toxic, they still remain together, and both have significant criminal histories. There are no alternative carers put forward.

6. The initial parenting assessment was negative. It cites non-engagement, drug addiction, which has not been addressed, and the mental health difficulties. The father similarly poses a significant risk. Therefore, at the outset of these proceedings there was no support given for the placement of the child with the mother in a mother and baby placement for further assessment.
7. This matter came before me on 10<sup>th</sup> December 2024 when I made an interim care order for the child to be placed into foster care. The matter thereafter came before Recorder Bellamy on 8<sup>th</sup> January 2025 when matters were timetabled through to today as an issues resolution hearing.
8. I have read a number of reports in this case. I have seen a statement from the midwife, which identified a number of concerns observed on the ward. There is a statement from the hospital which confirmed that O had suffered mild withdrawal symptoms, and mother tested positive for a number of substances. Mother has failed to engage with any work in relation to her substance misuse.
9. The parenting assessments that have been produced show that the parents both have a significant number of vulnerabilities and would not be able to keep their child safe, bearing in mind the child's age they would be wholly dependent on the adults who care for them. The level of intervention that would be required would simply be unrealistic, and certainly over a period not within the child's timescales. The

relationship between the parents is described as toxic and co-dependent, characterised by domestic abuse and drug use, and they would be unable to safeguard their child, and the child would be at risk of significant neglect within their care.

10. The report from father's GP described him as having mild to moderate learning disabilities. He has had a poor mental health diagnosis and has not attended any treatment. He had suicidal ideation due to poor coping skills when reacting to situations. The mother has a diagnosis of emotional unstable personality disorder, and severe gender dysphoria. She has a long history of suicidal ideation, self-harm, overdosing, substance misuse, poor coping strategies, and poor engagement.
11. The mother has not been able to engage in these proceedings. As I said, the assessments, sadly, are negative, and the plan of the local authority is one of placement for adoption, which has been endorsed by the independent reviewing officer, and ratified by the agency decision-maker. As I have highlighted, there is a non-molestation order against the father, which he has again breached. He is awaiting sentencing, which was due to take place on 25<sup>th</sup> April. We know not the result of that. That is the second breach. The previous order was a suspended order, so it may well be that that will be activated.
12. The local authority has filed evidence indicative that he has now resumed his relationship with the mother. It reiterates the significant issues of these parents in relation to substance misuse, mental health, domestic abuse, criminality, instability of housing, association with risky adults, and vulnerabilities due to their learning needs, all of which have been ongoing for a number of years and remain unaddressed. The mother has disengaged from all professionals working with her, and her drug use continues. She has had no family time for a significant period.

13. The father has engaged with his probation, but not with CGL or mental health services. There have been some concerns with regard to observations of father's contact. The substance misuse test in relation to father is negative as to excessive alcohol. There are trace elements of cocaine and heroin. However, whilst that is positive, these issues, as I say, are longstanding. The father, to his credit, accepts the negative parenting assessment of himself. He does not oppose adoption but is unable to consent, and that is reiterated in his statement before the court.
14. There is a drug test result for the mother which is positive for cocaine, and she too in her statement confirms she is in a relationship with the father. She accepts that she has had no recent contact with O since 7<sup>th</sup> December 2024 because she has had a difficult time. She still suffers from mental health problems, and she accepts that she too is not in a position to care for O. She does not oppose adoption, but neither can she consent.
15. Threshold in this case is agreed, in the sense that we have a final document, which neither party seeks to challenge. The mother has not responded, the father accepts threshold has been met. There are no alternative carers. I have granted father's application for a declaration of parentage and parental responsibility. This is not opposed by the parties.
16. I have had the benefit of an extremely detailed report from the guardian and an extremely thorough balancing exercise. This reiterates the parents' vulnerabilities due to their mental health difficulties, including their challenging lifestyle, criminality, and their complex personal relationship. There are a significant number of factors which would place O at risk in either parents' care, both jointly and individually, therefore the guardian supports care and placement orders being made.

17. I am fully aware of the emphasis and importance wherever possible of children being brought up by their birth family, and by not elevating our perceptions of parenting into a gold standard. I am fully aware that there is a statutory duty on local authorities to provide to families sufficient support to enable a child to remain in the family unit. There is an evidential burden before the court will sanction involvement of a local authority in a family pursuant to the statutory gateway reflected in s.31(2) of the Children Act, known as the Threshold Criteria.
18. For reasons that I have already commented upon, it is clear that the threshold is met in this case, and I make the appropriate finding in accordance with the document which has been produced to the court and dated 12<sup>th</sup> February 2025.
19. Of course, following on from that, I still have to determine what, if any, order is necessary to safeguard the welfare of the child, having regard to Article 6 and Article 8 of the European Convention of Human Rights, respect for family life, and, of course, in such an application as this, that in essence such a draconian order should only be sanctioned where nothing else will do, applying a global holistic evaluation of the realistic options available for the child's future upbringing.
20. In this case, sadly, neither parent is able to care for this child, and they accept that, and there are no alternative carers either. There is no realistic other option other than foster care, which for a baby of five months old is clearly not in the child's best interests where a permanent forever family can be found.
21. I appreciate that a care order is a serious order that can only be made when it is justified, where it is in the child's interest and where it is necessary and proportionate. Of course, the phrase "nothing else will do" applies with particular reference to cases

involving non-consensual placement for adoption, which severs the parental relationship altogether. As set out in the case of *Re B-S* (Adoption: Application under s.47(5)) [2013] EWCA 1146, such orders are a very extreme thing and the last resort and should only be made when nothing else will do. Of course, where adoption is a realistic option, I must also have regard to s.1 of the Adoption and Children Act 2002, in lieu of s.1 of the Children Act 1989.

22. Ultimately, in this case I am satisfied that adoption is necessary and proportionate and the only order that can meet the child's immediate lifelong welfare needs. I have regard to the case law in this matter, particularly *Re B* (A Child) (Placement Orders) [2022] EWCA 896, and *Re C* (Children: Revocation Placement Orders) [2020] EWCA 1598.
23. Evaluating, therefore, the whole of the evidence, with reference to the statutory checklist, I am satisfied, having regard to the child's welfare as being paramount, that I am driven to the conclusion that a placement order is the only order that can meet the child's immediate and lifelong welfare needs, and that adoption is necessary and proportionate having regard to the Article 8 rights of the parents and the child concerned.
24. Accordingly, therefore, I will make the final care order, I will make a final placement order, and I dispense with the parents' consent. That is my decision and the reasons for it.

- - - - -

---

Digital Transcription by Marten Walsh Cherer Ltd  
2<sup>nd</sup> Floor, Quality House, 6-9 Quality Court, Chancery Lane, London WC2A 1HP  
Tel No: 020 7067 2900. DX: 410 LDE  
Email: [info@martenwalshcherer.com](mailto:info@martenwalshcherer.com)  
Web: [www.martenwalshcherer.com](http://www.martenwalshcherer.com)