

Neutral Citation Number: [2025] EWFC 220 (B)

Case No: ZE24C50107

IN THE FAMILY COURT
EAST LONDON

11 Westferry Circus
E14 4HD

Date: 26 June 2025

Before :

Her Honour Judge Reardon

Re J and K (Placement Order Application: Wider Family Members)

Ms Jamil for the applicant
Ms Budden for the first respondent mother
Ms Berthelsen for the second respondent father
Ms Seitler for the third respondent paternal grandmother
Mr Martey for the fourth respondent paternal grandfather
Ms Taylor for the fifth and sixth respondent maternal great-aunt and uncle
Ms Brooks for the seventh and eighth respondent children

Hearing dates: 20, 23, 24, 25 and 26 June 2025

Approved Judgment

.....

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 and legal bloggers, must ensure that this condition is strictly complied with. Failure to do so may be a contempt of court.

Introduction

1. This is my judgment at a final hearing in care proceedings concerning two children: J, born in 2022, and K, born in 2024. The children are full siblings.
2. The applicant local authority is Thurrock Borough Council. The first respondent is the mother. The second respondent is the father. On 24 March 2025, after it became clear that the children could not realistically live with either of their parents, the children's maternal great-aunt and uncle, MGA and MGU, and their paternal grandparents, PGF and PGM, were joined as parties. The children themselves are represented through their children's guardian, Ms O.
3. Each of the parties has been represented at this hearing by counsel. For reasons I do not understand but have not had time to investigate the paternal grandparents, who put forward an identical case and wish to care for the children as a couple, were represented by two different counsel. The paternal grandparents were assisted by Romanian interpreters throughout the hearing, and MGA used a Romanian interpreter from time to time when giving evidence.
4. The mother did not attend the hearing but had provided sufficient instructions to enable her counsel to question the witnesses and make submissions on her behalf.
5. This hearing was listed with a time estimate of five days. When the hearing was listed it was anticipated that the father would attend the hearing by videolink from Brixton prison, where he is serving a custodial sentence. Unfortunately the production order was not served on the prison until very shortly before the trial was due to commence, by which time the prison had no videolink rooms available. They did however indicate that they would be able to produce the father in person, and so the venue for the hearing was moved to Stratford to facilitate this. Despite some time being lost due to the late arrival of the prison van, on the first morning in particular, it has been possible to complete this hearing within its time estimate and this judgment is being handed down on the final day.

Background

6. This is the second set of care proceedings involving J. The mother was just 18 when she became pregnant, and had a history of social care involvement as a teenager. The father was 26. He has a significant criminal history, including offences of violence, theft, and drug-related offences, and a history of misusing substances including heroin, cocaine and crack cocaine.

7. The mother also has a history of theft offences. Although it does not seem that there were concerns about substance misuse on her part during the first set of proceedings, sadly she too has subsequently become involved in class A drug use, having first tested positive for crack cocaine in July 2024, and it seems likely that her non-attendance at this hearing is due to the chaotic lifestyle that often accompanies that.
8. On 20 July 2022 the father assaulted the mother while she was seven months pregnant. The incident was captured on CCTV and resulted in the father receiving an 8-week custodial sentence. The mother did not support police action and remained in a relationship with the father. The unborn baby was placed on a child protection plan and the local authority issued proceedings immediately after her birth.
9. During the first proceedings, J and her mother were placed in a residential assessment unit and then a series of mother-and-baby foster placements, several of which broke down after the mother provided the addresses to the father and he attended at or near the foster home. As a result J experienced considerable disruption. Assessments suggested, however, that the mother's care of J was of a very good standard, and that the mother had the capacity to develop insight into the risks associated with her relationship with the father. By the time those proceedings concluded, it was the mother's case that the parents were separated.
10. The first set of care proceedings concluded on 11 August 2023 with a 12-month Supervision Order designated to LB Newham. The plan was that J and the mother would live with the maternal grandparents who live within that local authority's area. In order to ensure that J was not exposed to domestic abuse the court also made a non-molestation order against the father, and a prohibited steps order preventing the removal of J from the jurisdiction. Although she ultimately supported the care plan, J's then guardian raised concerns about the prospect of the parents resuming their relationship and the maternal grandparents' insight and ability to protect J, and described the plan in her final analysis as "high risk".
11. Despite these orders, the parents resumed their relationship soon after the conclusion of the care proceedings (if indeed it had ever truly ended), and in August 2023 the father moved into the maternal grandparents' home. No one in the family informed the local authority about this. In November 2023 the parents moved, with J, to a flat, the tenancy of which was in the name of the paternal grandmother (who was living between that flat and the paternal family home). Again, this was concealed from the local authority. Social work visits in December 2023 and January 2024 raised concerns that J was no longer residing at the maternal grandparents' home, but the mother and her family denied any change in the living arrangements.
12. On 6 February 2024, police attended the flat following a report by a neighbour that there was a lot of shouting at the property and a baby had been heard crying. J was found in the care of both parents in a home described as dirty and hazardous, with knives on the floor and a crack pipe in the child's bedroom. J was removed under police protection and placed in foster care, initially with parental consent.
13. LB Newham, as the local authority holding the supervision order, initiated fresh care proceedings on 8 March 2024 and an interim care order was made. The case was

subsequently transferred to Thurrock Borough Council following a dispute over designation. During the proceedings special guardianship assessments were carried out of the paternal grandparents and the maternal great aunt and uncle. The parents were given the opportunity to participate in a parenting assessment, but failed to engage.

14. J's first foster placement following her removal in February 2024 came to an end in July 2024 after the family raised concerns that she was presenting with bruising and nappy rash. J spent time in a short term foster placement before moving in August 2024 to the placement where she is currently living. Fortunately it is agreed that this is an excellent placement where she has formed attachments to her carers and is thriving. I bear in mind the possibility that the concern of J's grandparents, in particular, that J may have been ill treated in foster care may well have contributed to a situation where the family's trust in the local authority is limited.
15. At some point in August or September 2024 the parents travelled to Romania, it seems in order to engage in drug treatment. When they travelled the mother was known to be pregnant (following a test in July 2024, undertaken as part of drug testing), but the father said she had undergone a termination. The local authority attempted to obtain information from family members from time to time about the parents' whereabouts and circumstances, but the mother's pregnancy was never confirmed.
16. The father returned to the UK in October 2024 and was arrested for burglary and theft offences committed prior to his departure from the country. In January 2025 he was sentenced to two years' imprisonment. His earliest release date is in July 2025, but it appears likely that on release he will be moved to an Immigration Detention Centre. He said during the course of this hearing that his intention at that point will be to apply to the immigration authorities for bail.
17. In late 2024, the mother gave birth to a second child, K, in Romania. The mother had had little if any ante-natal care and it appears that the baby may have been up to two months premature. He was in hospital for 9 days after his birth. This birth was initially concealed from the local authority, who only discovered that the parents had had a second child a month later, when the mother told the social worker in a telephone call that she had had a baby boy and he was in England. Over the course of the next few weeks the local authority tried to find out from family members where the baby was and who was caring for him, but were unsuccessful. It will be necessary in due course to make findings about the events of this period.
18. On 26 February the guardian visited the paternal grandparents' home and found the baby there. It appears that he had travelled from Romania to the UK with the paternal grandmother on or around 14 February 2025. The local authority commenced proceedings the following day. An interim care order was made on 28 February 2025 and K was removed into foster care. He has subsequently been placed together with his older sister.
19. Prior to the discovery of the baby's birth, the local authority had indicated that its care plan for J was likely to be a placement with her great aunt and uncle in Romania. In response the guardian raised a number of queries about the special guardianship assessment of them,

suggesting that it was not sufficiently robust. A further assessment was commissioned to address what the guardian saw as gaps.

20. In any event, the family's concealment of K's birth led the local authority to reassess the viability of a family placement. An addendum to the Special Guardianship assessment of MGA and MGU was filed on 5 February 2025, concluding that they could not be relied upon to safeguard J. On 27 February 2025 the local authority filed an application for a placement order for J.
21. At a hearing on 24 March 2025 I gave a judgment accepting jurisdiction in K's case. The two sets of proceedings were consolidated and directions made listing to a final hearing. I accepted that no further formal assessments were required, given the evidence already before the court. At the same hearing I gave a judgment refusing the mother's application under Article 9 of the 1996 Hague Convention for a transfer of the proceedings to Romania.
22. A placement order application for K was filed on 2 May 2025.
23. The father did not take up contact with J following her removal in February 2024. He has met K on one occasion when the social worker brought him to meet his father in prison. The mother ceased attending contact with J in April 2024. She has not seen K since his removal into foster care in February 2025.

The positions of the parties

24. The local authority seeks final care and placement orders for both children. It intends to place both children together in a placement that is as far as possible a cultural match. The local authority's plan is that the children should have annual "letterbox" contact with their parents and grandparents. It acknowledges that these days it is common for a local authority to propose some form of ongoing direct contact, and that many prospective adopters are willing to facilitate this, but says that in this case the risks of family members seeking to disrupt the placement are too high.
25. The mother is firmly opposed to her children being adopted. She has, bravely, accepted that she cannot care for them herself and filed a witness statement to that effect in March 2025. Her first preference is that they should be cared for by MGA and MGU, her own aunt and uncle; or, as a second preference, the paternal grandparents. The mother's witness statement is silent on the issue of contact.
26. The father too is opposed to an adoption. He puts forward his own parents to care for the children, or as a second position the maternal great-aunt and uncle. The father is anxious to re-establish regular contact with both children. It is his case that he has managed to achieve abstinence from drugs while in prison and that the risks he poses to the children are reduced.
27. The paternal grandparents seek to care for both children themselves, as do the maternal great-aunt and uncle. There is significant mistrust and bad feeling between the two sides of the family and although all family members would prefer that the children remain within the family rather than live with strangers, they are not supportive of each other's applications.

28. The local authority and the court have received considerable assistance and cooperation from the Romanian authorities, particularly the Romanian Consulate in London and the local Social Care and Child Protection Services. Information has been shared between the local authorities in both countries, and assessments carried out in Romania have been made available to this court. The Romanian local authority asked to attend the hearing virtually and a link was sent, but in the end no one from that authority attended.

The law

Fact-finding and the evaluation of evidence

29. In determining disputed facts the burden of proof lies with the party making the assertion and the standard of proof is the balance of probabilities. The court must consider the evidence as a whole.
30. In evaluating the evidence of witness who has lied, the court must bear in mind that the fact that a witness has lied about some matters does not mean that he or she has lied about everything, and the fact that a lie is established does not prove the reverse of that lie: *R v Lucas* [1981] QB 720. The approach to the Lucas direction within family proceedings was considered in *Re A, B and C (Children)* [2021] EWCA Civ 451. The court is required to consider how and when the witness's lack of credibility should be factored into the equation when determining an issue of fact. In order to do so it should ask itself the following questions, tailored as necessary to the circumstances of the case. First, whether the witness has told a deliberate untruth, i.e. the lie did not arise from confusion or mistake; secondly, whether lie related to a significant issue; and thirdly, whether there is any other reason which could explain the lie such as the witness's shame, misplaced loyalty, fear, or distress.
31. There are a number of authorities containing a warning against over-reliance by the court on obstructive or uncooperative behaviour by a parent or family member. Many families are resistant to local authority involvement in their lives, and it is only when their conduct can be proved to have put the children at risk of harm that it can be said to be relevant to the court's decision. In *Re D* [2010] EWCA Civ 1000 Hughes LJ commented that "it can be easy for social workers to think that an uncooperative parent is for that reason also an inadequate parent, but the one does not follow from the other".

The application for care and placement orders

32. In order to make the orders sought by the local authority I must be satisfied that the threshold criteria in CA 1989, s1 are met: that is, that at the time when the local authority took protective measures the children were suffering or likely to suffer significant harm, attributable to the care being given to them by their parents not being what it would be reasonable to expect a parent to give. There is no dispute about that in this case.
33. The children's welfare throughout their lives is my paramount consideration. To aid me in evaluating their welfare I have in mind the factors in both applicable welfare checklists, both that set out in s.1(3) of the Children Act 1989 and the adoption-specific checklist in s.1(4) of the Adoption and Children Act 2002. I cannot make a placement order unless I dispense with the consent of the parents, both of whom have parental responsibility. The only

ground on which it is open to me to dispense with the consent in this case is that in s.52(1)(b) of the Adoption and Children Act, that is that the welfare of the children requires me to do so.

34. Before making a placement order I am required by s.27(4) of the 2002 act to consider the arrangements which are in place for the children to have contact with any members of their family. I have a power to make orders for contact, depending on the orders that I make as to placement.
35. The children and parents have rights under Article 8 of the European Convention on Human Rights to respect for their private and family life. To the extent that the orders I am asked to make interfere with these rights, I must satisfy myself that the interference is both necessary and a proportionate means of addressing the identified harm. An order which has the effect of severing the ties between a child and a parent may only be made if justified by an overriding requirement pertaining to the child's best interests. In other words, the test is one of necessity, and the court must be satisfied that "nothing else will do": *Re B* [2013] UKSC 33.
36. The approach I apply to the options available to me is set out in *Re B-S* [2013] EWCA Civ 1146, where the Court of Appeal re-affirmed what had been said earlier by MacFarlane LJ, as he then was, in *Re G* [2013] EWCA Civ 965:

"In most child care cases a choice will fall to be made between two or more options. The judicial exercise should not be a linear process whereby each option, other than the most draconian, is looked at in isolation and then rejected because of internal deficits that may be identified, with the result that at the end of the line the only option left standing is the most draconian and that is therefore chosen without any particular consideration of whether there are internal deficits within that option. The linear approach is not apt where the judicial task is to undertake a global holistic evaluation of each of the options available for the child's future upbringing before deciding which of these options best meets the duty to afford paramount consideration to the child's welfare."

The evidence

The social work evidence

37. Ms P is the children's allocated social worker. She was also J's allocated social worker during the previous proceedings. Over the time she has spent working with the family she has developed a thorough understanding of the children's individual needs, the developing sibling relationship, and the family dynamics.
38. It was clear to me that Ms P's recommendations were firmly grounded in her assessment of the children's individual needs and vulnerabilities. Throughout her work on the case she has maintained a close eye on J's presentation and the impact on her of the multiple separations she has experienced. When J was placed with her current foster carers she was over-familiar and clingy, which Ms P interpreted as a survival mechanism. K is not currently showing signs

of trauma, but Ms P was mindful that little is known about his experiences in his early months, and it may well be that the impact of the early disruption will be felt at a later stage. She thought it likely that the children would benefit from being the only children in their permanent placement, so that their carers can concentrate on building secure attachments with them.

39. Ms P was challenged on the local authority's change in care plan following the events after K's birth. She explained that the local authority had formed the view, after these events came to light, that a placement within the family would not keep the children safe from the risks posed by their parents. She was clear about the nature of those risks and able to explain the local authority's reasoning in concluding that the wider family members would not be able to withstand pressure from the parents and/ or other members of the family to allow the children to spend time with their parents. She accepted that in some respects MGA and MGU had acted protectively in notifying the Romanian authorities of K's existence, but highlighted points in the chronology where she believed their actions had been insufficient and as a result K was placed at significant risk.
40. The local authority has outsourced the assessments of wider family members in this case to a number of social workers from other teams. I have read all of the assessments, some of which were prepared during the previous proceedings in 2023. Two independent social workers, Ms Q and Ms R, were required to give oral evidence.
41. Ms Q carried out the initial assessment of MGA and MGU within these proceedings in late 2024. Her assessment, which was positive, was completed before K's existence was known, and so she considered the couple only as prospective carers for J. She was asked to give oral evidence but was asked very few questions. She had no involvement with the case over the period following K's birth and did not therefore express any view about the impact of these events on her assessment.
42. Ms RR assessed the paternal grandparents in 2024, and prepared updating assessments of both sets of family carers in early 2025. She was in direct contact with the maternal great-aunt and uncle over the period following K's birth and some of her evidence concerned conversations that had taken place at that time. Although MGA's and MGU's written statements differed in some respects from Ms R's, in the end her account of what was said during these conversations was largely unchallenged and I accept it.
43. Ms R's assessment of the paternal grandparents was negative. She raised concerns about their own relationship, their children's education and, most significantly, their lack of insight into the risks posed by the parents and their tendency to minimise or deny the harmful behaviours of their son. She concluded that they would not be able to safeguard the children from these risks. She maintained that view in oral evidence and gave evidenced reasons for it.
44. Ms R's updating assessment of the maternal great-aunt and uncle was filed on 5 February 2025. At that stage she was unaware of the full extent of their involvement in the events surrounding K's birth. She concluded nevertheless that they were not fully able to appreciate the concerns of the local authority. At that point the baby's whereabouts were unknown and MGA seemed unconcerned about the possibility that he might be at

immediate risk due to his mother's drug use. MGU acknowledged that the baby might be at risk of harm, but said that the couple could not do anything because they did not know where he was. Ms R concluded that she would have significant concerns about the couple's ability to protect J from harm posed by her parents.

45. Ms R was asked to update her evidence after K was found, and MGA and MGU put themselves forward to care for him as well as J. She said that the further information about MGA's and MGU's concealment of the birth reinforced her earlier conclusions. She did not think they would be able to offer protective care to either or both children. In oral evidence she accepted the view of Ms Q in respect of the couple's general parenting ability, and that their own children were well cared-for, but was clear that these positive factors were substantially outweighed by the deficits in their ability to keep the children safe.

The parents

46. Neither parent is putting themselves forward to care for the children. They are, however, hugely significant figures in this litigation and in the children's lives.
47. The father gave evidence that he had managed to achieve abstinence from drugs since his imprisonment in October 2024, and that he had used the time to undertake a number of parenting courses and to improve his understanding of the risks his past lifestyle posed to children. I hope, of course, that the apparently positive trajectory that the father is on continues. However I have to bear in mind that during the course of J's previous proceedings, following an earlier period in prison, the father put forward a similar case and then relapsed into serious drug use soon after those proceedings ended. That reflects the reality that a severe addiction is very difficult to overcome, and that recovery is often a long and painful journey with several relapses along the way.
48. The father's oral evidence reinforced the work that still needs to be done before a court could be satisfied that the risks he poses have reduced. He showed little insight into the harm that his past behaviours have caused, minimised (or denied) the domestic abuse he had perpetrated against the mother and disputed the risks to J when she was in his and the mother's joint care. He became easily agitated and had a tendency to blame the local authority for his children's current situation. As yet the father has, in my judgement, some way to go before he is ready to start the process of change.
49. The mother is, plainly, a highly vulnerable young woman. She has attended occasional court hearings in these proceedings but was unable to attend the final hearing or to provide instructions to her solicitors in the lead-up to it. The latest information about her suggests that she is currently very unwell and in a precarious position. I do not know where she is currently living.
50. It is particularly tragic that the mother has found herself in this position after the positive conclusion of the first set of care proceedings and the evidence within those proceedings about the very good quality care she was providing to J. I hope that as she grows older J will retain some memory, however limited, of the relationship she had with her mother in the first year or so of her life, and her mother's deep love for her. Ultimately, however, the

mother has been overwhelmed by her own difficulties and the only realistic conclusion I can reach is that at the present time she poses a significant risk of harm to any child in her care.

The paternal grandparents

51. Both paternal grandparents have filed statements, but it is PGM who has mainly engaged with the local authority and only she was required to give oral evidence.
52. The honesty of the paternal grandparents, and their ability and willingness to work with the local authority, are key issues in the case. Both paternal grandparents accept that they did not inform the local authority that the parents were living together with J in 2023. An issue emerged during the hearing about their understanding of the local authority's expectations when the supervision order and non-molestation order were made. Counsel for the paternal grandfather suggested in submissions that he "could not be expected to comply with an order he did not know about." I do not accept that submission. The non-molestation order made in August 2023 was directed to the father and intended to provide the mother with protection from him. It was not directed at the wider family, whose knowledge and understanding of the risks had been thoroughly explored in assessments carried out during the proceedings. I have looked back at those assessments and it is clear that the risks of domestic abuse and drug use were discussed in depth with both sets of grandparents. I cannot therefore accept that PGF and PGM could not have been expected to know that the local authority would be deeply concerned if the parents were caring jointly for J.
53. It is striking that in the written statements of both grandparents there is very little acceptance of any fault on their part in connection with the events of August 2023 – February 2024, when J was in the joint care of her parents, or December 2024 – February 2025 when K was in the care of his mother who was known during her pregnancy to have been using crack cocaine. PGF was not required to give oral evidence but PGM was. Her oral evidence was consistent with her written statements and the evidence of Ms R. She was highly defensive and reluctant to accept that anything she had done had put either child at risk. She was particularly protective of her son, minimising even the significant assault in July 2022 of which he was convicted, and describing the parents' relationship as "good". She said that the parents had looked after J well, whilst also describing them in July/ August 2024, when they stayed at her home following an appearance in the Crown Court, as obviously under the influence of drugs. At best her evidence could be described as naïve; in fact my strong impression was that she had deliberately chosen a path of denial and resistance to professionals.

The maternal great-aunt and uncle

54. Both MGA and MGU gave oral evidence. MGA accepted that she had lied to professionals in December and January 2025 about her awareness of K's birth and his circumstances in the first weeks and months of his life. I was satisfied that both deeply regretted their failure to be honest and that they understood that this would reduce their prospects of being permitted to care for the children. I was less convinced, by MGA's evidence in particular,

that she truly understood that the professional concerns about her actions over this period ran deeper than simply the concealment and lies. As the timeline set out below demonstrates, there was in fact a quite lengthy period of time when K was at direct risk of very serious physical harm and MGA failed to alert the authorities in either jurisdiction. MGA did not appear to recognise this, and when it was put to her she was evasive. She was asked whether she thought her actions had put K and his mother's in harm's way and said "yes, from the perspective of social services in this country".

55. MGM, the children's maternal grandmother and MGA's sister, gave evidence as a witness on behalf of the maternal great-aunt and uncle. Her evidence was internally inconsistent and inconsistent with that of other witnesses. She changed her story repeatedly in the witness box. Her frequent lies over the period following K's birth were put to her and she replied that she had tried to tell the truth on each occasion but blamed professionals for failing to listen. She had a strong sense of grievance at the local authority's decision not to carry out a full special guardianship assessment of her, and no understanding that this decision was almost inevitable after her breach of the safety plan after the supervision order was made. She had no insight at all into the risks posed by the parents and said that she had "no idea" about the local authority's concerns – "up to this day I don't know... something happened between them... I think they argued at a job centre". She believed that the local authority's actions had been "totally unfair".
56. MGM is not putting herself forward to care for the children but is likely, if they are in a family placement, to seek to remain in their lives. If she is permitted to spend time with them, I also think it is likely that she will take any opportunities that present themselves to reunite them with their parents.

The guardian

57. Mrs O filed her final analysis in March 2025 and a subsequent analysis dealing particularly with K on 22 May 2025. She has also prepared a short factual statement setting out her account of interactions with paternal and maternal family members over the period following K's birth.
58. Mrs O expressed concerns at a hearing in December 2024 about the local authority's then provisional plan to place J with her maternal great-aunt and uncle in Romania. In particular she did not feel that there had been a thorough enough assessment of the impact on their family of a further child of a very similar age to their own youngest son. It was at her instigation that an addendum special guardianship assessment was directed. Subsequent events have reinforced her concern about a family placement for the children and her final recommendation in support of care and placement orders is firm.
59. I formed the view that Mrs O had thought carefully about the options for the children and had evaluated the evidence, particularly the evidence of the family members' concealment of K's birth, objectively and with an open mind. She did not suggest that there had been a premeditated plan crafted jointly by all family members to withhold the knowledge of K's existence. Rather she thought that the different family members had different agendas, but

that there was a similar pattern of collusion and deceit with an underlying motivation of keeping both children within the family. I agree with that analysis.

60. On the limited factual issues where there was a difference between Mrs O's evidence and that of the family members I unhesitatingly prefer her account. She kept a careful and full record of each interaction and her evidence was consistent.

Findings: K's birth and subsequent events

61. From July 2024 onwards, when the mother took a positive pregnancy test, the local authority was uncertain about her whereabouts and the pregnancy. Both parents and the paternal grandmother told the social worker that the mother was not pregnant. The maternal grandmother at least knew that the pregnancy was viable and continuing and was in regular communication with the mother.
62. In late 2024 the mother was in Ireland. She was, it seems, about 7 months pregnant. She flew to Bucharest and then travelled to Town C, the town where MGA and MGU and other maternal family members live. A few days later the mother met with MGA in a restaurant. That is the first time, according to MGA, that she knew the mother was pregnant: she accepted that her sister, the maternal grandmother, had mentioned the pregnancy on several occasions but says that she did not believe her.
63. The next day, the mother gave birth in a hospital in Town C. MGA informed the hospital that the mother had a history of drug use (the mother had admitted to her that this had continued during the pregnancy) and also informed the Romanian child protection services. She made contact with an organisation supporting vulnerable women and offering rehabilitation services; they later offered support but the mother refused it. A letter from the organisation reads:
- “During this period we were contacted several times by [MGA] who informed us about the evolution of the case of [J], her niece's daughter, and was looking for social services, support networks, and resources to restore and complete her family by bringing her niece [J] and her nephew [K] into her home.”
64. In December 2024 there was a hearing in these proceedings which neither parent attended but both sets of grandparents did. The maternal grandparents at least were well aware by this point that the mother had given birth. They said nothing about this. They told the social worker and the court at the hearing that they did not know where the mother was, but believed she was in Dubai.
65. The mother was discharged from hospital after a few days but K, who was premature, was not discharged until about 10 days after his birth. He was collected from hospital by his mother and MGA. The plan had been that the mother and baby would stay in the home of the maternal great-grandmother (MGA's mother), and this plan was communicated to the Romanian social services. However in the end they went to stay in a flat owned by an uncle, who was out of town. It does not appear that the change of plan was communicated to the Romanian authorities: a social worker visited the great-grandmother's home, but the mother and baby were not there.

66. On 17 December 2024 MGA spoke to the guardian, Mrs O. Mrs O asked her if she knew anything about the mother's whereabouts. MGA said that she did not. She did not mention K's birth.
67. In Town C, at least according to MGA, the mother was supported by a young cousin who stayed with her and the baby in the flat. How much of a protective factor this was I am not sure. In any event, this arrangement lasted only a short time and at some point before the end of December (the mother has subsequently said, after Christmas) the mother went with K to Bucharest. Where she stayed, who was with her and what the arrangements were for K's care are all unknown. Most importantly for the purposes of this hearing, MGA accepts that from the point when the mother left Town C she had no further contact with her and did not know where she was living; and also that she took no steps to alert the authorities in either Romania or the UK that the mother and baby were missing.
68. On New Year's Eve there was a telephone conversation between members of the paternal and maternal families. It is not clear where everyone was or who participated in the call, but the mother, both grandmothers and MGA all spoke. They have given different accounts of the conversation, but it is reasonably clear that the substance of the discussion concerned what to do about the baby and that by this stage at the very latest both sides of the family knew about the birth. There was no suggestion by anyone, it appears, of alerting the local authority to his existence.
69. On 6 January 2025 the mother told the social worker, Ms P, in a telephone conversation that she had given birth to a baby boy. She would not provide any information about his or her own whereabouts.
70. On 8 January 2025 Ms P had a meeting with both sets of grandparents. They initially denied any knowledge of the baby. The maternal grandmother subsequently said she had known about him before Christmas. The paternal grandmother said she had known nothing about the pregnancy and appeared shocked.
71. On 10 January 2025 Ms PP spoke to MGA. She admitted she had known about the baby since before Christmas, but said she had not seen the mother for a long time, since she was pregnant with J.
72. On 17 January 2025 MGA told Ms R that she had not spoken to the mother for a year and that she had not believed the rumour that she was pregnant. Ms R's account reads,
"I explained to Mr and MGA the purpose of our meeting was to discuss the circumstances around the birth of M's new baby. MGA laughed and said, "that's funny". MGA then said, "It's not my business to know what she's doing, she hasn't spoken to me since she lost J, she's an adult". I asked MGA when she found out about M first being pregnant. MGA said that "it was a rumour" and she didn't pay attention to this as she didn't know if it was true or not. MGA was clear that she couldn't give a time frame as to when she heard these rumours and said she was "not sure", but it was a long time ago. MGA heard this rumour from her mother and her sister, M's mother. MGA said that she did not believe them, but they were both sure M was pregnant. MGA said that she did not believe it as M has lied before."

73. Ms R asked MGA why she did not inform Children's Social Care about the new baby. She responded that she had been busy, and that she did not think this was her responsibility. She said that she had told her sister (MGM) that M needed to inform the local authority. Ms R's impression during the conversation was that MGA did not seem to show any concern about the risks to a young baby in the parents' care. Her account reads:
- "I asked Mr and MGA what concerns they have for the baby at the moment. MGA shrugged and said, "I haven't thought that much", followed by sharing that she doesn't believe M is alone and that she believes she is with F's family."
74. Mr and MGA suggested that since F was in prison, the risks to a baby in M's care would be less. Ms R pointed out that M is a known drug user:
- "I explored further the risk that M could present to the baby and asked explicitly what would happen to the baby if M was using drugs. MGA said, "that would be a problem". MGA said that M didn't use drugs until she lost J from her care. MGA then said "having a baby will be a good start for her, she loves being a mum and it gives her joy. This will keep her away from taking drugs, help her to be more (MGA said responsible, MGA said determined)". MGA said that M is not using drugs because the influence is not there from F and because she has a new baby."
75. After the meeting, on the same day, MGA emailed the team manager to say that she had known about the baby since the first week in December.
76. On 1 February 2025 the paternal grandmother travelled to Romania. No professional was aware of this. On 5 February 2025 she cancelled contact, saying she was unwell.
77. Ms R shared her report with Mr and MGA 3 February 2025. MGA admitted that she had not been honest in the discussion on 17 January 2025, and said that this was because she was "annoyed" that Ms R had not answered her question about the whereabouts of the children's father.
78. On 6 February 2025 the mother arrived at Mr and MGA's home in Town C (10 hours from Bucharest) at 2am. She did not have K with her and was distressed, saying that the paternal grandmother had forced her to sign over the baby's care to her. MGA did not allow her into the home and called the Romanian police.
79. On 7 February 2025 MGA telephoned Mrs P and for the first time gave an honest account of K's birth and the subsequent events as far as they were known to her. She said that the paternal grandmother was in Romania with the baby and intended to bring him to the UK.
80. On 14 February 2025 PGM brought K to the UK, using a letter of authority provided by the mother. No one in the family informed the local authority of their arrival.
81. On 17 February 2025 the guardian spoke to MGA. She accepted that she had not been honest with professionals but tried to justify this by saying that as the baby was in Romania he was not the concern of the local authority. She suggested that as the father was in prison the risks to the baby were low and that the mother was an adult and could do what she chose.
82. On the same day the guardian exchanged messages with the paternal grandmother, who said that she was in the UK and that the baby and his mother were in London. She refused to provide any further information.

83. On 26 February the guardian visited the paternal grandmother and found K in her care. The local authority issued proceedings shortly afterwards.

The s31 threshold criteria

84. The parents have not sought to challenge the local authority's case in respect of the threshold criteria and at a hearing on 24 March 2025 I found the threshold criteria met as pleaded. At the relevant dates the children were suffering (or, in K's case, likely to suffer) significant harm, attributable to their parents, through exposure to domestic abuse; their parents' substance misuse and criminal activity; their parents' inability to work openly and honestly with professionals; and neglect.

Welfare evaluation

Needs

85. Both children are in good health and there are no significant concerns about their physical or cognitive development. J is very small for her age and her growth is being monitored. K was exposed to his mother's drug use in pregnancy and it is likely (although his due date has not been confirmed) that he was born prematurely. He will require ongoing monitoring because of this.

86. These are very young children who are highly vulnerable because of their age, and additionally so because of their experiences. J, who is not yet three, has had an extraordinary nine placements; her current foster placement, where she has lived for the past 10 months, is the longest. Many of her moves have been sudden and unplanned. Between August 2023 and February 2024 she was living mostly with her parents but also staying for a few days at a time with family members; her father at least was using drugs during this period and the condition of the home when the police attended on 6 February 2024 suggests that her life was chaotic and frightening.

87. The pattern of K's care prior to 26 February 2025 is not fully known but he spent several weeks in the primary care of his mother, who is likely to have been using crack cocaine, before being removed from her by his paternal grandmother, brought to the UK and then removed from her care and placed with strangers.

88. These traumatic early experiences may well resonate well into the children's adolescence and adult life, and affect their own future relationships. Both children therefore have an enhanced need for stability, and for a secure placement with attuned carers who can help them to repair their disrupted patterns of attachment. It is also essential for their long-term wellbeing and development that the home where they will live for the remainder of their childhoods is one where they are protected from further disruption and harm.

Relevant characteristics

89. Both children have Romanian nationality. They are likely also to be entitled to British citizenship, as their mother at least has settled status. They have a large extended family on

both sides, with a rich cultural heritage. The family on both sides are orthodox Christians and J has been baptised.

90. The children's personalities are still emerging. J arrived in foster care in February 2024 as a "quiet, sombre and shy" child (per Ms P). She is now lively and playful. She loves dancing and is very fond of her carers' dogs.
91. K presents, thus far, with a peaceful and contented temperament. He is an alert and calm baby who sleeps and feeds well.

Relationships

92. The children's primary attachment is to their current foster carers. They are experienced carers who specialise in preparing children for a permanent placement and they have done an excellent job of nurturing the children and providing them with a sense of safety and security. However this is not a long-term placement and whatever the decision of the court the children will need to move to a new home. The stability they have experienced in this placement should help them make the transition to new carers.
93. The children have not seen their parents for some time (over a year in J's case; K has never experienced consistent contact with either parent and his relationships with both are therefore very limited). They do, however, have real and existing relationships with their maternal and paternal grandparents, who have stepped in to take up contact in the parents' absence.
94. J has met her maternal great-aunt and uncle only once; K met his great aunt whilst in Romania. They, and their children, represent potential family relationships which, if given the opportunity to develop, are likely to enhance the children's sense of themselves and their place in the family.
95. A crucial, developing relationship for both children is their relationship with each other. J has been delighted by the arrival of her baby brother and is fiercely proud and protective of him. K follows his sister around with his eyes. As they grow older their shared experience and family background is likely to be a vital support for each of them, which will endure throughout their lives.

Harm

96. It is important in this case, as in most cases where the local authority's care plan is for adoption, to make clear findings about the risks which are said to justify such an extreme step.
97. The primary risks in this case relate not to the two sets of proposed family carers, but to the parents. I am satisfied that those risks are high. When J was removed from the parents' care in February 2024 she was living in a dirty flat where at least one of her parents was using crack cocaine. This and the conflict between them mean that she suffered emotional harm, her needs were neglected and she was at risk of physical harm through being caught up in an incident of violence.

98. I acknowledge that the father appears to have achieved abstinence from drugs during his current time in prison. However the father has a long history of substance misuse, serious violence and other criminal behaviours. In order for the court to be satisfied that the risks he poses have reduced, it is inevitable that the father will need to demonstrate a substantial period of abstinence and stability following his release.
99. I am mindful that the father has shown himself to be particularly tenacious in making contact with the mother and J in the past. During the previous proceedings three of the mother's placements broke down because the father discovered where she was, on one occasion sending a delivery of ice cream to the placement. If and when he is released from custody he is likely to make renewed attempts to establish a relationship with his children. If he knows the identity of the children's carers, there will be a need for very robust protective measures to ensure that the children are shielded from harm.
100. The mother poses no risk of violence herself but her lifestyle poses significant risks and if they are in her care the children are likely to be exposed to drug use, criminal behaviour, homelessness and instability. If she and the father resume their relationship after his release, as is likely given their history, there may well be a repetition of past conflict and domestic abuse.
101. Taken together or separately, the parents pose a significant risk of harm to the children. They are likely to seek to resume the children's care or otherwise to play a role in their lives. If they are permitted to do so other than in very tightly controlled circumstances, the children will be at risk of physical and emotional harm and neglect.
102. Therefore any evaluation of prospective family placements must involve a consideration of the family members' willingness and ability to protect the children from these risks.

Capacity to protect

103. My assessment of the evidence of both sets of prospective carers suggests that the family members on both sides are inclined to minimise the risks posed by the parents and that their capacity to protect the children from those risks is therefore poor.
104. In reviewing the events following K's birth, summarised above, I draw two conclusions. First, all family members deliberately concealed K's birth from the UK authorities. There was some limited attempt by MGA to alert the Romanian authorities, but this was ineffective because they were not given full information about the whereabouts of the mother and baby. The only sensible explanation for this is that the family wished to avoid the protective measures which they knew the local authority would be likely to take.
105. The second, significant conclusion is that the actions of all family members put K at risk of significant harm. He was a very small, premature baby entirely dependent on his mother, as his primary carer, to meet his needs for food and shelter and to keep him safe from harm. As someone suffering from a serious drug addiction she was entirely unequipped to do so. From the point when the mother left Town C, probably after Christmas, until the paternal grandmother's arrival on 1 February 2025, no family member had any real idea of where K was or who was looking after him. There were suggestions during the hearing that at various

points the mother was accompanied by a cousin or a friend, and that neighbours were looking out for her, but it was very clear that no family member had any real oversight of the situation or took proactive steps to ensure that K was safe.

106. Neither MGA nor PGM was prepared to accept in evidence that their actions had put the children at risk. PGM rejected any suggestion that she had acted inappropriately at all. MGA expressed regret for the deception, but did not seem to regret the impact of her actions on K.
107. The letter from the voluntary organisation referred to above suggests that in the period after K's birth in December 2024 MGA and MGU were contemplating taking on the care of both children. They did not inform the local authority in England of K's existence, let alone of this plan. This suggests that if K had not been brought to England by the paternal family, and his existence discovered, the local authority might have placed J with MGA and MGU without knowing that in fact they intended to take on not only her care but another sibling's as well.
108. An important issue in these proceedings is whether, if the children are placed in Mr and MGA's care, they would be able to withstand pressure from other members of the maternal family to allow them to see their parents. I have doubts about their ability to do so. I accept that they have established their own independent lives but they remain closely connected to a number of family members and I note, for example, that they are currently living in a flat owned by MGM. In the November 2024 assessment this was recorded as a temporary arrangement pending a move to their own home, but that move does not seem to have happened as yet. This arrangement means, first, that the couple's address will be known to all family members including, presumably, the parents; and, secondly, that MGA and MGU are likely to find it more difficult to resist pressure from MGM in particular to see and spend time with the children.
109. The bundle also includes two assessments carried out by the Romanian authorities, in September 2024 and March 2025, of the suitability of MGA and MGU to have initially J, and then also K placed in their care. The main assessment was carried out in September 2024 and considered only J; the update in March 2025 was a brief update and does not explicitly consider the couple's ability to care for two additional children rather than one. The assessments include police and health certificates (including certificates of psychological suitability). A home visit took place and the couple's housing and finances were reviewed.
110. As to the couple's ability to manage the ongoing relationship between the children and their parents, and to protect them from risk, the assessment states:
 - "3. With respect to whether the parents of J know the location where the family resides, they don't know. If, after J is returned in the care of the family, J's parents were to become aware of her location and were to disturb them or pose a threat to the little girl's safety, then the auntie's family intends to ask, through the help of our institution, (because J will be entrusted to the auntie's family as a foster placement) for a Protection Order against the parent to be issued by the Court.
 4. If the parents of the minor were to be reinstated in their parental right (at the moment from the information that the family knows, J's parents have been deprived of

- those rights by the local authority in Great Britain), then [MGA] stated that she won't hinder the attempts at maintaining the relationship between parents and child. However, for the sake of safety she will ask that these meetings and visits to take place at the headquarters of the Social Services of the [Town C] Local Authority, and in the presence of a social worker from this institution. Bearing in mind that J will be with the family as a foster placement, our institution is duty bound to monitor her situation throughout the whole duration of this placement, offering adequate support to the child, the foster family and the biological family too."
111. The March 2025 assessment reads:
"If the parents lose their parental rights over the child, they will ensure that the child is not disturbed by them. If necessary, they will ask the police, or our institution, for help. If it is decided that the parents should maintain their personal ties with the child via supported visits, they will ask staff from our institution or from [Town C] Directorate for Social Care to be present during the parents' visits. The child's circumstances will be monitored regularly by staff from our institutions, in accordance with the applicable legal provisions, all throughout the placement."
112. The information about protective orders available in Romania is consistent with an expert report obtained earlier in these proceedings from an expert in Romanian law. I accept that, in principle, legal remedies are available in Romania which would replicate the protection available in this jurisdiction by placing similar restrictions on the parents' ability to exercise parental responsibility for the children and providing a legal route to enforce, if necessary, their placement with MGA and MGU.
113. There is, however, no analysis within the Romanian assessment of Mr and MGA's understanding of the level of risk, and their own willingness and ability to put boundaries in place to ensure that the children are not exposed to harm. There is no indication in any of the material provided by the Romanian authorities that they have reviewed the events of December 2024/ January 2025 in order to reach a view as to the ability and willingness of Mr and MGA to work with child protection authorities in order to safeguard the children. It seems unlikely that the Romanian authorities are fully aware of these events.
114. The local authority's case is that there are serious flaws in MGU and MGA's capacity in their respect, and that these issues cannot be mitigated by professional support. Ms R says in her final statement:
"MGA and MGU openly chose not to be honest and openly chose not to work in partnership with the Local Authority; despite previously claiming they would inform the Local Authority if they knew of any concerns. This is a risk that cannot be mitigated with support, because the foundation of this concern lies in deep family collusion alongside intentional actions taken to mislead professionals and to hide the birth of a vulnerable baby."
115. I agree with that analysis.

Parenting capacity generally

116. Counsel for the local authority suggested in submissions that if the court could not be satisfied that the children would be safe in the care of family members, “all else falls away”. That is, in my judgment, too stark a position. In order to carry out a thorough balancing exercise it is necessary to identify all relevant welfare factors, positive and negative.
117. The paternal grandparents have brought up three children together: the father and his two younger siblings who are of secondary school age. In addition PGF has an older son from a previous relationship, and the couple also cared for his niece for a period of about 10 years. The evidence suggests that they have, on the whole, parented successfully with little involvement of statutory agencies.
118. PGF and PGM do, however, have vulnerabilities as parents. One of those is the instability in their own relationship, which has led to allegations of domestic abuse in the past and, more recently, a separation. Another is their own children’s educational experience, which has been patchy: both of their two youngest children have had significant periods of time out of school. They each have criminal convictions, mainly for theft/shoplifting, and both have spent time in custody (including a four-month period when their children were placed in foster care), although I would accept that these offences are now some time in the past.
119. The maternal great-aunt and uncle have three children, aged seven, four and two. The couple each have established and stable careers, and considerable experience of working with vulnerable children, both professionally and on a voluntary basis. They are well supported within their local community, particularly now that they have moved back to their home town in Romania, Town C.
120. MGU and MGA’s commitment to offering J and K a permanent home within their family is striking. They have met J on one occasion, and K only in his first week or so of life, but have nevertheless been prepared to make huge changes in their own lives and their own children’s in order to offer them a home. In 2024 they relocated from Germany to Romania in order to have access to support in their home country. They have adjusted their jobs and working patterns to ensure that they have flexibility to give J and K as much time and attention as possible. They have travelled to the UK on two occasions, once in February 2025 when they hoped to spend time with the children but (due to the fast-moving situation at the time) were unable to, and again for this hearing. They have funded their own travel, accommodation and legal representation. Their commitment has been extraordinarily impressive.
121. The relevance of this from a welfare perspective is obvious. If the children move to live with MGA and MGU they are likely to be claimed unconditionally, and valued as members of a family to whom they belong. If they are adopted, they will come to learn in due course that they had relatives who went to extraordinary lengths to care for them, but were not permitted to do so, and they may find it hard to understand the reasons for this.
122. One vulnerability, highlighted by the guardian well before the events of K’s birth, is outside MGU and MGA’s control. That is the fact that they are caring for three young children of their own, the youngest of whom is very close in age to J. This was one of the features that led Ms O to express concerns about them as permanent carers for J even

before K's existence was known. The arrival of two very young children in their family is likely to cause significant disruption and upheaval – particularly as the children's history of trauma means that their level of need is likely to be high.

123. I note that when Ms R spoke to MGA and MGU on 15 January 2025 they did not seem willing to put themselves forward to care for another baby as well as J. MGA said, "If [M] would make 6/10 babies we cannot take them all. We are for J and that's it." MGA said in her evidence that the couple had since reconsidered and did not want the children to be separated. I do not doubt their motivation but I am concerned that it may not be realistic to expect them to give both children the significant input, on a day-to-day basis, that their high level of need is likely to require.

The lifelong effect of an adoption

124. The impact on these children of ceasing to be members of their birth family and becoming adopted is likely to be profound. J and K will lose all their legal relationships with their birth family, existing and potential. There are young cousins of a similar age who J and K may never meet. It is likely in future that they will experience the termination of these relationships as a huge loss.
125. Although there may be a possibility of some information being exchanged, the parents' vulnerabilities and lifestyles may make it difficult for them to engage with post-adoption support and with letterbox contact. As a result the children may receive little information as they grow up about their parents and how they are doing. This has the potential to cause them considerable heartache and distress.

The balancing exercise

126. There are three realistic options in this case: the local authority's plan for adoption; a placement with the paternal grandparents; and a placement with the maternal great-aunt and uncle.
127. The advantages of an adoption are that the children will be protected from the risks associated with their parents. They will not be exposed to violence, drug use and the chaotic and criminal lifestyle that the parents have led in recent years. They are likely to be the only children in the placement, or if they are not their carers will have been carefully assessed to ensure that they can give sufficient time and attention to their need for therapeutic and reparative parenting, and help them form secure attachments. There is a reasonably good chance that the local authority will be able to identify a placement with a Romanian family who can replicate their nationality and cultural heritage, and therefore meet some of their identity needs.
128. The disadvantages of adoption are that the children will lose their legal relationships with their birth family and their existing relationships with their grandparents on both sides. They may well experience this as an immediate loss, and in the longer term they may struggle with feelings of dislocation and find it difficult to establish a secure sense of their own identity. Particularly if there is no ongoing direct contact they may have unresolved

feelings of anxiety about their birth family, perhaps in particular their mother. They may wonder why, when there were so many family members willing to offer them a home, they had to be placed with strangers. The effects of an adoption for these very young children are likely to last throughout their lives.

129. The local authority has been absolutely clear that it intends only to search for prospective adopters willing to take both children together. These are two young children, close in age, with an obviously strong sibling relationship and no identified behavioural difficulties. Although there is a theoretical risk that they may be separated, I consider this risk so small that it can be discounted.
130. The advantages of a placement with the paternal grandparents are that the children will be able to live with family members with whom they have an existing relationship. The transition is likely therefore to be relatively smooth. They will have the opportunity to develop relationships with the paternal grandparents' teenage children, their aunt and uncle. The family relationships will remain intact and there is a possibility of future contact with their parents; although the benefits of this will depend on the parents' presentation at the time. They will have easy access to their Romanian culture and heritage and will grow up, like their parents, as bilingual, British Romanian children.
131. The disadvantages of this placement are that the children's carers are unlikely to put in place robust safeguarding measures to ensure that they are protected from harm. If and when the father is released from custody he will have nowhere else to live, and he is likely to be allowed easy access to his children. If he resumes his use of Class A drugs in future the grandparents are unlikely to recognise the risk that this poses, or if they do they are unlikely to take proactive steps to protect the children. The children are therefore very likely to be exposed to the father's violence, as witnesses or potentially direct victims. It is difficult to predict what access the children will have to their mother, as this is likely to depend on the state of the adult relationships, but if they do see her it may well be in an unplanned and unpredictable way and they will be directly exposed to her drug use and chaotic lifestyle. There is a risk that they will suffer emotional harm and neglect if their grandparents' relationship deteriorates again, as their aunt and uncle have done, and like theirs, their education may not be prioritised.
132. The advantages of a placement with the maternal aunt and uncle are that the children will live in a stable home with carers who are well equipped to meet their day-to-day needs to a high standard. They will have the opportunity to develop relationships with their wider maternal family, including their great-grandmother and their young cousins who are of a very similar age. They will become fully Romanian children and will have unrestricted access to this part of their identity. The commitment shown by MGU and MGA has been enormous and the children will benefit from knowing that they are wanted and have a central place in the family.
133. The disadvantages of this placement are that MGU and MGA are likely to come under considerable pressure from family members to maintain the children's relationships with their parents and other members of the family. The evidence suggests that they will find it difficult to withstand this pressure. Their actions following K's birth demonstrate the

limitations in their understanding of risk, and although they accept that they made mistakes I am not convinced that they fully appreciate the consequences of those mistakes, namely the harm to which K was exposed in his first couple of months of life, or that they will act more protectively in future.

134. MGA and MGU have three young children of their own. I do not doubt their genuine motivation to take on the care of J and K, but I think they may have underestimated the challenges this will bring. J and K are likely to come with a high level of emotional need, which would be challenging for any carer to manage alongside the competing demands of three other young children.

135. In evaluating the advantages and disadvantages of each of the family options I have considered, as I am required to do, the support which could be put in place to mitigate the risks. In the case of the paternal grandparents, what would be required is in fact not support but a high level of monitoring (including frequent unannounced visits) which is unrealistic, especially in the longer-term. The maternal great-aunt and uncle have achieved greater practical and emotional distance from the parents, but remain vulnerable to family pressure. In both cases, the effectiveness of any support offered will be limited by the family members' reluctance to be open with authorities. Any protective order made in this jurisdiction or in Romania will be worthless if the children's carers are unwilling or unable to take swift and robust action if the order is breached. As the recent history of this case has demonstrated, non-molestation orders (or their Romanian equivalent) do not enforce themselves.

Conclusions

136. With real regret, I have concluded that the risks of placing these children with either their paternal grandparents or their maternal great-aunt and uncle are too high, and outweigh both the negatives of an adoption and the benefits of a family placement. Adoption is the only option which will keep the children safe and meet their needs. This is therefore a case where no lesser order will do.

137. I have considered the local authority's proposals for contact. There is no plan for direct (face to face) contact. That is relatively unusual these days, now that there is a move towards a degree of openness in adoptions and most prospective adopters are prepared to consider some direct contact. I am satisfied that in this case the local authority's position is thought-through and evidence-based. The risks posed by the family are quite high, and they have shown a willingness to deceive. Direct contact significantly increases the risk that family members who are motivated to do so will use the information they obtain to undermine and/ or to locate the adoptive placement. The issue of contact will be kept under review until the children are matched and placed, and I acknowledge that the family's responses to this decision will be a relevant factor, but on the current evidence it is difficult to see how the local authority or in due course any prospective adopters could feel confident that the children would be safe if direct contact takes place.

138. It is important that as Romanian children from a strong cultural and family background J and K retain a sense of their identity and where they come from. The Life Story work planned by the local authority will help them to do this. The family members will have an important role to play in providing information for the children's later life letters, and sharing updates on an ongoing basis through the indirect contact arrangements.
139. For those reasons I make care and placement orders. I dispense with the parents' consent to placement on the grounds that the children's welfare requires me to do so.