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Case No: BR25P00145 / ZE19C00708

IN THE FAMILY COURT AT BROMLEY
(Sitting at the Royal Courts of Justice)

Royal Courts of Justice
Strand, London
WC2A 2LL

Tuesday, 3 March 2026

Start Time: 2.39 pm Finish Time: 3.40 pm

Before:

HER HONOUR JUDGE LAZARUS

M

Applicant

- and -

LBB

A

Respondents

MR DAMIAN STUART for the **Applicant**.
MR ANTHONY FORDE for the **First Respondent**.
MR JONATHAN ADLER for the **Second Respondent**.

APPROVED JUDGMENT

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JUDGE LAZARUS:

1. I will give an ex tempore judgment now on an application made by M under s.34 of the Children Act in relation to her daughter, A, a little girl, born in February 2017.
2. M would like the court to order a comprehensive s.34 order to return to a frequent level of regular contact at either a fortnightly or monthly frequency. She would prefer it to return to the fortnightly regimen that existed before she was convicted and incarcerated for cruelty to A, but would be prepared to accept a level of monthly as a compromise.
3. The local authority and the children's guardian agree in opposing that application, the local authority proposing that under an amended care plan proposal that there should be a minimum level of contacts at four times per year kept under regular review; and there should not be an order, but that they should be permitted to manage the contact by way of the regular review process available to children in long term care.

Legal framework

4. The legal framework is comparatively straightforward. I have to bear in mind that it is A's welfare interests that are my paramount concern and not those of her mother, M. In considering those welfare interests, I have to bear in mind what is called the welfare checklist and the set of factors in s.1 of the Children Act whether an order is in A's interests at all or not; and ultimately also whether any interference by this court with the Art.8 rights to respect for private and family life engaged in this case are proportionate and necessary interferences, bearing in mind A's welfare interests.
5. A number of principles have also been drawn to my attention, two of which are referred to within case law – a general principle asserted by the local authority is that the making of a s.34 order in favour of a specific level of contact with a child in long term care but who has no realistic prospect of returning to a parent seeking such an order are rare. Now, that is a general proposition; it is not underpinned by authority; and indeed over a long career in public law children work I have come across cases where such orders are made for a variety of reasons.
6. What is underpinned by case law germane to the circumstance of this case are the following principles – that it is not routinely open to the court to retain a degree of control over the issue of contact with a child in care by providing for an ongoing general review of the progress of the contact arrangements at some date after the making of a care order; and that is cited in *Re B (A minor: care order review)* [1993] at 1 FLR 421. And I certainly would see that, at the point of making final orders, it would be inappropriate in most cases to look ahead to some ongoing review process. It is not in that context that this case is relied on, but in the context of a court at a point after the making of final care orders is now being invited to review what the appropriate level of contact should be.
7. More specific to that consideration is the principle upheld in *Re S (A minor) (Care: Contact Order)* [1994] 2 FLR p.222 where the Court of Appeal held that where the nature and extent of the contact was an integral part of the local authority's care plan, it was not for the court to decide precisely what contact was reasonable.
8. Now, again, in long years at the bar and the bench, I have come across many cases where it is considered appropriate for the court to decide precisely what contact was appropriate and in the welfare interests of the subject child, where contact was nonetheless an integral part

of the local authority's care plan. What will be germane in this case is a close examination of the context and the issues here – but I take on board the over-arching principle that it is rare for the court to be able to be in a position to look with the degree of insight that social work professionals can bring, on the ground, at regular reviews, at what might be the correct level of contact at any one point in the future; and that is a general point of principle that must surely apply.

Context

9. Turning then to the context, this hearing takes place in the context of long-running care proceedings in which I gave two extremely lengthy judgments, and this judgment must be read in the context of those two judgments: [2021] EWFC 131 (B) and [2022] EWFC 220 (B). In effect, in the first of those judgments I made extremely serious findings of interference by M with A's physical welfare and seeking out excessive medical treatments and interventions for her. Those interferences included direct interference with equipment to which A was connected while she was in hospital. These interferences took place on multiple occasions during that hospital visit, but there were wider implications for her over-arching care and her over-arching attitude towards A's treatment.
10. In January 2022 I made a final care order for A, and she has remained in long term foster care ever since. Her two older sisters remain living with their father and paternal grandmother, and have remained there thriving ever since.
11. Contact between A, her father, grandmother and sisters has continued fortnightly. It has been successful. Those family members are co-operative; they are not considered to be a risk. Contact takes place at their home or at their choice in the community, and there is good a communication relationship between them and professionals and the foster carer. There is not said to be any negative consequences for A following on from those occasions of contact.
12. Mother's contact with A between the end of the care proceedings and August of 2024, so, a period of some two and a half years took place fortnightly unless there was the very odd occasion of unavailability due to illness or similar. Mother was clearly a committed regular attendee, compliant with expectations as to her behaviour during contact, and that contact remained fully supervised. I note that A was rising five at the time care orders were made, and by August 2024 she was seven and a half.
13. There was an initial application under s.34 by the mother, I think applied for in person, in early 2024 which effectively was resolved by agreement. It became clear that the criminal proceedings were still pending and that the local authority were open to continuing to review contact during those pending criminal proceedings, and no doubt contact was going to be affected thereafter by the outcome of those proceedings.
14. That criminal trial began in August 2024, and it was at that point that the fortnightly contact inevitably came to an end. The proceedings were not short, and I understand that a contact took place in August 2024, a further contact took place in the September of 2024, and mother was sentenced in early October 2024. Upon being sentenced, she was removed to prison and contact thereafter did not take place.
15. Her original sentence was for four and a half years, and during the period of her custody the prison service undertook its own independent risk assessment determination of the level of

contact that she should have; and I believe I have seen reference to three occasions on which their opinion was set out – September of 2024; February of 2025 and July of 2025; and as a result of which a number of efforts to reinstate contact between A and her mother, including indirect contact, were effectively postponed or cancelled because the risk assessment was that, as a perpetrator of child cruelty, M should not have contact while in custody with Her Majesty's Prison Service with the victim of that child cruelty. Those risk assessments were not influenced by or participated in by the local authority; they were an independent exercise properly carried out by the prison authorities.

16. At around the dates that I have referred to, the local authority nonetheless attempted to pursue it – to reinstate contact including indirect contact or including an effort to undertake a risk assessment exercise prior to release. Those were not successful.
17. In 2025 the mother appealed, not simply against sentence but also against her conviction. The conviction was upheld. Her sentence was reduced to some three years. I have seen the appeal note, sentencing note and conclusions, which draw attention to the fact of the multiple serious cruel acts that M was convicted of, and that she would have been given a sentence of six years but for mitigation to do with her mental health and her relationship in particular with her older children; and I have seen letters written by them, the provenance of which is unclear, in which they effectively are pleading with the criminal court judge in relation to their mother's sentencing.
18. She was released late last year following the end of that shortened sentence, and a number of conditions were applied to her release which I understand are still in place, which is,
 - not to reside even for one night in the same household as any child under the age of 18 without the prior approval of her supervising officer;
 - not to seek or approach or communicate with A, B, C or F without the prior approval of supervising officer or LBB Children's Services; and
 - not to have unsupervised contact with any children under the age of 18 without the prior approval of supervising officer and/or LBB Children's Services except where that contact is inadvertent and not reasonably avoidable in the course of local daily life.
19. It is notable that those are swingeing and significant constraints upon her contact with any children at all, and it goes without saying that all professionals rightly consider that M was, is, and remains a very significant risk.
20. In terms of progress since M's release from prison late last year, she had a contact in December of 2025 as part of the local authority's risk assessment process. I have read of that contact. It went well in that there was no distress experienced on either side, on either M's or A's. M had appeared to have responded well to some of the guidance she was given beforehand to avoid startling, to follow certain approaches in relation to the sharing of materials and so forth – and that was very pleasing to read.
21. And from A's perspective, she too reacted well. She responded positively. It was not possible from my reading of the notes to know whether she was evidencing any significant specific recognition of M as her 'mother', as opposed to that she responds affectionately to

one-to-one attention really from any source (which I have read in various sources but particularly in material from her foster carer); and it is hard to interpret and it would be a mistake to interpret that positive interaction during a one-off contact is indicative of a recognition of M as being her mother.

22. I note that A has now just turned nine years old. The fortnightly regularity of contact ended some 20 months ago. Those two further contacts took place shortly after that fortnightly contact ended in 2024; so, in effect fortnightly contact ended. It then moved to approximately monthly in August and September 2024, effectively by default because of the criminal proceedings, and then there was no contact at all from October 2024 to December 2025.
23. Since December 2025 there has been no further contact until this hearing, and I will come on to the question of the nature of the contact in due course. But in terms of the overarching chronology, what is noted in particular by her carers is that during this period of over a year, A is said to have made very significant progress, with reduced distress and increased stability, with consequent implications for her progress more broadly and her settled behaviour and therefore the decrease in the challenges of caring for her.

PREVIOUS CONTACT

24. Turning to a brief discussion of the previous contact, as I have indicated, mother was committed and attended regularly at the fortnightly contacts. She was compliant with those expectations, and it was fully supervised.
25. But that full supervision is only the tip of the iceberg. There is a whole risk and safety management package that goes with mum's contact: for example, M does not bring and administer food and drink herself. The foster carer needs to remain available in the event that A requires refreshment, and that is because of the risks M has historically posed, and because of the findings that I made, and because those were upheld on conviction beyond reasonable doubt. It requires two supervisors and, in effect, was a logistical challenge whereby A had to leave school early on a weekday at half past two, thereby missing an afternoon of education and support. It could not take place at the weekends, unlike contact with her other family members, and she was noted by the school (and I have seen a letter dated 8 September 2025 from the Deputy Head Teacher) to be noticeably more unsettled on the days following contact with her mother.
26. In terms of information from her foster carers, information was shared with the social worker included in the social worker's statement of July 2024, but more recently updated in the note appended to the social worker's recent statement filed in these proceedings, that after those fortnightly contact sessions A was, in their care, notably "distressed" (I am using their words) and "inconsolable". She also refused her dinner or refused to engage with her usual evening and night time routine and was reluctant to participate in routine activities the following day.
27. And I note from that recent note appended to the social worker's statement, to be found at C173 in the bundle, but I do not think that it is dated in itself – it says, and these are their words:

“If very regular contact were to be resumed and her previous behaviour patterns of extreme distress and tantrums were to return, this could sadly

place her placement at risk. The stability she has built is fragile and highly dependent on consistent routines and a calm nurturing environment. Any significant regression in her behaviour would not only impact her well-being but could also affect the long-term stability of her placement”.

28. Now, I note here that that is in very significant contrast to the unproblematic fortnightly contact with her other family members which is found to be positive but also supportive of the placement. In effect, it gives the carers a degree of respite that A is able to spend unsupervised away from the placement, with loving and trusted family members.
29. I note of course that the foster carers had within the care proceedings, previously expressed some concern at the level of contact that was being proposed. And one can see from their direct experience of it why they would do so. However, that attitude is disparaged by the mother in her statements filed in these proceedings as indicative of their wish to control contact and to interfere.
30. What I note however is, notwithstanding their concerns they completely appropriately complied with an intensive regimen of contact, and therefore not only did they not permit their concerns to run up against the local authority’s care plan, but they were compliant and co-operative, notwithstanding having to manage the circumstances which they have subsequently described. In my judgment this means that I should pay very close attention to what they do tell me, because these appear to be reliable, co-operative, compliant and trustworthy individuals, whose centre is A’s welfare interests rather than their own; and to characterise this as inappropriate interference as M seeks to do is unhelpful and, in effect, it does not assist her own case, because she would then be requiring a very frequent regimen of contact to be facilitated by the very people whom she has chosen to disparage in her statements.
31. Given the challenge of caring for A in the first place, given the importance to A of the stability and security of her placement and the minimisation of challenging and upsetting behaviours that affect her wellbeing and might affect her placement, it is critically important that the type of disparagement and the type of disruption to relationships which M’s attitude brings should not be imported into arrangements for contact. And yet M has sought to disparage them.
32. Mother’s case relies to a very great extent on the fact that fortnightly contact was taking place positively beforehand; and it is right from what I understand of the contact that during those sessions it was positive. There were very few, if any, examples that have been drawn to my attention of negative experiences during contact. The negative experiences arose after the contact sessions had taken place.
33. It is also argued on her behalf that the 20 month gap since that fortnightly contact should simply be seen as an aberrant disruption which can readily be mended by returning to a regular frequent level of contact. But I took issue with counsel for the mother on that submission in order to understand properly how that could be characterised in that way, when that gap of time is because the mother has, during that time, been convicted of the offences which she so vigorously fought in the care proceedings and in relation to which I made findings, and had been incarcerated because of the severity of the offences for which she was convicted. Those are inevitable matters which have implications for her – not only for her but for the professionals around her, and also for A.

34. The professionals had put in place a care plan of comparatively frequent contact, given the kind of findings I have made, based around some key features of this case. One was A's age at that time and that she did appear at that time to have a recognisable relationship with her mother notwithstanding the findings I made. The other was the degree of eager compliance with expectations of her around contact that M provided, and it therefore appeared that for a disabled child entering long term foster care it was going to be important at that stage to maintain that family relationship with her mother; and clearly the way in which contact would develop both with wider family members and with M, and the way in which contact might be affected by M's subsequent conviction and custody would all remain to be reviewed.
35. What is also notable is that during this period is that M not only pleaded not guilty, but she also sought to challenge her conviction. That challenge failed, but it is notable that in discussions with the children's guardian recently for the purposes of this application and this hearing, the mother was only able to say that she expressed some regret at having done things which may have placed A at some risk of harm. Nothing specific. No actual harm. No actual acts. No actual acknowledgement of the kinds of experiences of cruelty and mistreatment that A will have suffered at her mother's hands, but a vague suggestion of regret that she may have done something that may have placed A at risk of harm – not even actually harmed her. This is minimal and deflecting to a very significant degree, and entirely in keeping, I am afraid, with the overall picture that M has posed throughout all the proceedings relating to her children.
36. And therefore I have to look at this gap of time, not simply as the type of disruption to a contact regimen one might find in more standard co-parenting s.8 private law orders which can readily be amended by a resumption of that contact regimen, but as a very significant series of developments flowing from the acts that M chose to carry out when she had care of A.
37. Additionally, there has been a real impact on A. She has simply not had contact with her mother for that period of time other than the December 2025 risk assessment contact. She has grown and developed during that time at a period when young children move fast. She has shown, according to her foster carers, her social worker, her independent reviewing officer and indeed the impression gained by the children's guardian significant development, significant settling and a reduction in her more challenging behaviour, tantrums and unsettled and difficult management; and so that period of time has passed with that lack of contact and with those developments that I have outlined; and it would be a mistake, in my judgment, simply to characterise that as a disruption which could and should simply be mended by the resumption of contact, because I need to look at what that period of time has meant for A.

The welfare checklist

38. So I turn, then, to the welfare checklist. I start, firstly, with A's characteristics, needs and any relevant background. I have described A in previous judgments, but I will bring matters very briefly up to date. She was a child who suffered a hypoxic brain injury, in circumstances which are wholly unclear, when she was only a few weeks old. That has left her with complex multiple disabilities. She effectively has no vision except for some light, possibly some colour. She is physically disabled although can sometimes use her legs to a limited extent with support but quickly becomes tired and requires the use of a wheelchair. She has a learning disability. She is able to express herself partly verbally but requires a

great deal of prompting and support; and effectively requires full supervision, extensive support, special educational provision; and simply living day to day requires immense physical effort for her but also for her immediate carers. Even sitting upright, I read, requires really great strain and effort for her and she becomes very tired during the course of the day, particularly a school day, because of the efforts required of her. She has very clear routines and any disruption to those routines clearly cause her distress and a resumption of tantrums. She is growing larger and heavier, which has posed risks and challenges to her ongoing care and indeed which, it would seem from what I have read, M herself experienced to some extent during the December 2025 contact.

39. Those latter points are matters in which M could be readily trained and supported, but nonetheless it was an evident example of change.
40. She is also a child who is lively, delightful, responsive, affectionate, particularly with anyone who can give her one-to-one attention. She has thrived in recent months in particular in the ways that I have described, but overall has thrived very significantly as a result of being able to remain with extremely skilful committed long term foster carers for the last six years; and in that respect she is an extremely lucky young person as there are very few such children in foster care with this range of complex needs who have not experienced challenges to their placement.
41. Additionally, I note in terms of her background she is a child who has experienced notable significant physically and emotionally harmful behaviour and cruel acts and omissions directly from her own mother. Those should be described as adverse childhood experiences.

Wishes and feelings

42. I look, then, at her wishes and feelings in that context; and in particular the context I have referred to whereby she shows affectionate interest pretty much with everybody once she has warmed up to them and they are able to give her close attention, and there does not appear to be evidence before me of her raising or missing or calling out for her birth mother. It is noted there may be some confusion about the use of the word “mummy”, and the foster carer’s note refers to an occasion when she may have overheard discussions involving her mother’s name. She may have understood those; she may have reacted to them; and then declined to use the word “mummy” when calling out for the foster carer thereafter. What to read into that is extremely difficult to know, but certainly it is hard to see from the evidence of the last many months that there is any specific material pointing to A missing her mother, calling out for her, naming her mother and seeking contact with or seeking discussions about her mother; and the recent contact in December 2025 as I have indicated is extremely hard to interpret a generally affectionate range of behaviour as specific to any relationship with M. Equally, she showed no aversion or reluctance during that contact in December 2025, and as I previously indicated it appeared to go well, gifts were given, fun was had. And that is all to the good and it is clear that she enjoyed that interaction and those gifts and the efforts that M made on that December risk assessment contact occasion.
43. It is clear that she deeply enjoys and benefits from the contact she has with her father, her grandmother and her sisters. And that that is unproblematic. I am sure that she would want those vital relationships to her identity, to her sense of belonging, to the family members who champion her, to continue. In the same way I am sure that she would want the close and loving and attuned relationship and care that she has from devoted foster carers to continue. Without that she would not be happy, and she would not be well cared for. She

would not experience stability. So, although she cannot say it, I am sure she would want those to continue, and to continue as undisrupted as possible.

44. There is a more complex picture that is far harder to interpret in relation to her mother, in that there are some comments made in the evidence before me which indicate worries and aversion, and that when she was having fortnightly contact it was too much. Whether that was because she was extremely tired and it was simply too much for her, or whether because by contrast with the contact she was having with her father, grandmother and sisters, it was with the person who is her mother in the context that I have described is certainly argued before me. Whatever it is, there is not parity in that contact. The reactions to contact with her other family members did not pose the same levels of difficulty. I am sure that this little girl would not want to be tipped back into tantrums or exhaustion or feeling worried or distressed, possibly in some unnameable non-verbal way that may reflect back to the cruel treatment that she received from M.
45. It is difficult to know what the source of that difficult behaviour is, but what is quite clear to me is that it was associated with the mother's contact rather than others' contact, and that I am quite sure this little girl would not want to be feeling those feelings, from whatever source, by a resumption of such regular and frequent contact with her mother.

Harm, risk of harm, needs, effect of orders, alternative orders

46. So, I turn then to the checklist factors which include harm and risk of harm, the effect on her of certain orders or indeed the care plan, no order, possible alternative orders and the capacity of the mother or the local authority proposals to meet this little girl's needs.
47. So, on the mother's case there would be a huge step up – albeit no doubt staged gradually – to much more frequent contact of either 12 or 24 times a year from what is in effect a zero level at the moment. That is a massive increase by comparison with the last 20 months and in the context of A having shown that much more settled behaviour during that period. Mother argues that it is a merited return to the original frequency; that she and A are entitled to the close relationship that such contact brings; and that that was positive contact and therefore represents positive benefits to A.
48. The responses comprehensively across the professional board (and I include also in that not simply professionals but very significant individuals, her foster carers; so, the social worker, the foster carers, the children's guardian and the independent reviewing officer) are that that would be too much given the impact on A, on her needs and on her placement. There would be an impact on her education. There would be an impact on her routine. There would be the logistical strain that I have referred to; and, in particular, the strain on the foster carer of not only having to step up to a different regimen with regular and frequent attendance, but step up to a broken up fortnightly or monthly routine where it is clearly said to me that routine is significantly important to this young girl, and without that routine she can very significantly act up; and additional strain on the foster carer if there were to be a resumption of the challenging behaviour that was seen before. But also with A's welfare interests in mind, that the experience of regular and frequent contact would be emotionally problematic for her if I accept that the previous contacts nonetheless posed these challenges to her afterwards (although she did not evidence it during the contact itself).
49. And I note the social worker's evidence that because of A's challenging and complex needs, she is a child who has been described by the social worker as vulnerable because of her

difficulties expressing herself in situations of emotional strain and complexity, which mean she is more likely to default to emotional dysregulation and challenging behaviour. And that is why, in the risk assessment undertaken by the social worker, a proposal of four times per year minimum but to be kept under review is suggested for the amended care plan because that is sufficiently regular enough to meet identity needs and to meet the relationship needs where the relationship is so complex, so compromised by its history, and mother's conviction, and my findings.

50. Mother argues that that is insufficient; that she and A – although her emphasis is that *she* is entitled to more regular and frequent contact – need more in order to have a good and meaningful relationship as before. And she points to the fact that the local authority supported that fortnightly contact previously and it was part of their care plan.
51. Now, I have indicated that there was a context to that, A's age, A's status as a very disabled child entering long term foster care and the stage which matters had reached prior to the criminal conviction, prior to the development in A's age and her own development; and I note that mother is, in effect, seeking something close to parity with the contact enjoyed by father, grandmother and sisters. That is a very different type of contact for A. It takes place in a home environment, not in a supervised contact session; it is attended by a number of trusted family members; it does not involve social worker attendance; it does not involve being removed from school early; and none of those individuals have been convicted of cruel acts of child mis-treatment of A herself.
52. The children's guardian adds a range of concerns which touch on the mother's insight and attitudes. These points are echoed in the local authority evidence, but I note them more specifically focused upon in the children's guardian's material. What is noted there is that the mother not only challenged her conviction but, as I have indicated, gave only very slight indications of some acknowledgement of her role; but also in her discussions with the guardian, and indeed in some of the material that she has filed in these proceedings, she has continued to imply or invite the inference that she will be there for A when the foster carer is no longer there and that A will need her as A moves on to independence. This is, frankly, shocking. It really demonstrates a fundamentally 'mother-centric' view of the issues.
53. The nature and quality of A's relationship with her mother have been fundamentally affected by mother being someone who perpetrated real cruelty towards A and being someone who still cannot acknowledge her own acts of harm and cruelty; nor the implications of any of that for the future of her relationship with her daughter.
54. This contact is not about fuelling a relationship which might lead to rehabilitation. It is not about leading anyone to think that a close, caring relationship lies somewhere in the future between A and her mother. It would be confusing, misleading and, frankly, unfair to attempt to consider or conduct contact as if that is the case.
55. And it is in that context that the children's guardian and indeed the local authority rely on the worrying lack of insight and the un-child centred approach that the mother shows. The relevance of that under the welfare checklist is as to the ability of this mother to meet this child's needs; additionally, that it illustrates even further the lack of parity between the contact that she might have and the contact she enjoys with the father and the wider family. It also opens up an understanding of the mother's own attitude towards contact which is fundamentally wrong-headed; and indeed it also plays into the nature and quality of the relationship that is being promoted by contact. This is not the same kind of relationship as

A has with her father, her grandmother and her sisters. And that, too, affects the Art.8 considerations which I will come on to in concluding this judgment.

56. The local authority and the children's guardian also point to the fact that any s.34 order would be too proscriptive, not simply too frequent, but would be too rigid and lack flexibility relating to A's changing needs, and it would require a return to court to change any such order if it required change; and I am reminded there of the case law that Mr Forde has referred me to.
57. I note here that it is really impossible for this court to be able to identify the correct pattern so definitely, looking ahead to covering all of how her complex needs might interplay with mother's contact; and in that sense it is completely unlike the more standard s.8 disagreements between co-parents that I have previously referred to.
58. The local authority points out that it has been willing to arrange contact. It ran with fortnightly contact for an extended period of time. It attempted to reinstate some form of contact while mother was incarcerated, and it should be trusted to review and consider A's needs looking at the whole perspective. I look therefore at the local authority's plan which is for a minimum of four times per year with reviews; and it argues that meets A's needs far better than a prescriptive order of monthly or fortnightly contact. It is sensitive to the complexity and to the challenges of caring for her. They argue that her placement is critical to her wellbeing and her happiness and her reaching any of her potential, whereas frequent contact with, sadly, a cruel and abusive parent who cannot acknowledge her role in A's suffering, is far less important to those overall welfare interests, particularly where that frequent level of contact historically was – it would seem and I do accept – having an impact on her education and on her behaviour by contrast with this recent more settled period and by contrast with the contact enjoyed with other family members.
59. I note and accept that the December 2025 contact does not appear to have had that effect, but that was a one-off. There had been no contact for some 14 months prior to that; there has been no contact in the last two to three months since then; and therefore for a return to a frequent pattern of contact I have to look at the best material I have, which is the material leading up to August of 2024.

Proportionality

60. I turn, finally, then to review the overall proportionality of the decision-making exercise before this court. Under Art.8 of the European Convention on Human Rights, every family member involved with A has a right to respect for a private and family life. A herself has a right to respect for a private and family life, and I must look at whether the decisions made by this court are proportionate and necessary interferences with any of those rights where they interfere, and with focus on A's welfare interests.
61. Where there is a conflict between one set of engaged Art.8 rights and the child's – so in this case between M and A's – then I must consider the balance between those conflicts with, again, an eye to A's welfare interests, not those of M.
62. Overall here, I must look at A's principal needs as a very significant focus of my understanding of what is necessary for her and what is a proportionate exercise of the court's interference. Because she is a child with multiple disabilities, it is vital that she has consistent, stable, attuned, committed care every day. I note that providing that care is an

extremely challenging role. It holds extreme significance to A's well-being. I note the foster carers know her well and are clearly utterly committed to providing that level of care; but I take extremely seriously their worries about a resumption of overly frequent contact and its impacts on A herself, on her emotional well-being, which then has the knock-on effects as a child who is vulnerable, unable to express herself, suffers from learning disability, that it is then likely to come out as emotional and behavioural dysfunction which will then make it very hard for them to continue to offer that absolutely vital care. That, therefore, must be an absolute lodestar in my overall review of her welfare interests and overall review of how it fits in with the Art.8 proportionality and necessity examination of the issues. That stability of her daily well-being and her care environment are, I conclude, central and vital.

63. I note also that she clearly does have a right to family relationships and her family members have a right to relationships with her. Those rights and her identity needs are largely met by her thriving and easy-going relationships with her father, grandmother and her sisters. In that respect, as I have already discussed in detail in this judgment, the mother's position is not one of parity at all given the history and her conviction and given that she does pose risks, including via contact, to impact on A's emotional and behavioural responses to contact. And therefore to a relevant extent her relationship with her mother is less important than these other factors, and more weight should be given to those other relationships and to the importance and stability of her placement as more central to her well-being, particularly where the mother continues to position herself as someone unable to acknowledge the facts and implications of her own actions towards A.
64. In that context I consider that it would be disproportionate, harmful and unnecessary to grant a frequent regular and restrictive contact order under s.34, and it would be more proportionate and indeed necessary and a proper reflection of the welfare issues, to emphasise the counter-balancing matters of stability within her placement; stability of her emotional state and regulated behaviour; and the benefits to her or her existing and other family relationships.
65. I do not consider that it is appropriate or indeed possible to try and foresee the specific levels of contact that are appropriate to meet her needs in that context, and therefore it properly should be managed and reviewed at a more detailed level by the local authority. Accordingly, the proportionate and necessary outcome is to refuse the mother's application and to approve the amended care plan proposal of the local authority as better able to meet her over-arching welfare interests with the most appropriate, proportionate and necessary interference with all engaged Art.8 rights.
66. Accordingly, I dismiss the mother's application, and I require the local authority to provide an amended and updated care plan reflecting the contact proposal that I have identified.
67. I conclude by noting that I have been greatly assisted by submissions from the parties' counsel. I thank them all for their written documents provided in advance. I have noted their contents in detail even if I have not mentioned every single matter raised in those documents, as it would have been a disproportionate exercise to do so. I have also been assisted, and can Miss Jones at the local authority please be thanked, for the preparation of a comprehensive bundle in which I have had statements, reports, source documents, my original two judgments and a range of other documentary support.
68. That concludes this judgment.

(This Judgment has been approved by the HHJ Lazarus.)

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