

Time to Call a Halt – New Court of Appeal Guidance in Adoption Cases

An article for Family Law Week

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Barristers

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Alex Verdan QC of 4 Paper Buildings and Nicola Harries of Baxter Harries Solicitors draw lessons from new guidance in adoption cases, set out by the Court of Appeal in *Re B-S* in which they acted for the respondent.

Over a period of just 10 days in July 2013 the Court of Appeal expressed concern about the current practice of family courts in relation to adoption in no fewer than four reported cases. Practitioners will also be familiar with the decision of the Supreme Court in ***Re B (A Child) (Care Proceedings: Threshold Criteria)*** [2013] UKSC 33 in June 2013.

Matters came to a head when the unanimous judgment of the Court of Appeal was handed down in ***Re B-S (Children)*** [2013] EWCA Civ 1146 on 17 September 2013 and it was stated that it was “*time to call a halt*” to the current practice². As well as giving clear firm guidance on the approach in cases involving adoption, drawing together all the threads from existing appellate guidance, the Court clarified the test for the granting of leave to oppose an adoption order pursuant to **section 45(7) of the Adoption and Children Act 2002**.

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