

Re R (Adoption: Father's Involvement)

[2001] 1 FLR 302

16/10/2000

Barristers

Mark Jarman KC

Court

Court of Appeal

Summary

The child was placed with foster-parents 2 days after birth. After he became aware of the child's existence, the father made a few attempts to become involved in the child's life, and to resume involvement in the mother's life, but these were not sustained. The father had never seen the child, having failed to attend the contact which had been arranged. The father had requested the mother's consent to parental responsibility, but, following her refusal, had not made an application for a parental responsibility order. There was evidence that the father had been sentenced to a term of 3 years' imprisonment, in part for an assault upon the mother. The child had now been placed with prospective adopters, and adoption proceedings had begun. The judge in those proceedings ordered that the father be made a named respondent, and that the reporting officer interview the father to seek his consent to the adoption order. The judge observed that if the father were not given the opportunity to participate at this stage, he might later claim that his human rights under the European Convention for the Protection of Human Rights and Fundamental Freedoms 1950 had been breached, leading to a disruptive and potentially disastrous challenge to the adoption after the making of the order. The applicant adopters appealed.

Held

Held – dismissing the appeal – each case of a father without parental responsibility who might wish to be heard in subsequent adoption proceedings would have to be decided on its merits as to whether or not it was appropriate that he should be joined as a respondent under the Adoption Rules 1984, r 15(3). In this case the judge had brought into the balancing exercise all the relevant considerations, including the father's rights under the European Convention for the Protection of Human Rights and Fundamental Freedoms 1950, and had concluded that the father ought to be given the opportunity to be heard, not least because not to allow him to do so might store up trouble in the future. It would be quite wrong to interfere with the exercise of the judge's discretion.

Permission

Reproduced with kind permission from Justis 