

Re K (A Child)

[2007] EWHC 544 (Fam) ; (2007) 1 WLR 2531 : (2007) 2 FLR 326 : Times, April 20, 2007; AC9901177

16/03/2007

Barristers

Rex Howling KC
Cliona Papazian

Court

Family Division

Summary

A local authority's advertisement of a child for adoption would be premature unless it had reached the concluded view that the child's interests would be best served by adoption rather than by rehabilitation to the family.

Facts

The appellant local authority appealed against a family proceedings court's decision that it could only anonymously advertise a child (K) for adoption before the final care proceedings had taken place. The local authority had applied for permission to advertise K in adoption publications using his photograph, his first name and other information. The magistrates decided the advertisement should be anonymous and without a photograph. The local authority submitted that anonymous advertising was so unlikely to produce a positive response that the magistrates' decision was tantamount to refusing to permit any form of advertising.

Held

As K's case had not yet been before the local authority's adoption panel and there had consequently been no decision by an approved officer on the question of his adoption, then the local authority was not in a position to be satisfied that K ought to be placed for adoption, and so its application for permission to advertise his availability for adoption was premature, P-B (A Child) (Placement Order), Re (2006) EWCA Civ 1016, (2007) 1 FLR 1106 applied.

Permission

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