

B County Council v R (2007)

[2007] EWHC 2742 (Fam); (2008) 1 FLR 1252

22/11/2007

Barristers

John Tughan KC

Court

Family Division

Summary

Where it was likely that parents would try to frustrate attempts to have their children placed for adoption, the court granted the local authority's application to continue prohibitory and mandatory injunctions preventing such action.

Facts

The applicant local authority applied for the continuation of a mandatory and prohibitory injunction against the respondent parents (P) and other third parties restricting the publication of information relating to P's four children. The children had been made the subject of care orders and were then placed for adoption. P appealed against the making of the care orders and sought a stay of the placement orders, but the appeal was dismissed and the application refused. The local authority became concerned that P would seek to establish the whereabouts of the children, as it discovered that P had made attempts to contact the foster carers and had posted pictures of the children on an internet website with captions suggesting that they would hamper the adoption proceedings. Consequently, the local authority applied without notice for a prohibitory injunction restraining P from identifying the prospective adopters, or publishing any information that might identify the children and their whereabouts. It also sought a mandatory injunction requiring anyone served with the order to remove information relating to the children from any internet website. The court was satisfied that P were openly trying to trace their children and to discourage anybody who might be minded to adopt them. Therefore, the applications were granted and the matter listed to return to court on a specific date. P submitted that they wanted to meet any prospective adopters to reassure themselves.

Held

HELD: In the light of the whole history of the case, it was clear that P did not accept the placement order. They considered that it had been unjustly made and they would clearly do all in their power to prevent their children from being adopted. Far from seeking reassurance, P would seek to dissuade the prospective adopters from adopting their children. Furthermore, it was apparent that if the local authority would not permit them to meet the prospective adopters then they would, unless otherwise ordered, try to find where the children were and would attempt to frustrate the intentions of both the local authority and the court. In those circumstances, both the prohibitory and mandatory orders should be renewed.

Without them there was a risk that the adoption would not go ahead. The orders were a proportionate remedy to the serious threat that P would frustrate any application by the parents.

Permission

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