

L v London Borough of Bromley (1997)

(1997) 161 JP 960 : (1998) 1 FLR 709

24/06/1997

Court

Family Division

Summary

An appeal by authority to terminate contact between child and parent.

Facts

Local Authority's appeal from various contact orders made by a Family Proceedings Court in relation to; a boy of 9 ('D'), a girl of 8 ('N'), a girl of 5 ('A'), and a boy of 10 ('M'). M was the half brother of the other children. Their parents, who never married, separated in 1995. The mother began to cohabit with S. In October 1995 the family moved. The new local authority was advised that the family had problems and the children were placed on the protection register. In August 1996 D, N and A were removed from the family home and care proceedings were commenced. D was assessed to have behavioural problems and it was recommended that he be placed with long-term foster parents. N was placed in a residential unit. She had serious problems and she would be hard to place either with foster or adoptive parents. It was recommended that A be placed for adoption with limited contact with her parents. The court made no distinction between the contact provided for A and for the two older children and ordered that contact (i) between the three younger children and M, their mother and S be at the discretion of the local authority and (ii) between the three younger children and their father and paternal grandmother be at the rate of three sessions a year.

Held

(1) Under s.34 Children Act 1989 the authority were under an obligation to allow a child in its care to have reasonable contact with his parents. That duty was unaffected by the order stating that contact should be at the local authority's discretion. Under Sch.2 para.15 the local authority was also bound to promote contact between a child in its care and any relative, friend or other person connected with the child. The orders, which merely reflected the authority's statutory duty as to contact, were therefore unnecessary but not plainly wrong nor was the order for contact three times a year between the children and their father and paternal grandmother, even though the frequency of contact exceeded the recommendations of the children's guardian ad litem. (2) The justices erred in failing to differentiate between the three children as the plan for A stressed the need for adoption to take place as soon as possible. Insufficient attention had been paid to the likely level of contact between that child and various members of her family which could substantially intrude upon her life with the adoptive family once an adoption order had been made. However the contact orders themselves were not flawed.

Permission

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