

# A London Borough v A & Ors [2013]

[2013] EWHC 96 (Fam)

15/02/2013

## Barristers

Cleo Perry KC

## Court

High Court (Family Division)

## Practice Areas

Public Children Law

## Summary

Care proceedings; assessment of mother's ability to protect children from father found to be responsible for child's death.

## Facts

Judgment in care proceedings concerning three children aged 6, 2 and 1 year old. Previous findings had been made by the Court that the father was responsible for the death of the middle child's twin brother. Those findings contradicted the verdict of the coroner's court, which had held that the oldest child had killed his brother. Previous appeals by the father against the findings had been dismissed. The remaining issue for the High Court concerned an assessment of the mother's ability to separate emotionally from the father, who she had previously considered to be a victim of a miscarriage of justice, and her capacity to protect the children from both physical and emotional harm. She was said to have moved forward, engaged in therapy, and had maintained a physical separation from the father.

## Held

The High Court held that sadly the mother had not truly moved on since the findings had been made, despite her engagement in therapy. She remained deeply sceptical about the father's responsibility for the child's death. The risk to the children was of the utmost gravity, and there were no effective measures that could be relied upon to protect them, not only from physical harm, but also from the emotional harm that would follow if they grew up knowing that the mother believed the oldest child to have killed his brother. The Court accepted the unanimous professional evidence and approved the care plans.

## Permission

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