

## **Olivia and her un-named son**

Olivia is 21 years old and gave birth to her second child 2 weeks ago. Olivia uses multiple substances chaotically. She is addicted to heroin and alcohol, and sadly her baby has needed to spend his first weeks in intensive care receiving treatment for withdrawal. He may also be affected by foetal alcohol syndrome. The local authority has issued care proceedings. Olivia has not yet chosen a name for her son or registered his birth. Olivia spends some time with him each day but nursing staff are concerned that she seems reluctant to handle him. Olivia has no definite plan for the future but is reluctant to agree to adoption. Olivia and her baby are white.

Olivia was removed into care when she was 9, together with Ethan, her brother, who was 2. Olivia's mother, Jessica suffered a long history of depression and alcoholism, and endured domestic abuse (both physical violence and the exertion of controlling behaviour) from Olivia's father, Ian. Olivia and Ethan were initially removed when the police visited the family home and found evidence of extreme and enduring neglect. When Olivia and Ethan were placed in foster care, it was immediately clear that she was his main carer and attachment figure. It proved very difficult for Olivia to relinquish these roles. She was also profoundly affected by the trauma of neglect and troubled by persistent anxiety. Her behaviour gradually became difficult and hostile. Her first placement broke down when she was 12 years old. Ethan, is now aged 14 and has been adopted by these first foster parents. Olivia, by contrast moved on through many foster homes, and disappeared from care when she was 14, having drifted inexorably toward the world of gangs, drugs, and sexual exploitation. Olivia has spent the past 5 years sofa-surfing or living in squats.

Her first child, Amelia, was born when Olivia was just 15. Olivia was clear throughout her pregnancy that Amelia must be adopted. Consequently, Amelia, who is of dual heritage, was placed from birth with adoptive parents, Grace and Jeff, who had settled in the UK since their marriage 20 years ago. Grace is black Zimbabwean. Jeff's Scottish parents emigrated to Zimbabwe soon after he was born. Grace and Jeff recently adopted Samuel, also of dual heritage. Samuel is now 15 months old. Grace and Jeff have been approached with a view to adopting Olivia's second child. They are considering this possibility seriously but have misgivings. Until this was suggested, they felt sure that their family was now complete. However, they are acutely aware of the advantages of enabling Amelia and her baby brother to grow up together; they feel that they should try to make this happen but have indicated that they need time to think through the implications of providing a permanent home for a third, unexpected, child.

Jessica, now aged 38, separated from Ian after Olivia and Ethan were removed into care. A year later, having lost her home, children, and health, she sought medical help to rehabilitate and after some struggle has now been sober for 9 years. She has a 6 year old daughter, Emily. Emily's Jamaican father, Adrian, no longer lives with the family but the separation is amicable and Emily enjoys a good relationship with both her parents. Emily is a happy healthy, well-cared for little girl and Jessica is justifiably proud of having turned her life around. Mother and daughter live in a very small privately rented flat. After her rehabilitation, she recognised her need for active support, and created a network of professional and personal helpers on which she still draws. This network includes her brother Wayne and her mother, Sandra.

Jessica was unable to sustain contact with Olivia and Ethan when they first came into care. Olivia sought Jessica out soon after Amelia was born and has been in touch ever since. Olivia has asked Jessica to look after the new baby “until I get my shit together”. Jessica really wants to be able to help Olivia, and hopes that she can support Olivia into recovery. Jessica has therefore offered to take care of the new baby as soon as he is fit for discharge. She has visited him 3 times in hospital and has been as active as possible in holding, feeding, and changing him during these visits.

Olivia and Ben, the baby’s father, have no relationship. They bumped into each other in the same pub a couple of times and had sex together just once. However, when he found out about her pregnancy by chance, he got in touch and has stayed in contact. He has visited the baby in hospital, wants to be named on the birth certificate and has asked what he would need to do to be allowed to “be his proper dad”. He has told nursing staff that, at 23, he had not even contemplated fatherhood up until this point, but, encouraged by his family to take an interest in his son, now feels a strong sense of responsibility. Ben’s mother has multiple sclerosis. Ben and his younger sister, Janey, both work part-time and share the care of their increasingly disabled mother between them in their three-bedroom family home.

Jessica’s mother, Sandra, has contacted children and family services to indicate that she wants to be considered as a carer for Olivia’s baby. Sandra separated from Jessica’s father 30 years ago and subsequently married Brian. They met through the deaf community after Sandra lost her hearing suddenly following damage to the aural nerve caused by shingles. Brian has been profoundly deaf since birth and their son, David, is also deaf. The family communicate using British Sign Language. David and Sandra also lip read. Sandra retains clear speech but Brian and David do not communicate orally. Sandra has benefited from a very strong and supportive relationship with her older brother, also named David. This part of the family has lived well and happily on disability benefits for many years.

Sandra feels enormous regret that she was unable to rescue Jessica either from her abusive marriage or from alcoholism. She carries profound guilt that her grandchildren grew up in care and that her grand-daughter “went astray”. She feels very strongly that the family should “do right by Olivia and the baby”, but is worried that Jessica’s relationship with Emily will be compromised if she takes on a new-born to care for. Sandra and Brian are youthful and healthy and feel they have a lot to offer now, especially as both the young and older uncles are enthusiastic about welcoming a new baby boy into the family.

The separation between Sandra and her first husband, Alan, was acrimonious and their relationship never healed. Alan, now called “Lana”, underwent transition 10 years ago, having lived as a woman for 14 years. Lana owns an extremely successful business and is now active in the movement to promote understanding of non-binary sexual identities. Lana’s relationship with Jessica never recovered from the family breaking up amidst bad feeling, but her brother, Wayne, remained very loyal to and fond of his Dad. Wayne’s first wife Narcissa found it hard to embrace Lana’s transition, primarily because of her own strong Orthodox Christian faith. Lana and Wayne’s second wife, Kim, who is Thai, have a close and friendly relationship. Lana stepped into semi-retirement from her business 2 years ago to provide regular child-care for her grandson Joshua, enabling Kim to return to work. Kim and Wayne moved into a

bungalow built in the grounds of Lana's five-bedroom home just before Joshua was born.

Lana made her own application to join care proceedings as soon as she became aware that these had been issued by the local authority.

- Identify all the options available to the Local Authority for achieving the baby's permanence
- What legal interventions would each of these options necessitate?
- At this stage, what are the arguments in favour of each of these options?
- At this stage, what are the arguments against each of these options?
- What are the questions for assessment in relation to each of these options?
- What is your recommendation for this baby's care on discharge from hospital?
- What legal strategies will be needed to support permanence within this option?
- Prepare your analysis of why this is the best option for him at this stage.