



Eatons

Willingness to Improve Enables Father to Regain Custody

A father who showed significant improvement in his ability to look after his son has been granted custody of the child by the Court of Appeal.

The child had been placed in the care of the local authority following the father's separation from his wife. The authority had become increasingly concerned about the deteriorating mental health of the father and the effect this was having on his two sons.

When the father showed suicidal tendencies and threatened to kill his sons, the local authority sought to take them into care.

The father refused to participate in the care hearing and his elder son was taken into care and an interim care order was made with regard to the younger son. The case heard by the court concerned only the elder son. The children were placed separately with foster parents and communications between the father and the elder son were stopped. The elder son wrote several letters to the local authority asking to be reunited with his father and made attempts to return to him and began playing truant from school.

The father had agreed to participate with the local authority in a package of measures intended to improve his parenting skills, as a result of which he would receive help and support and have his parenting monitored.

The Court judged that the local authority's care plan had clearly failed in relation to the boy and that the fostering arrangements it had made were having an adverse effect on his emotional well-being, schooling and health. The boy wanted to be with his father who, in turn, was attempting to improve his parenting skills. In the circumstances, it was appropriate to set aside the care order and substitute an interim care order under which the boy and his father were reunited. If the revised arrangements prove successful, the father can then apply to have the care order discharged.

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THE OLD LIBRARY,
34 DARLEY STREET,
BRADFORD,
BD1 3LH.

T: 01274 728 327
F: 01274 305 056

ASPECT COURT,
47 PARK SQUARE,
LEEDS,
LS1 2NL.

T: 0113 246 0444
F: 0113 394 4101

49-51 PEGHOLME,
WHARFEBANK BUSINESS
CENTRE, ILKLEY ROAD,
OTLEY, LS21 3JP.

T: 08456 446 006
F: 08456 446 005



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Many people think that when children are taken into care, there is little chance of regaining custody. However, that is not the case – the court is normally willing to reunite families when circumstances are such that this is in the interests of the child or children.

For advice on all aspects of family and matrimonial law please contact Liz Williams on Tel: 01274 728 327.

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