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IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

FAMILY DIVISION

OFFICE OF CARE AND PROTECTION

BELFAST HEALTH AND SOCIAL CARE TRUST

Applicant

-and-

A MOTHER

Respondent

-with-

THE DEPUTY PUBLIC PROSECUTOR OF MARSEILLE DISTRICT COURT, REPUBLIC OF FRANCE

Notice Party

-and-

THE NORTHERN IRELAND COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

Intervenor

IN THE MATTER OF A FEMALE CHILD AGED 3 YEARS AND FIVE MONTHS

Ms MacKenzie (instructed by the Directorate of Legal Services) for the Trust
Mr Larkin KC with Mr Devine (instructed by Gillen & Co Solicitors) for the Mother
Ms Murnaghan KC with Ms Brown (instructed by Flynn & McGettrick Solicitors) for the Court Children's Guardian

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Edited and anonymised transcript of the ex tempore judgment

McFARLAND J

Introduction

[1] This is an *ex tempore* judgment, but I will arrange for a transcript to be typed up and made available to the parties over the next few days. On 7 June I heard

evidence from Dr Victoria Bratten, Child Psychologist, Emma Picken, the social worker allocated to this case, and Julie Johnston, the Court Children's Guardian.

[2] I then heard oral legal submissions on 10 June and they supplemented various written submissions that had been provided to the court. This is now my judgment which relates to the child who was born on 18 January 2020, so she is three years and nearly five months of age and has spent her entire life in prison. As to how that extraordinary state of affairs arose is a long and complicated story about which I will, in this judgment, only make a brief reference.

Background

[3] Her mother arrived in Northern Ireland on 27 September 2019. She had in her possession false travel documentation and was wanted under a European Arrest Warrant by French authorities for offences of human trafficking and bribery. She was pregnant with the child at the time. She was arrested and has spent the intervening period on remand in Hydebank Women's Prison. She was subsequently convicted in her absence by the French courts and has received a nine year prison sentence. She gave birth on 18 January 2020 to the child. The father is a man who the mother has called [XX] and the mother says that he is living in Italy. He is not named on the birth certificate, so does not share parental responsibility. The Trust has used its best efforts to try to contact the man named as the father from the information provided to it by the mother, but that has been unsuccessful. He may be in communication with the mother, but he has not engaged or sought to engage in these proceedings.

[4] The difficulty in this case has arisen largely because the mother is a remand prisoner. There is no exit plan for the child as there is no recognisable date for release. The mother is contesting extradition and because of a variety of reasons such as Covid, general delay, a change in the Prison Service policy and general inertia, nothing has really happened in respect of the child's predicament. After she was born in hospital, she came to live with her mother in Hydebank. The general policy at that time suggested that she be transitioned out of the prison at the age of nine months, but that policy later changed and there is now a new policy which does not have an end date for a planned exit. So conceivably she could still be in Hydebank with her mother should the mother be detained right up to her 18th birthday. In England and Wales the policy is 18 months. Dr Bratten, in her evidence, referred to what she described as the critical 1,001 days commencing from conception and that would appear to be the driving force behind the 18-month target which is applicable in England and Wales.

[5] The child is currently living in what could be described as a special wing within the prison, she sleeps in a bed within her mother's unlocked cell, there is free movement within that block although the external doors, of course, are locked down. Access is also available into a small enclosed garden area surrounded by razor wire. There is supervised access to other areas within the prison complex. I

am advised that the inmates housed within this wing have been selected by the prison authorities. They are her mother, a lady convicted by the French courts of human trafficking for sexual exploitation; two ladies both of whom have been convicted for murder; and a shoplifter. There is also one member of staff who is particularly close to the child and performs the role which could be described as an auntie. By any definition this is an eclectic mix combining to provide a pool of moral turpitude of uncertain depth for this child to live in during her formative years. Recently the child has been permitted to attend a day care facility during the week and is, of course, then returned to prison every day.

The application

[6] The Trust has applied for an interim care order. The application was made on 13 January 2023. Section 2(ii) of the C1 states that the order sought is an interim care order. Form C10 which bears the same date sets out the grounds as being those for a care order and not an interim care order. Section 3 of the C10 states:

> "The Trust wishes to apply for a care order to promote safeguard and protect the interests of the child."

[7] In his written and oral submissions Mr Larkin argued that the application is defective as the Trust cannot make a freestanding application for an interim care order. Article 57 of the Children (NI) Order 1995 ("the Children Order") states:

> "In any proceeding on an application for a care order the proceedings are adjourned the court may make an interim care order."

[8] Whilst that argument is superficially attractive it is important to bear several matters in mind. First, the Family Proceedings Rules, that is rule 4.52, state that the documents to be filed on an application are the Form C1 and supplemental forms including C10. Therefore, the C1 must be read in conjunction with the C10 which, in this case, clearly states that the order sought is a care order and not an interim care order. Second, the Family Proceedings Court clearly accepted the application as one for a care order, and I specifically refer to the order of that court of 13 January 2023 which accepted the proceedings as an Article 50 application. Third, the logical conclusion to Mr Larkin's argument is that the Court Children's Guardian was incorrectly appointed, and her appointment is, therefore, void as the nature of the application for an interim care order would mean that they are not Article 60 specified proceedings. Fourth, and perhaps most importantly, these are family proceedings where the court is actively promoting the welfare of the child in an inquisitorial forum. It deprecates the taking of technical points of this nature which is more common in the King's Bench and Chancery courts.

[9] I am of the view that this is an application for a care order. As I have indicated, the C1 must be read in conjunction with the C10 and, therefore, the court has jurisdiction to consider the application and, if necessary, grant an interim care order. It is correctly before the court, all the parties have been aware as to the nature of the proceedings since January, no one has been under any illusion about this. I would add that if I am technically wrong about this in treating this application as a care order application, then I will amend the C1 by deleting the word "interim" in section 2.2. The mother is not taken by surprise or in any way prejudiced by this action.

Threshold

[10] I now wish to turn to the issue of threshold. The threshold for the consideration by the court for the making of an interim care order is set out in Articles 57(2) and 50(2) of the Children Order. Article 57(2) states:

> "A court shall not make an interim care order unless it is satisfied that there are reasonable grounds for believing that the circumstances with respect to the child are as mentioned in Article 50(2)."

Article 50(2) states:

> "A court may only make a care order if it is satisfied –
>
> (a) that the child is suffering or is likely to suffer significant harm; and
>
> (b) that the harm or likelihood of harm is attributable to –
>
> (i) the care given to the child or likely to be given to him if the order were not made."

[11] Now it is normal in consideration of an interim care order that the court does not carry out carry out a significant fact finding exercise. It is, of course, an interim or holding order. The Trust has provided a threshold document to the court, and it sets out 18 factors for consideration. Some relate to the mother's background, some have more relevance than others, but I am focusing on the following paragraphs within that document.

[12] Para [10] - The mother's conviction. There was some issue about this during the cross-examination of the social worker, but it is settled law in family proceedings that foreign convictions may be admitted as evidence and, of course, the court can give the convictions and the underlying criminal conduct such weight as it considers

appropriate. I refer to the English Court of Appeal decision in *W-A* [2022] EWCA Civ 1118.

[13] The offences in this case are aggravated procuring of multiple victims handed over for prostitution by coercion, violence and deceit and human trafficking with remuneration by threats, coercion, violence or deceit. A nine year sentence was imposed, and in my view, that reflects a serious level of culpability.

[14] Para [12]**.** The mother presents as a risk given the nature of her convictions and criminal associations.

[15] Para [13]. The child has remained with her mother well beyond infancy, a situation which the mother has allowed and has preserved.

[16] Para [14]. The child has experienced detention in a prison setting.

[17] Para [15]. The child has been exposed to an unnatural and restrictive living environment and to association with adult prisoners.

[18] Para [16]. The child has been exposed to significant loss of opportunity and deprivation of normal expected childhood experiences.

[19] Para [17]. The child is unable to meet her global developmental, physical and emotional needs by virtue of ongoing imprisonment.

[20] I consider that the threshold test is met. It is important to bear in mind the provisions of Article 2 of the Children Order which defines harm as "ill-treatment or impairment of health or development" and specifically Article 50(3):

> "(3) Where the question of whether harm suffered by a child is significant turns on the child's health or development, his health or development shall be compared with that which could reasonably be expected of a similar child."

[21] The evidence of Dr Bratten, a Developmental Educational Child and Adolescent Psychologist, was significant. The child has not been exposed to any physical harm. Her mother and some of the block's inmates are capable of violence and in certain circumstances extreme violence but there is no evidence to suggest she is suffering or likely to suffer significant physical harm. I believe the prison environment, to some extent, is a positive benefit in that regard and reduces the risk of her suffering physical harm. The Trust's case, of course, relies on essentially the impairment of the child's development. The straightforward Article 50(3) comparator would be the child who is attending the same day care facility as the child. Dr Bratten's, the social worker's and the Court Children Guardian's evidence paint a picture of a child who has not developed appropriate social skills. Dr Bratten

refers to a conversation she had with a leader of the day care facility, where that leader indicated that the child's interactions with adults are limited. The child rarely initiates an interaction, she plays freely when adults are not watching, she never becomes dysregulated, there are no outward expressions of emotion, she will not let an adult know if she is feeling ill, she will not seek out affection or comfort and she does not offer information about her family.

[22] Dr Bratten also set out her own observations of the child during attendance at the day care facility. She indicated that the child did not engage with other children or with Dr Bratten, that the child failed to respond to social overtures, that there was no interaction within the group of 11 children, there was limited use of facial expressions, she did not reciprocate a smile, and she did not contribute to conversations. I propose to quote briefly from the report prepared by Dr Bratten for the court dated 12 May 2023 at internal page 12. This is a section of the report where Dr Bratten is asked "Please assess [the child]'s social emotional, behavioural development and presentation." She indicates in the report that she was described by staff as quiet and somewhat withdrawn. She was exceptionally compliant and independent, and it was noted then that the Court Children's Guardian had also observed this indicating that the child follows all routines and is quiet and obedient. The interpretation of that by Dr Bratten was that this was inappropriate behaviour for a child of this age. She indicated that during her three hour observation of the child she did not see her initiate an interaction with her peers nor respond to social overtures instigated by her peers. She states the following opinion:

> "It would be my opinion that [the child] is experiencing a delay in the development of age appropriate social skills. I would have expected her to be more involved with her peers due to the time she has spent in this setting."

Moving on to p13 of the report:

> "Social interaction with other children and adults reinforces positive behaviours or actions, provides sensory stimulation, encourages children to share their thoughts and ideas, develops good turn taking, listening and language skills and emotional stability."

She then continues:

> "[The child] has not been afforded the opportunities to develop these social skills within an open and free situation during which a high level of learning occurs. Within [the child]'s play scenarios there is always an adult close by. If we think of a play date, a time where children can play freely without adult close inspection this is a time where children are provided the

> opportunity to develop through interactions with their peers and not within a structured setting."

She continues at p14:

> "It is important to note that not all compliance is healthy. A compliant child can be easily overlooked when it comes to requiring support or determining when they are not feeling good about themselves. This does not mean that all compliant children are unhappy, they could simply be enjoying their childhood. However, compliant children are more capable of masking difficult emotions. That means it may be that the child is unable to express significant internal struggles and they do not know how to ask for or seek guidance and support."

[23] Early child development will impact on behaviour, establishing emotional boundaries, gaining social skills and coping with and forming and maintaining relationships. These are all essential skills for life, the critical period is, of course, the first five years of a child's life. The child is already well past half way through this period. It is clear, in my mind, that the evidence noted by Dr Bratten reflects significant childhood developmental issues arising out of the environment that the child is living in. The mother has argued that the attribution test set out in Article 50(2)(b) of the Children Order is not satisfied as whatever conditions the child is living in or under, they cannot be attributed to her. She says all the evidence shows that she is a loving caring mother who provides for her child. This ignores the wider meaning of "care given to the child." The prison environment is a direct result of the mother's conduct, first by her criminal conduct in France resulting in her conviction and the extradition request. Second, by her travelling whilst pregnant on false papers to Northern Ireland, thus exposing herself and the child to imprisonment. Third, her acquiescence and support of the prison regime whereby her daughter is detained within the prison setting.

[24] The child's developmental harm is attributable to the mother's incarceration within the prison which is a direct and indirect result of the mother's conduct and as the party solely at this stage with parental responsibility for the child, she must bear the responsibility for the child's predicament. I am satisfied that the Trust has shown that there are reasonable grounds for believing that the circumstances of the child or that she is suffering significant harm by the impairment of her development as a three and half year old.

Interim Care Plan

[25] The next stage for me to consider is the appropriateness, or otherwise, of the interim care plan which is, of course, removal of the child from the prison setting. The legal position in relation to this was recently set out by Lord Justice Jackson in

Re C [2019] EWCA Civ 1998. In that judgment Lord Justice Jackson set out five basic principles. First, an interim order is inevitably made at a stage when the evidence is incomplete. It should therefore only be made in order to regulate matters that cannot await the final hearing and it is not intended to place any party to the proceedings at an advantage or a disadvantage. Second, the removal of a child from a parent is an interference with their rights to respect for family life under article 8. Removal at an interim stage is a particularly sharp interference which is compounded in the case of a baby when removal will affect the formation and development of the parent/child bond. Third, accordingly, in all cases an order for separation under an interim care order will only be justified where it is both necessary and proportionate. The lower reasonable grounds threshold for an interim care order is not an invitation to make an order that does not satisfy these exacting criteria. Fourth, a plan for immediate separation is therefore, only to be sanctioned by the court where the child's physical safety or psychological or emotional welfare demands it and where the length and likely consequences of the separation are a proportionate response to the risks that would arise if it did not occur. Fifth, the high standard of justification that must be shown by a local authority seeking an order for separation requires it to inform the court of all available resources that might remove the need for separation.

[26] In my view, the report and the oral evidence of Dr Bratten was compelling. She recognised that keeping the child in prison would be detrimental to her welfare. She did consider whether it was appropriate that she remain in custody but that would only be the case if the mother's release was imminent, but the reality of the mother's situation is that that is unlikely. It is important to bear in mind the following factors. The first is that there is no exit plan currently for the mother and certainly not in the near future. Realistically, so long as she contests the extradition proceedings there is a high likelihood that she will remain in custody in Northern Ireland. She has been identified by the county court in relation to the extradition proceedings as a high flight risk, having already accessed and travelled on false papers. She is a fugitive from justice and has received a significant sentence for her criminal activity.

[27] It is also important to bear in mind that even if the mother was released, safeguarding issues and exposure to risk relating to the child will become refocused. They will not disappear, but they will relate to the exposure of the child to the risk of being in her mother's care within the community and no doubt, a further risk assessment will have to be undertaken in relation to that. The mother has not become 'time-served' and will only become time-served when she returns either voluntarily or by virtue of a court order to France. There is also no evidence that she has made an application to the appropriate authorities in France and in Northern Ireland for her to serve her sentence in Northern Ireland under the mutual co-operation arrangements.

[28] As I have indicated earlier in this judgment there is clear evidence that the current developmental delay has to be halted. This court process which has at its

heart the welfare of the child is looking at first of all her emotional needs. Second, the likely effect on her of her liberation from the confinement of the prison environment. Thirdly, the significant delays that have occurred already in relation to her development as evidenced by Dr Bratten's evidence. Fourthly, the risk of further emotional harm should she not be released and continued to be detained within the prison setting. Fifthly, the inability of the prison staff, the prison environment, the mother and the others within the prison wing to meet her current needs over and above the basic needs of providing food, clothing and shelter. The need to implement the Trust's interim plan is necessary in my view. The Prison Service in its position paper provided to the court stated that on 24 January 2020 the decision to admit the child to Hydebank was made on a temporary basis. Three and a half years later it is no longer a temporary basis. In my view, it is necessary for the child to be removed from prison.

[29] The second question that I have to ask is "is it proportionate?" The separation of the child from her mother will have a significant impact, as will, to a lesser extent, separation from the other attachment figures within the prison wing, and I refer specifically to the 'auntie' figure, that is the staff member, and a lady who is described as a 'granny', that is a prisoner serving a life sentence for two murders. The separation from the mother and these two individuals will clearly have an impact on the child. Separation will be a change in her circumstances which will have a negative impact on her, but we now have reached a situation where the developmental delay must be addressed and reversed before it is too late. The child is three and a half years of age and the current policy of marking time to see what happens in relation to the extradition proceedings cannot continue with this child's wellbeing at risk.

[30] The proposed placement is with a couple, one of whom has met the child, as a staff member in the prison setting. She would not have the same attachment as the auntie figure, but there is a modest connection. The placement appears to be suitable, and the current day care placement can be continued. In all the circumstances, I consider that the interim care plan of removal is proportionate. It is the only realistic option for this child. She cannot remain in prison, she has no family in Northern Ireland, her father has not engaged and is not likely to engage in the near future and even if he does, would not be considered as a suitable placement in the short term. There is family in the mother's country of origin but, again, that is not a short term option. This placement is, as I have indicated, the only realistic option. It is, to use a phrase common in the family court, "a last resort" in the context of the problems in the child's life today.

Article 5 ECHR

[31] So far in this judgment I have not made any reference to article 5 of the European Convention on Human Rights, and I am certainly not going to make a definitive ruling in respect of it. The Prison Service who are a state agency are responsible for the child's current state. They are not parties to these proceedings,

they do not stand accused in these proceedings and it is not necessary for me to make a ruling. At a later time in a different setting the Prison Service may be required to justify its actions. However, the issue with regard to article 5 was raised in the written and oral submissions and I propose to refer briefly to it. The rticle itself states as follows:

> "Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:
>
> …
>
> (d) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority."

[32] Recently the Grand Chamber of the European Court of Human Rights in *S, V and A -v- Denmark* [2018] ECHR 856 found it necessary to comment on the impact of article 5. It was, of course, a different context but the judgments of the Grand Chamber are important. I refer to para [73] of the judgment.

> "Article 5 of the Convention is, together with Articles 2, 3 and 4, [and I interject here to state that Article 2 is the Article relating to the right to life. Article 3 the prohibition of torture. Article 4 the prohibition of slavery or forced labour, and I continue] Article 5 together with these articles is in the first rank of the fundamental rights that protect the physical security of the individual, and as such its importance is paramount. Its key purpose is to prevent arbitrary or unjustified deprivation of liberty. Three strands of reasoning in particular may be identified as running through the court's case-law. First the exhaustive nature of the exceptions, which must be interpreted strictly, and which do not allow for the broad range of justifications under other provisions such as Articles 8 to 11 of the Convention. Second, the repeated emphasis on the lawfulness of the detention, both procedural and substantive, requiring scrupulous adherence to the rule of law; and third, the importance of the promptness or speediness of the requisite judicial controls."

[33] In addition, I wish to quote briefly from the Committee of Ministers of the Council of Europe in their document relating to children of prisoners. This is

document CM/REC2018(5) and was published in 2019. Under the section "Infants in Prison" at para [36] it states:

> "36. Infants may stay in prison with a parent only when it is in the best interests of the infant concerned and in accordance with national law. Relevant decisions to allow infants to stay with their parent in prison shall be made on a case-by-case basis. Infants in prison with a parent shall not be treated as prisoners and shall have the same rights and, as far as possible, the same freedoms and opportunities as all children.
>
> 37. Arrangements and facilities for the care of infants who are in prison with a parent, including living and sleeping accommodation, shall be child-friendly and shall:
>
> - As far as possible ensure that infants have access to a similar level of services and support to that which is available in the community and that the environment provided for such children's upbringing shall be as close as possible to that of children outside prison."

[34] Whatever argument is presented when we attempt to define the nature of the child's predicament it is worthwhile reflecting on the well-known words of Lady Hale in *Cheshire West* [2014] UKSC 19 where she stated:

> "A gilded cage is still a cage."

[35] When Oscar Wilde eventually emerged from his incarceration, he not only provided the literary world with the *Ballad of Reading Gaol* which reflected on "*the little tent of blue we prisoners call the sky*" but he also penned in 1897 a pamphlet entitled "*Children in prison and other cruelties of prison life*" in which he reflected on the corrupting influence of locking children up with adult criminals.

[36] If the only justification for the incarceration of the child is that the mother is consenting to it, that situation now ends with the interim care order and the Trust now sharing parental responsibility with the mother. Unlike the mother, the Trust as a public authority cannot act in a manner incompatible with a Convention right and incompatible with article 5 of the European Convention in particular.

Transition plan out of prison

[37] This brings me finally to the transition plan. There was a divergence of opinion between the Trust and Dr Bratten. It must be noted that this a unique

experience. The Trust do deal with transitions of children from placement to placement on a regular basis and have built up an expertise. Normally, that would be from one home setting to another home setting, it may be from a family setting to a stranger setting, it may even be from a home setting into an institution and vice versa. This case is, of course, very different. As I say, it is unique as it is a case where the Prison Service has detained or permitted the detention of this three and a half year old for the entirety of her life. She has therefore, been institutionalised since birth. The child will be emerging into an environment of community life.

[38] To use the Wildean analogy, she will now embrace the vast expanse of the sky and not as a little tent. She will leave significant attachment figures including her mother. This needs to be managed sensitively. Dr Bratten expresses concern about this. These are valid concerns. The Trust wish the transition to take place in a matter of weeks, Dr Bratten suggests that this should take place at a slower pace, but she did in her evidence concede and defer to the expertise of the social workers in managing transition and in addition to that contact arrangements.

[39] It is important to bear in mind paras [39] and [40] of the Committee of Ministers' document which I referred to earlier which say:

> "39. The transition of the infant to life outside prison shall be undertaken with sensitivity, only when suitable alternative care arrangements for the child have been identified and, in the case of foreign-national prisoners, in consultation with consular officials, where appropriate.
>
> 40. After infants are separated from their parent in prison and they are placed with family or relatives or in other alternative care, they shall be given the maximum opportunity possible and appropriate facilities to meet with their imprisoned parent, except when it is not in their best interests."

[40] I have already made reference earlier in this judgment and, indeed, during the hearing to the obligation on the Trust not to act in a manner which is incompatible with article 5(1) of the Convention. The Trust will be exercising parental responsibility and will need to tread with care and on the basis of legal advice when considering whether it is appropriate that the child should be returned to prison during the transition period. Good intentions may not be sufficient in these circumstances.

[41] The transition plan and the post separation contact arrangements are fraught with difficulties. Contact in the prison is permitted but it is highly regulated and only takes place on certain days and at certain times. One of those days, that is the Sunday, is not particularly suitable because of Trust staff working arrangements, although it was indicated that the carer may be in a position to provide assistance

with transport on a Sunday for that purpose. The prison authorities may also be able to adjust some of their practices but, of course, they will have to take into account the running of the prison generally and particularly factors relating to the entire prison operation and the entire prison population. Providing flexibility, even for the most telling reasons, for one inmate can, of course, have ramifications with regard to prison discipline and how other inmates perceive the concessions made to benefit that particular inmate.

[42] Ultimately, the decision in relation to the transition and the contact arrangements is a question of care planning which is the Trust's responsibility subject, of course, to the court's general overall jurisdiction in approving the care plan and also, if required, to deal with contact issues with the mother. The Trust are clearly aware of the views expressed by Dr Bratten, a respected expert in this field, and they are aware of the Court Children's Guardian's report and her evidence as well. Clearly the views and opinions expressed by both Dr Bratten and the Court Children's Guardian need to be taken into account. I, however, do not intend to impose any conditions on the transition plan that has been presented to the court. In all the circumstances I consider it to be appropriate.

[43] In broad terms, the transition plan and the contact arrangements are approved. I would add that there is a need for the plan to be reviewed on a regular, if not daily, basis depending on the various developments during the phase in the transition and, if necessary, then to apply certain adjustments to it.

Conclusion

[44] In conclusion, this is a proper application for a care order before the court and it is being adjourned today. The threshold for making an interim care order is met, the interim care plan of removal to a foster placement is approved as being both necessary and proportionate. The transition plan and the post separation contact plan is approved. In the circumstances, I will make an interim care order for a period of eight weeks and, thereafter, it will be reviewed in the normal way by the Master. It was agreed during the various submissions that the extradition hearing is likely to be the next significant event and the decision of the county court to be particularly important. It will add some clarity and give an appropriate timeframe both in relation to the mother and in relation to the child's future. I will, however, direct, if this has not already taken place, that the Embassy of the country of the mother's origin be advised of these proceedings to enable it to take an interest if that is its wish. I would propose to list this case for review sometime in September but with liberty to apply should any issue arise in the interim.

[44] I do appreciate that the Trust will have its primary focus on the transition phase, but it is important at this stage that resources are applied to this case to engage in contingency planning because there will be various options that may arise for consideration once the extradition proceedings have been concluded. They are, for example:

- Placement of the mother in Northern Ireland. that may arise earlier if she is granted bail, but ultimately, she may be discharged either by the Northern Ireland courts or from the European Arrest Warrant or, indeed, prison. That has to be considered.

- The transfer of the child to France may need to be considered should the mother be extradited to that country.

- The transfer of the child to Italy to the father's care should he be identified and be considered a suitable carer.

- The transfer of the child to the country of her mother's origin in some form of kinship placement or, indeed, other placement if it is considered that that would promote the child's cultural background. As I have indicated, the authorities of the country of the mother's origin should be put on notice of this application.

[45] These are various contingencies which it would be better for the Trust to start to address now rather than wait for them to arise in four, five, or six months' time and then the whole process will experience further delay.

[46] That is the ruling of the court. I think we need to identify a date for the review. I have tentatively suggested 29 September 2023.