

## **Friday Family Law Roundup**

Sometimes it can be incredibly difficult to keep up to speed on all of the news, case law and other updates in family law, so here's your latest weekly roundup of all of the important bits you might have missed!

### ***Case Law***

*Re H (Children: Placement Orders)* [2023] EWCA Civ 1245

- <https://www.bailii.org/ew/cases/EWCA/Civ/2023/1245.html>

- This was an appeal lodged by the Children's Guardian against the decision of the trial Judge to revoke placement orders made in respect of two children, and against the decision not to remove the third child under a care order.
- The appeal succeeded in relation to the revocation of the placement orders, however not in relation to the decision not to remove the third child.
- Initial care proceedings took place in 2021 and final care and placement orders were made for the two boys in December 2021. Their younger sibling was then born in August 2022 and the subject of fresh care proceedings by the Local Authority. At the conclusion of those proceedings, the HHJ Tolson KC recognised that the two boys were in a different position in light of the Mother's apparent improvements since the Placement Orders were initially made, the adoption matching process had been paused and then again reinstated for them following the Mother's negative assessment. The Judge granted the application to revoke the Placement Orders.
- In allowing the appeal in part, the court commented: "*The decision under appeal is expressed in an analytical judgment in which a judge with significant knowledge of the family situation directed himself correctly on the law and made clear primary findings of fact, having referred to all of the relevant factors. In these circumstances, the path to success on appeal is steep and narrow. Nothing less than a significant error of reasoning could justify intervention by this court.*" [41]
- The Court held that the issue between the boys and their younger sibling was one of delay and also of risk assessment, particularly in relation to the narrowing window in which the older boys could be placed for adoption – "*I would therefore uphold the decision in relation to G as being one that the judge was entitled to make, but discharge the order in relation to the boys on the basis that the predominant welfare features of delay and uncertainty were bound to lead to the conclusion that adoption remained the only safe option for them.*" [48-49]

### ***News***

Bristol bus pass to give free travel to young care leavers

- <https://www.bbc.co.uk/news/uk-england-bristol-67214507>

- Young care leavers in Bristol, Bath & North East Somerset, South Gloucestershire and North Somerset can apply
- The bus pass will come into effect from 6<sup>th</sup> November 2023 and will continue until the end of March 2023
- No news yet on whether this will be rolled out into other areas!

Wiltshire Police failures put people at risk of domestic violence

- <https://www.bbc.co.uk/news/uk-england-wiltshire-67226560>

- The police force has admitted it failed to disclose information which could have protected those most at risk from domestic violence.
- Wiltshire Police has launched an urgent review of applications made under disclosure scheme Clare's Law.

### ***Rules, Procedure and Protocols***

The President of the Family Division has issued new guidance on the disclosure and examination of mobile phone records and other electronic documents, pending amendments to the Family Procedure Rules. Read the full guidance here - <https://www.judiciary.uk/wp-content/uploads/2023/10/Disclosure-of-electronic-documents-18.10.23.pdf>

### ***Chambers News***

Last day of voting for most stylish Barrister! Vote for Bibi Badejo here - <https://www.surveymonkey.co.uk/r/13FJWRH>.

Don't forget to sign up to our seminar being delivered by Jacqui Gilliatt 'On Judicial Reasons' on 30<sup>th</sup> November 2023, at 6pm via Zoom. The link to register is here - <https://lnkd.in/eSpNwRye>.

**Sarah Barber**