

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 I've decided to start a weekly roundup of all of the important bits you might have missed! Here's the first (of hopefully many to come) weekly summary of important new legal developments in the world of family law this week.

Case Law

Ditchfield v Ditchfield [2023] EWHC 2303 (Fam) -

<https://www.bailii.org/ew/cases/EWHC/Fam/2023/2303.html>

- This was an appeal from the decision of Mr Recorder Samuels KC in which assets were divided 68% to the Wife and 32% to the Husband. The Wife's assets were liquid assets, and the Husband's illiquid.
- There were issues of hidden monies obtained by the Husband through a Director's loan, and the ultimate location of this money not being disclosed by the Husband, preventing a clear identification of where that money had gone.
- There was additionally an intervenor in the case at first instance, namely the Husband's sister, due to a loan agreement between the two of them which the Judge found took place entirely behind the Wife's back. The subsequent decision was that this was a soft loan repayable solely by the Husband.
- The High Court dismissed the appeal by the Husband, commenting that:
 - "...it is a matter for the court to determine value, and resources, and the judge did so"
 - "...although it is generally desirable in financial remedy cases for each party to be able to own a property, with the attendant benefits of security and potential investment upside, it is not an iron rule. It will all depend on the facts. In this case it is not possible to do so at this stage. The judge was entitled to decide that W needs the preponderance of the assets for that purpose, and H will in due course reach that position, but is securely housed in the meantime"
 - "In my judgment, each ground of appeal must be looked at individually but also compositely and in the context of the case as a whole."
 - "In my view, this experienced judge very carefully considered all the evidence over a number of days of the trial. His judgment is clear, logically structured and fully reasoned. His findings of fact are unimpeachable, and his evaluative decision is firmly within the range of reasonable judicial outcomes available to him."

G (A Child: Care Order) (Complex Developmental Needs) (No.1) [2023] EWFC 168

<https://www.bailii.org/ew/cases/EWFC/HCI/2023/168.html>

- G is a child with complex needs and diagnoses of cerebella vermis hypoplasia, Learning Disability, Epilepsy and Autism, subject to care proceedings.
- The Local Authority in this case, Nottinghamshire County Council, sought a Care Order and placement of G away from his parents. The issue before the Court was whether or not the parents could care for G with support, and, therefore, whether an adjournment of the Final Hearing was required to identify what support could be offered.
- The Court found that the Local Authority in this case has not discharged its burden of satisfying me that the order it seeks is demanded in G's best interests because it has not adequately identified and then evaluated the means by which a placement at home may succeed and why particular interventions would not be effective.
- Advice is given to all parties for scrutiny at an early stage of proceedings in order to avoid having to adjourn proceedings late in the day.

Tickle v A Father & Ors [2023] EWHC 2446 (Fam)

<https://www.bailii.org/ew/cases/EWHC/Fam/2023/2446.html>

- The Appellant, Ms Tickle, sought to appeal the decision to adjourn her application to report on proceedings in 'highly contentious family court proceedings'.
- Ms Tickle sought to report on the proceedings as they concern continuing practical difficulties arising due to the lack of legal aid provision; the disruption caused to private law applications concerning children; problems for the court system, and other families within the court system, of delays/adjournments where time has to be found for cases; and issues regarding transparency and media attendance, including the culture of the Family Justice System's interaction with/response to the media, especially in the context of the ongoing Transparency Pilot.
- The Court allowed the appeal, outlining that:
 - "The Judge's justification for adjourning the application was the concern that reporting might jeopardise the fairness of the substantive hearing and therefore impact on the parties', in particular the Father's, Article 6 rights. However, this approach does not stand up to scrutiny. Again, Ms Tickle was not seeking to report about the factual or evidential matrix of the case...In any event it is of the greatest importance to understand that it is not for the Court to consider the quality or fairness of the reporting. The Court is not an arbiter of the editorial content of reporting."

News

Data breaches in local authorities and police are putting domestic abuse victims at risk - https://www.theguardian.com/society/2023/sep/27/data-breaches-putting-domestic-abuse-victims-lives-at-risk-says-uk-watchdog?CMP=share_btn_tw

- Councils, police forces and hospitals are putting women's lives at risk by accidentally disclosing domestic abuse victims' addresses to perpetrators.
- A problem for which no less than 7 authorities have been reprimanded by the ICO in just over a year.

Children aged 7 using social media regularly

<https://www.bbc.co.uk/news/articles/cl4rvm78py6o>

- 32,000 children aged 7-11 were surveyed and the responses found that over half are using social media apps or sites a few times a week.
- 43% of Year Threes have a smartphone.
- Public Health experts state that the data is concerning and shows the need for more regulation.

Rules, Procedure and Protocols

Cafcass to start using its prioritisation protocol to ease the backlog of family court cases -

<https://www.lawgazette.co.uk/news/prioritisation-protocol-returns-to-family-court-to-help-ease-pressure/5117342.article>

Chambers News

4 Brick Court are pleased to announce that Isabelle Watson is our new Head of Chambers! We've also had fantastic rankings in the Legal 500 this week for Elin Hughes, Tom Pye, Jacqui Gilliatt, Nairn Purss, James Norman, Ummar Ahmad, Justin Tadros, and Isabelle Watson.

Sarah Barber