

# FAMILY BULLETIN

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9 GOUGH SQUARE

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# Pre-nuptial agreements: the end of the line for marriage as we know it?

On 20 October 2010 the Supreme Court delivered its long-awaited judgment in *Radmacher v Granatino* [2010] UKSC 42 on the thorny issue of the weight to be attached to nuptial agreements in ancillary relief proceedings. The judgment applies to both pre-nuptial and post-nuptial agreements, although the focus of interest of both practitioners and public alike has been on the “pre-nups”.

### Facts of the case

The husband was French and the wife was German. They met and married in the UK, had 2 children and subsequently divorced in the UK. The wife's family had considerable wealth. The husband was an investment banker with substantial income in his own right when the parties met, but had become a research student (with significantly reduced means) by the time they split up. The parties had executed a pre-nuptial agreement, which was subject to German law and which broadly provided that neither party was to acquire any benefit from the property of the other during the marriage or on its termination. Crucially, the husband did not take any legal advice prior to signing the agreement despite being advised to do so by the notary who drew up the agreement.

At first instance the judge awarded the husband a substantial sum having determined that limited weight should be attached to the agreement because of the circumstances in which it had been signed. The Court of Appeal, however, held that the agreement should have been given decisive weight.

### The Supreme Court's decision

The Supreme Court by a majority of 8 to 1 (Lady Hale dissenting) dismissed the husband's appeal and held that the parties should be bound by the pre-nuptial agreement. The starting point in English law (in contrast to many other jurisdictions including Scotland and most of Europe) is that a court when considering the grant of ancillary relief is not obliged to give effect to pre-nuptial agreements. The parties cannot, by agreement, oust the jurisdiction of the court. The court must, however, give appropriate weight to such an agreement.

## Pre-nuptial agreements: Continued from page 1

So how are we to know what weight should be attached to pre-nuptial agreements? The Supreme Court provided some general principles to be applied:

1. If a pre-nuptial agreement is to carry full weight, both the husband and wife must enter into it of their own free will, without undue influence or pressure, and informed of its implications.
2. The court may take into account a party's emotional state, and what pressures he or she was under to agree.
3. The circumstances of the parties at the time of the agreement will be relevant. Those will include such matters as their age and maturity, whether either or both had been married or been in long-term relationships before.
4. If the terms of the agreement are unfair from the start, this will reduce its weight, although this question will be subsumed in practice in the question of whether the agreement operates unfairly having regard to the circumstances prevailing at the time of the breakdown of the marriage.
5. For pre-nuptial agreements entered into before this judgment, foreign elements (such as those in this case) may bear on the important question of whether or not the parties intended their agreement to be effective.
6. For any agreement made after this judgment, the question of whether the parties intended their agreement to take effect is unlikely to be in issue, so foreign law will not need to be considered in relation to that question.
7. The court should give effect to a nuptial agreement that is freely entered into by each party with a full appreciation of its implications unless in the circumstances prevailing it would not be fair to hold the parties to their agreement. The question of fairness will inevitably depend on the facts of the case.
8. The reason why the court should give weight to a nuptial agreement is that there should be respect for individual autonomy. The court should accord respect to the decision of a married couple as to the manner in which their financial affairs should be regulated.
9. A nuptial agreement cannot be allowed to prejudice the reasonable requirements of any children of the family.

10. Where the pre-nuptial agreement attempts to address the contingencies, unknown and often unforeseen, of the couple's future relationship there is more scope for what happens to them over the years to make it unfair to hold them to their agreement. The circumstances of the parties often change over time in ways or to an extent which either cannot be or simply was not envisaged. The longer the marriage has lasted, the more likely it is that this will be the case.

11. Courts are now much more ready to attribute the appropriate (and, in the right case, decisive) weight to an agreement as part of 'all the circumstances of case' within the meaning of section 25(1) of the Matrimonial Causes Act 1973.

12. Upon divorce, when a party is seeking quantification of a claim for financial relief, it is the court that determines the result after applying the Matrimonial Causes Act 1973. The court grants the award and formulates the order with the parties' pre-nuptial agreement being but one factor in the process and perhaps, in the right case, it being the most compelling factor.

### Comment

So what is the future for pre-nuptial agreements following *Radmacher v Granatino*? Anyone reading much of the non-legal press coverage of the case would be forgiven for thinking that the Supreme Court's decision sounded the death knell on the institution of marriage as we know it. The reality is that we are unlikely to witness a surge in demand for pre-nuptial agreements. Such agreements have always been, and are likely to remain, the preserve of the wealthy.



**Oliver  
Millington**



## SEMINARS

Members of the Group regularly give seminars on a number of topics including the following:

- Advocacy training
- Preparation for hearings, including bundles, and drafting of documents and consideration of the new Public Law Outline
- Children and Adoption Act 2002 updates (including SGOs and post placement contact)
- Evidence training for social workers
- Expert evidence - updated case law, procedure, tactics
- Emergency Protection Orders
- Public Law case law update
- s38 (6) assessments and funding issues

If your firm would like us to arrange a seminar on these or any other topic please contact Garry Farrow, senior clerk.



**AILEEN  
DOWNEY**

The Family team are delighted to welcome back Aileen Downey who took maternity leave from 9 Gough Square last June.

She returns to a busy practice focused on matters relating to children in both Private and Public Law.



# New Rules and More Micro-Management



Tim Parker

Firstly a reminder that on 6th April this year, the new **Family Procedure Rules** come into force. They can be found at [www.legislation.gov.uk/ukxi/2010/2955/introduction/made](http://www.legislation.gov.uk/ukxi/2010/2955/introduction/made). The intention of the rules is to unify the unconsolidated body of rules and practice directions that have become part of family practice in recent years.

They are similar in format to the Civil Procedure Rules and hopefully will lead to a simpler more streamlined procedure in the family courts. A few days earlier on 1 April, the new Care Planning, Placement and Case Review (England) Regulations 2010 ("the Regulations") come into force. The Regulations can be found at [www.legislation.gov.uk/ukxi/2010/959/contents/made](http://www.legislation.gov.uk/ukxi/2010/959/contents/made).

**The scope of this article does not permit a full consideration of the regulations, but I have summarised those elements which will be of immediate relevance to those dealing with public law proceedings in Court.**

## Arrangements for looking after a child

**Regulation 4** requires a local authority when preparing a care plan for C, to assess the child's needs for services to achieve or maintain a reasonable standard of health or development, and prepare such a plan. This must be done before the child is first placed, or within ten days of the start of the placement.

As far as reasonably possible, the care plan should be agreed by the responsible authority with any parent, or the person who has parental responsibility of the child, or if this is not possible, the person who was caring for the child immediately before the placement was arranged.

**Regulations 5 and 6** deal with preparation and content of care plans. The care plan must include a record of certain information, including long-term plans for the child's upbringing, and arrangements by the responsible authority to meet the child's needs in relation to health, education, general development, identity, family and social relationships, social presentation and self-care skills.

Once established, the responsible authority must keep the care plan under review. However, any significant changes must not be made until the proposed change has first been considered at a review of the child's case. A copy of the care plan must be given to the child's appropriate adult carer.

**Schedule 1** of the Regulations sets out requirements for the inclusion of information as to healthcare, education and contact with siblings and parents.

**Regulation 7** deals with the child's health care. Before the child is placed, or before the first review of the case, a registered medical practitioner must carry out an assessment of the child. This should be reviewed every 6 or 12 months depending on the child's age. The responsible authority must ensure the child is provided with the appropriate health care services.

**Regulation 8** contains important requirements in connection with the suspension of contact. If the child is in the care of the responsible authority and they have decided under section 34(6) to refuse to allow contact that would otherwise be required by virtue of section 34(1)(a) or an order under section 34, the authority must immediately give written notification to appropriate (specified) adults in the case, depending on C's situation.

## Provision for different types of placement

**Regulations 15 to 18** deal with placement of a child in care with a parent. Before this takes place, the responsible authority must assess the parent's suitability to care for a child. This includes assessing the suitability of the proposed accommodation, and all persons over 18 who are living in the house in which it is proposed the child will live. The decision must not be put into effect until approved by a nominated officer and there is a placement plan for the child.

**Regulation 19** permits the child to be placed with a parent before the assessment is completed if it is considered necessary and consistent with the child's welfare. The authority must ensure that the assessment and review of the child's case are completed within ten working days of the child being placed with a parent, and that a decision is made and approved within ten working days after the assessment is completed. Schedule 3 makes provision in detail of the matters that the LA are obliged to take into account when assessing the suitability of a parent to care for the child.

**Regulation 21** provides for placement with local authority foster parents. Before placing the child with foster parents, they must be approved by the responsible authority, and the terms of their approval must be consistent with the proposed placement.

**Regulation 23** permits in an emergency placement of the child with any local authority foster parent, even if the terms of that approval are not consistent with the placement, as long as the placement is no longer than six working days.

**Regulation 24** permits temporary approval of relative, friend or other person connected with the child. If the responsible authority is satisfied that the most appropriate placement for the child is with a connected person, who is not yet approved or assessed as a local authority foster parent, they can approve that person as a local authority foster parent for a temporary period not exceeding 16 weeks. Before making the placement, the responsible authority must assess the connected persons suitability to care for a child, subject to the same criteria as above in relation to a parent.

**Regulation 25** requires that before the temporary approval expires, the authority must make arrangements for the connected person to be assessed to become a local authority foster parent. An authority can extend the temporary approval of a connected person if it is likely to expire before the assessment is completed, or if the connected person is not approved and seeks a review of the decision. In either situation, the responsible authority must consider whether the placement is still the most appropriate placement available, seek the views of the fostering panel, inform the Independent Reviewing Officer ("IRO") and have the decision approved by a nominated officer.

As with placements with parents the Regulations set out matters to be considered when considering this type of placement. They are to be found at Schedule 6. Before the placement begins, the authority must be satisfied the setting is suitable, arrange for the child to visit the accommodation if possible, and inform the IRO. The responsible authority must ensure their representative visits the child within one week of the start of any placement, and at intervals of not more than six weeks for the first year of any placement. On each visit, the local authority representative must speak to the child in private, if possible. The responsible authority must also ensure that advice, support and assistance is available to the child between visits.

While the Regulations are very prescriptive as to steps that local authorities have to take, there is no comment as to consequences of breach. It remains to be seen how the Courts will deal with the failure to comply with these regulations, but the starting point is bound to be whether they are willing to approve a care plan - interim or otherwise - which is not compliant.

# The test that failed

## The limits of alcohol hair strand testing

The recent judgment by Mr Justice Moylan in *Richmond London Borough Council v (1) B (2) W (3) B (4&5) CB & CB (By Their Children's Guardian) [2010] EWHC 2903 (Fam)* deals with the testing of hair for the purposes of expert evidence being provided to the court on the consumption of alcoholic beverages. An issue arose within care proceedings as to whether the mother, who had a history of severe alcohol abuse, had been consuming alcohol. Tests were carried out on her hair. Below is a summary of the key points from the judgment.

While hair analysis for the use of drugs other than alcohol has been used for many years, hair testing specifically for alcohol use is a relatively recent and developing science, at least in the field of forensic toxicology. The judgment only deals with the testing of hair. There are other longer established methods for seeking to establish alcohol consumption including blood and urine testing. These test for the presence of ethanol and therefore have their limitations, because of the length of time for which ethanol remains in the blood or urine.

Hair strand tests to measure alcohol consumption are based on seeking to establish the concentration of ethyl glucuronide (EtG) and fatty acid ethyl esters (FAEEs). Hair grows at the rate of between approximately 0.7 and 1.5 cm per month. Accordingly, 3 cm represents, on average, three months' growth.

The level of EtG or FAEEs found in a hair sample reflects the consumption of alcohol over the whole of the period covered by the sample. It does not determine the manner in which such alcohol might have been consumed: i.e. it does not determine the number of times on which alcohol might have been consumed nor the amount consumed on each such occasion. It shows only the average consumption for the relevant period because both EtG and FAEEs are incorporated in the hair in or near the root and into grown hair.

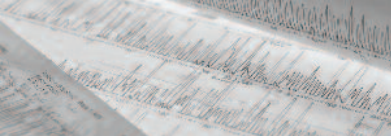
On 16th June 2009 the Society of Hair Testing adopted and published a "Consensus of the Society of Hair Testing on hair testing for chronic excessive alcohol consumption" ("the Consensus"). The Consensus sets out agreed cut off levels for both EtG and FAEEs which would "strongly suggest chronic excessive alcohol consumption". These levels have been agreed, partly so that standard levels are applied across all laboratories and partly because of a consensus that the results thereby produced are sufficiently robust to be relied upon.

Professor Pragst, an internationally recognised chemist and forensic

toxicologist, said in evidence that the cut off levels were agreed because there was general agreement that at these levels 10% of the results would be false positives and 10% would be false negatives. The length of 3cm was taken as the optimal length because this is the length tested by most laboratories and because there are not many 6cm samples or shorter segments in the published research data. In respect of this last point, Professor Pragst said that the published data was not sufficient to establish the validity of testing 1cm sections of hair (save as described below at point (iv)).

The cut off levels referred to above address only the issue of excessive consumption. Excessive consumption means the consumption of alcoholic beverages above the level set by the World Health Organisation, namely more than 60 grams of pure ethanol (7/8 units) per day over a period of several months. No cut off levels have been agreed for the purposes of seeking to identify a dividing line (in terms of amount of EtG and FAEEs) between abstinence and social drinking. This is in part because hair strand testing has been shown to produce false positive results. Professor Pragst said in his evidence that below the agreed cut off levels, the test results are properly described as being in the range of social drinkers/abstinence because the tests do not enable these two categories to be distinguished. It is also because of the lack of empirical research, in particular published research, sufficient to justify the identification of such a dividing line. By way of example, the same concentration of FAEEs from the test of a 6cm segment of the mother's hair in the proceedings was the same quantity of FAEEs that had been found in hair samples taken from children and teetotallers, therefore this result could not be used to put forward any degree of probability that alcohol had been consumed.

In the case before Moylan J a 3cm sample had been taken from the mother, which was cut into 1cm strands for EtG testing. The report from that test was not wholly clear but stated that the results were consistent with the mother's use of alcohol in the relevant time period. Had the average results over 3cm been



used, the result would have been said to be negative. Further results for EtG and FAEs were described as negative. Once expert evidence had been heard, it was accepted that the evidence was insufficient to establish that the mother had consumed alcohol in the relevant period.

By the end of the hearing all counsel in the case were agreed that the evidence established the following important points (which are set out at paragraph 22 of the judgment):

- (i) When used, hair tests should be used only as part of the evidential picture. Of course, at the very high levels which can be found (multiples of the agreed cut off levels) such results might form a significant part of the evidential picture. However, the experts giving evidence agreed that “You cannot put everything on the hair test”; in other words that the tests should not be used to reach evidential conclusions by themselves in isolation of other evidence;
- (ii) Because of the respective strengths and weaknesses of each of the tests (for EtG and FAEs), if hair tests are going to be undertaken, both tests should be used. Research has shown that the tests can produce conflicting results;
- (iii) The results produced by the tests should be used only for the purposes of determining whether they are or are not consistent with excessive alcohol consumption by use of the cut off levels referred to above. If they are not – in other words if the concentration found is below the generally recognised cut-off levels – the results are consistent with (indicative of) abstinence/social drinking. If the results are above the generally recognised cut-off levels, they are consistent with (indicative of) excessive alcohol consumption. Further, at these cut off levels the research evidence suggests that 10% of the results will be false positives. The tests cannot establish whether a person has been abstinent both because the non-detection of either EtG or FAEs does not mean that the subject has not consumed alcohol and also because the detection of either at volumes below the cut off levels referred to above does not mean that they have. Finally, on this point, the tests are not designed to establish abstinence or social drinking;
- (iv) The current peer agreed cut off levels for both EtG and FAEs are for the proximal 3 cm segment of hair. Whilst the testing of 1 cm segments (of the proximal 3 cm segment of hair) might have some value for the purpose of looking at trends (and also at very high levels referred to in (i) above), no cut off levels have been established or generally agreed for 1 cm segments nor is there sufficient published data on testing such segments to enable the validity of such tests to be established. Accordingly, any evidence based on the testing of 1 cm segments is unlikely to be sufficient to support conclusions as to the level of alcohol consumption;



- (v) Notwithstanding what is set out in the Consensus, the experts in these proceedings agreed that, when tests demonstrate levels of EtG and FAEs above the cut off levels referred to above, the results can be said to be “consistent” with excessive consumption over the relevant period. When a test demonstrates a lower level it is “consistent” with abstinence/social drinking;
- (vi) As referred to in (iii) above, the current state of research means that there is no peer agreed cut off level for the line between abstinence and social drinking. In the absence of any such peer reviewed and agreed cut off, any court would need specific justification before accepting any such evidence.

Moylan J concluded that “[t]he evidence in this case and these conclusions have highlighted the need for the exercise of considerable caution when hair tests for alcohol are being interpreted and relied upon, both generally and particularly in isolation. ... I regret to say that the hair testing evidence given in this case failed the parties and in particular the children.’



**James Dove**

# L-B (Children)

[2010] EWCA Civ 1463

This case concerned a successful appeal brought before the Court of Appeal by Esther Maclachlan led by Alison Ball Q.C. on behalf of the mother of nine children, following a final hearing before HHJ Altman.

The judge's decision to deliver an extemporary judgment two months after the conclusion of a complex care case concerning all nine children, led to a successful appeal with care orders and placement orders being set aside and six of the children remaining in the mother's care whilst she undergoes therapy.

At the final hearing the mother had contested the Local Authority's care plans for removal of six out of nine of her children, including the eldest two aged 14 and 13 and opposed the plans for adoption in respect of the youngest five children aged, 7, 5, 4, 3 and 18 months.



The Judge heard evidence over 12 days in respect of the mother's and the three fathers's parenting ability and the Local Authority's concerns, that the children had suffered emotional neglect to varying degrees. Mother's psychiatric expert Dr Llewellyn-Jones, provided an addendum report and gave evidence during the hearing that in order to address personal

difficulties which impacted upon her parenting ability the mother would require psycho-dynamic therapy for two years. Dr Llewellyn-Jones' view was that some progress would be made before the two years, that there were some positive signs of change since proceedings commenced and it was likely that she could care for some of the children whilst undergoing this treatment.

The Local Authority relied heavily on the parenting assessment of the Marlborough Family Centre which concluded that none of the parents were able to care for the children. The Guardian who had worked closely with the family supported the mother's position and maintained that she was able to care for the children with appropriate support, providing she underwent the therapy recommended by Dr Llewellyn-Jones.

At the conclusion of the evidence the judge called for written submissions. The parties were then advised that a date would be given for judgment to be handed down. A month later after being pressed by the Local Authority to provide a decision, the judge informed the parents that he would be making final care orders in respect of all the children, save for the elder two and placement orders in respect of the younger children, save for the 7 year old. In respect of the two elder boys, the judge made what he termed "a finding of fact" that they should not remain in their mother's care but it was not envisaged that they would not be removed until suitable foster placements had been found enabling them to continue attending their schools.

A further two weeks later a hearing was set aside for the full judgment to be handed down. That date had to be postponed because of bereavement in the judge's family and the parties were warned to attend five days later. On that occasion the judge delivered his reasons and made final care orders and placement orders in respect of the younger children save for the 18 month old, leaving open the prospect of further assessment of him in his father's care.



With regard to elder boys the judge made a decision which effectively placed them into interim care whilst a risk assessment was undertaken in order to assist the search for suitable foster placements nearer to their schools. When Counsel for the mother applied, permission to appeal was refused and a supplementary judgment was given attempting to address the second report of Dr Llewellyn-Jones, which the judge had failed to consider in his initial reasoning.

The Local Authority intended to remove the children two days following the hearing so a stay of was applied for on mother's behalf and granted pending the appeal which was heard before Thorpe LJ, Smith LJ, Patten LJ on 24th September 2010.

The grounds of appeal criticised the judgment for the following; the delay in giving judgment, the failure to concede to the mother's application to adjourn the proceedings in order for her to undergo a period of three months of therapy to test her commitment as recommended by Dr Llewellyn-Jones, the lack of weight attached to the Guardian's view, particularly given the extensive work she had done with the family and in respect of the placement orders, failing to address the appropriate welfare checklist as set out in s1 of the Adoption and Children Act 2002. Regarding the two elder boys it was submitted that there was insufficient evidence for the judge to have concluded they should be removed from their mother's care against their firmly expressed wishes and that the judgment had failed to consider the harm that the children would suffer by being in foster care at this stage in their lives.

Granting permission to appeal and allowing the appeal, Thorpe LJ held that the judgment was not of a sufficient standard and the judge was "under huge pressure, at a very difficult time of the year, and it was a bold thing for him to attempt to give an extempore judgment on 25 August when he had concluded evidence in June and had as it were announced his decision some 12 days earlier".

It was accepted by the Court of Appeal that the judge did not "sufficiently recognise and analyse that the mother's case below for a 12-week probationary adjournment rested on the expert evidence of Dr Llewellyn-Jones that it was reasonable to expect some assessment of the mother's progress in psychodynamic psychotherapy at the expiration of three months of treatment".

Despite concluding that "undoubtedly there was material upon which the judge could have written an impregnable judgment, moving certainly the younger children out of the family" Thorpe LJ went on to find that the younger children who were the subject of the appeal should remain in the mother's care whilst she underwent the recommended therapy which the Local Authority at the door of court agreed to fund in part. In respect of the elder boys Thorpe LJ held "I have difficulty in seeing how, however carefully composed, the judge could have taken the same course in relation to B and M... I cannot see sufficient within the professional opinion that would justify

*the discretionary conclusion that they must, at their ages face expulsion or exodus from the family into a very uncertain future in the care system."*

All the orders appealed, four final care orders, two interim care orders and three placement orders, were set aside.

Presently, six of the children remain in the mother's care whilst she undergoes private psychodynamic therapy. Interesting, an argument regarding payment for the therapy was avoided in the Court of Appeal by the Local Authority conceding to pay for 2/3 of the cost. No doubt Lady Justice Smith's interventions during the appeal hearing assisted in persuading the Local Authority to take this approach. This case is certainly no precedent for a local authority being required to pay for such therapy and it remains unknown what the Court of Appeal would have concluded in the circumstances had this offer not been made.

Whilst this case does not establish any novel legal principles, it is a reminder to advocates acting for all sides of the need to press for a timely judgment delivered in a clear manner. Furthermore, it serves as a warning to those who act on behalf of local authorities seeking placement orders, to ensure that the court addresses both the statutory welfare checklists set out in s1 of the Children Act 1989 and s1 of the Adoption and Children Act 2002 where the court makes a care order and then goes on to make a placement order, re affirming the principles expounded by Wall LJ in *Re P (children) (adoption: parental consent)* [2008] EWCA Civ 535. In *Re P* at paragraph 131 Wall LJ stated: "For completeness we should add that...it will not be sufficient simply for a judge to use the words of s.52(1(b) and s.1(4) of the 2002 Act as a mantra. Equally the judge is the opposite of a "rubber stamp". Self-evidently, careful thought must be shown to have gone into the process. The judge must make findings of fact which properly support the need to make placement orders and dispensation of parental agreement to them. In short, the underlying facts, properly analysed, must support the judicial conclusion. If they do not the placement order may well be called into question."

This paragraph of Wall LJ's judgment is worth remembering. Furthermore, any failure by the court to specifically address the provisions of s1 of the Adoption and Children Act 2002 should be drawn to the judge's attention to be remedied at the time of judgment.



**Esther Maclachlan**

### ROSINA COTTAGE 1988



Rosina has a mixed practice of child care work and serious crime. In her family work she concentrates on Public Law in the Principal Registry and the High Court, representing a number of Local Authorities, as well as representing children, guardians and parents. She is a specialist in cases involving vulnerable witnesses, especially children and adults involved in sexual cases. She is also instructed by the Treasury Solicitor in proceedings involving appeal to the Care Standards Tribunal from listing on the Protection of Children Act and Protection of Vulnerable Adult lists.

### AILEEN DOWNEY 1991



Aileen was called in 1991 and has practised in family law since the inception of the Children Act 1989. She specialises in matters relating to children, in both Private and Public Law. Her Private Law work includes residence and contact disputes, as well as abduction and adoption cases. Her Public Law work involves representing Local Authorities, guardians and parents/relatives, in a variety of care cases ranging from fictitious illness syndrome, to sexual abuse and long term neglect. She appears at all levels of court from the Family Proceedings Court to the Court of Appeal.

### TIM PARKER 1995



Tim's family law practice includes work on matrimonial finance, children and Public Law proceedings relating to non-accidental injury, allegations of sexual abuse and adoption.

### TARA VINDIS 1996



Tara's practice specialises in cases involving children, both Public Law and Private Law. She is instructed by Local Authorities, parents and extended family members and on behalf of children's guardians. She frequently appears in the High Court in serious cases, typically involving allegations of non-accidental injury, sexual abuse, emotional abuse, neglect and domestic violence. She has considerable experience in calling and cross examining professional witnesses including psychologists and psychiatrists, both child and adult.

### SHAHRAM SHARGHY 2000



Shahram is regularly instructed by Local Authorities and guardians in relation to care proceedings. He has developed a strong interest and expertise in non-accidental injury and child sex abuse cases involving parallel criminal proceedings. He appears regularly at the Principal Registry of the Family Division, the High Court and various Crown Courts.

### EMMA-JANE ADAIR 2001



Emma practises exclusively in Family Law and specialises in Children's work in both Public and Private Law proceedings. Although frequently instructed by Local Authorities, Emma also represents parents, grandparents and children through their Guardian. She has considerable experience in courts of all levels.

### OLIVER MILLINGTON 2003



Oliver's family practice includes both Private and Public Law proceedings acting for Local Authorities, parents, extended family members, prospective adopters and guardians. He has a particular interest in and significant experience of care proceedings. He regularly appears at Family Proceedings Court, County Court and High Court levels. Oliver is also regularly instructed in ancillary relief matters.

### EMILY VERITY 2003



Emily is regularly instructed by Local Authorities in relation to care proceedings, particularly Care Orders, Supervision Orders and Emergency Protection Orders. She has also represented parents in both care cases and private cases involving residence and contact disputes, and contested adoption cases. She is used to dealing with clients who have particular difficulties with legal proceedings. Her ancillary relief experience includes successful argument that the other party had covertly and intentionally reduced the assets available for distribution by the court. She appears regularly in the County Court, at the Principle Registry and the High Court.

### ESTHER MACLACHLAN 2005



Esther specialises in matters involving children and undertakes both Public and Private Law cases. She is instructed by Local Authorities, parents and on behalf of children's guardians. She has also been instructed on behalf of the Official Solicitor to act for parents who lack capacity. She has experience of adoption and special guardianship proceedings, including cases with an international element. Esther has experience of representing both applicants and respondents in injunction proceedings.

### ALASTAIR HOGARTH 2005



Al regularly appears in the family courts representing parties on variety of both Public and Private Law matters, including Non-Molestation Orders, Occupation Orders and child contact disputes. He also represents both local authorities and parents in care proceedings.

### EDWARD LAMB 2006



Ed undertakes both Public and Private Law family work and has represented Local Authorities and parents at all levels. Ed has developed a particular interest in the property rights of cohabitants following separation and has advised clients on the financial aspects of the relationship breakdown.

### CATHERINE ATKINSON 2006



Catherine represents Local Authorities, Guardians and Parents in Care Proceedings. While focusing on proceedings relating to children, Catherine undertakes both Private and Public work and has experience of appearing at the High Court as well as regular appearances in Family Proceedings Courts, County Courts and the Principle Registry.

### JAMES DOVE 2006



James's main area of practice is Children Act cases particularly care proceedings. He is regularly instructed by Local Authorities in care proceedings, which range in complexity and include issues such as neglect, sexual abuse and domestic violence. He also acts for parents and children. James has appeared in the High Court, County Court and Family Proceedings Courts, in both Private and Public Children Act matters.

### BEN RODGERS 2007



Ben is regularly instructed to represent Local Authorities, parents and children involved in Public Law proceedings. He also appears for parents involved in residence and contact disputes. As such he frequently conducts hearings before the FPC and in the County Courts.

### KATE LAMONT 2007



Kate became a tenant in Chambers in October 2009 following successful completion of pupillage. She has rapidly gained experience of Public and Private family law work in tribunals from the FPC to the High Court.

### TOM RESTALL 2007



Tom became a tenant at 9 Gough Square in October 2009 after successfully completing 12 months' pupillage in chambers. A graduate of Oxford University and a former Judicial Assistant in the Court of Appeal, he is now developing a busy practice across the areas of chambers' work. He has experience in a range of Private and Public Law family cases, including care proceedings, applications for Non-Molestation Orders and Private Law children cases.

### LAURA BUMPUS 2008



Laura became a tenant in Chambers in October 2010 following the successful completion of pupillage. Laura has been instructed to represent local authorities, parents and children in public care proceedings as well as parents in private family law matters. She has advised on and conducted ancillary relief cases and is keen to build on her rapidly developing practice.

## Family Clerk

### GARRY FARROW Senior Clerk (Family)



Having joined Chambers in 1977, Garry has wide experience having worked his way up from Junior Clerk and acquiring an all round knowledge of Chambers, its barristers and family clients.

### JAIME BROOKS Junior Clerk (Family)



Jaime joined Chambers in March 2009, having previously worked at 2 Gray's Inn Square. During this time he has gained a wide range of experience from working with the Family and Crime practice areas

**CHAMBERS OF GRAHAME ALDOUS QC**  
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