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Re C (Child) (2000)

Document No. AC8400668

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Court
Court of Appeal

Summary
A father's appeal against a child maintenance order on the grounds that he was not the biological father of the child had to fail given the result of the paternity testing.

Facts
The petitioner father (F) appealed against a child maintenance order on the ground that he was not the biological father of the child. F appealed in an attempt to overturn his admission of paternity of a child made on oath in proceedings in the magistrates court. F's application for permission to appeal out of time was refused in his absence by Bracewell J on 8 December 1998. On 15 July 1999 Butler-Sloss LJ granted F permission to appeal on condition that, before the hearing of the appeal the child's paternity was tested. F then asserted that he had a needle phobia and in those circumstances provided a pin prick sample of blood for testing. The result was that F was 510 times more likely to be the child's biological father than someone else. F did not attend to prosecute his appeal.

Held
HELD: In light of the paternity testing result it was not surprising that the petitioner had not attended to prosecute his appeal which, given that result, had to fail. Given that the appeal was hopeless it was important that it was determined finally, even in the petitioner's absence, for the sake of the respondent and of the child.

Permission
Lawtel