Re N (Children) (2013)

AC9501952

23/04/2013

Barristers

Alex Verdan KC
Private: Marcus Scott-Manderson QC

Court

Court of Appeal (Civil Division)

Practice Areas

International Children Law

Summary

The Court of Appeal declined to overturn a judge's decision in child care proceedings that the children remained in the jurisdiction of the United Kingdom at the time of those proceedings. The judge had skilfully identified the factors that needed to be taken into account and had plainly arrived at the right conclusion.

Facts

The appellant mother (M) appealed against a decision that her three children (C) should be put into the local authority's care.

C had been taken into care after M was convicted of child cruelty. M, who was trying to set up a new life for herself and C in France, contended that the court had no jurisdiction to place C in local authority care as they were not habitually resident in the United Kingdom at the time of the proceedings. The judge held that it was more likely than not that C remained in the jurisdiction at the time the proceedings started. The issue was whether the judge had erred in making that decision.

Held

The judge's decision could not be criticised. She introduced her decision, then accurately summarised the background and took into account the steps that M had taken to establish herself and C in France. She then dealt with the oral evidence, describing M's evidence as unreliable and unsatisfactory. She concluded that C remained in the jurisdiction at the time proceedings commenced. M had lived in the UK the majority of her life; C had been born in the UK and had known nowhere else, and had no connection with France. Whilst the evidence established the physical presence of C in France, that was the first time C had been there. The judge had skilfully identified the factors that needed to taken into account and had plainly arrived at the right conclusion.

Permission
Lawtel ×