



Darren Howe KC

King's Counsel
Family Law Arbitrator

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Summary

Darren is a child protection specialist who represents parents, children and Local Authorities across the whole range of children-related disputes. Darren specialises in complex cases at High Court level and above involving:

Disputes as to the cause of catastrophic injuries and/or death of children, particularly cases that may involve complex and 'cutting-edge' medical and scientific evidence;

Allegations of recent or historic sexual abuse; Fabricated or induced illness;

Disputes as to the deprivation of liberty of a child; Parents with special needs;

Vulnerable or child witnesses.

Darren also has extensive experience in contentious private law cases involving allegations of parental alienation, intractable contact disputes, domestic and international relocation.

Darren advises public and private bodies concerning child protection duties.

Areas of Practice

PUBLIC LAW CHILDREN

Darren has extensive experience in cases of the most complex kind that are heard in the Family Court, the Family Division of the High Court and the Court of Appeal. He is instructed on behalf of parents, children and Local Authorities and has a keen eye to the detail of a case. He demonstrates a clear understanding of the medical science that the court considers when determining the cause of injury or death of the child. Darren also has extensive experience in complex fact-finding hearings concerning allegations of fabricated illness and sexual abuse.

Notable Cases

G, Re [2020] EWFC 94 (2020)

Cases A, B and C (Adoption: Notification of Fathers and Relatives) [2020] EWCA Civ 41

A Local Authority v The Mother & Ors [2020] EWHC 1233 (Fam): Williams J gave a useful analysis of the matters to be considered when hearing a case remotely, in person or in hybrid form.

C (Children: Covid-19: Representation) [2020] EWCA Civ 734: Appeal provided an important clarification about remote hearings.

AA & 25 Ors (Children) (Rev 2) [2019] EWFC 64

Re P [2018] EWCA Civ 720: Successful appeal against findings of sexual abuse made by a High Court judge due to the judge failing to provide an adequately reasoned judgment.

Bournemouth Borough Council v A Mother and Others [2017] EWFC 18: Case concerning the cause of death of a baby, by shaking or shaking with impact, and identification of the perpetrator.

ES (A child) [2017] EWFC B96: Case concerning Ehlers Danlos Syndrome in which it was successfully argued that EDS was the cause of the numerous bruises suffered by the child. It was also successfully argued, by challenging the evidence of a radiologist, that the child had suffered 2 rib fractures and not the 12 rib fractures and 2 metaphyseal fractures alleged by the local authority.

Re M (A Child) [2015] EWHC 2082: Case concerning inconsistency in findings concerning sexual abuse of a child in proceedings in both England and Scotland.

Re T (Care Proceedings: Drug Testing) [2013] 2 FLR 467: Case concerning the reliability of hair strand drug testing in care proceedings and the procedure to be adopted if test results are challenged.

Re E (Withdrawal of Care Proceedings) [2013] EWHC 2400: Case concerning allegations of fabricated and induced illness where it was alleged that the parents were inducing illness in their child with special needs but there were case management failures by the local authority.

Re M (A Child) (Care Order: Findings Against Father) [2013] All ER (D) 54 (Oct), [2013] EWCA Civ 1819: Appeal against the making of a care order following allegations of sexual abuse and findings that the response of the parents had caused the child significant harm.

A County Council v K and others [2011] 2 FLR 817: Case concerning the legality of CAFCASS management interfering with the decision of a children's guardian in care proceedings.

Re L (Care Proceedings: Removal of Child) [2008] 1 FLR 575: Case concerning the test to be applied by the court when making an interim care order.

Re B – L (Children) (Care Proceedings: Responsibility for Injury) [2004] All ER (D) 345 (May): a case concerning a successful appeal to the Court of Appeal, against findings that the mother had perpetrated injuries to the child, due to the trial Judge breaching the mother's right to a fair trial by unfairly relying on evidence that the local authority had agreed was not relevant to the fact-finding hearing.

PRIVATE LAW CHILDREN

Darren specialises in representing parents and children in cases involving proven or alleged parental alienation. He is extremely familiar with how such cases should be managed by the court, given the unusual features of these cases that require the court to think 'out of the box' to achieve the best result of the child.

Darren is instructed in high conflict residence cases, internal and international relocation cases and surrogacy/applications for parental orders.

Notable Cases

SAB (A Child) [2014] EWHC 385 (Fam): Court made an order for the biological father to a child living with a same sex couple to spend time with the child against the wishes of the biological mother and her civil partner.

Re D [2014] EWHC 2376 (Fam): High Court provided guidance as to how safeguarding checks should be undertaken in private law proceedings.

Re S (Parental Order) [2010] 1 FLR 1156: Case involving the court making a parental order having approved payments made under a commercial surrogacy arrangement in a foreign jurisdiction.

Re G (Surrogacy: Foreign Domicile) [2008] 1 FLR 1047: Case defining how surrogacy cases involving parents not resident in England should be managed.

Re M (Children) [2007] All ER (D) 46: Successful appeal to the Court of Appeal against the limitation of a child's holiday with a non-resident parent.

INTERNATIONAL FAMILY LAW

International family law issues arise regularly in the public law and private law cases in which Darren appears. Darren is very experienced in addressing in international elements of modern family law, particularly relocation issues.

Notable Cases

Re B (A Child) (1980 Hague Convention Proceedings) [2014] EWCA Civ 375: Appeal against a decision by the High Court to return a child, who was the subject of care proceedings, to France.

Re E (Abduction: Intolerable Situation) [2009] 2 FLR 485: Successful opposition to an order returning the children to their country of origin on the basis that child was settled and objected to return and a return would expose him to psychological harm or would otherwise place him in an intolerable situation.

Re T (Abduction: Rights of Custody) [2008] 2 FLR 1794: Case concerning how the Court in the child's country of origin should, in Hague Convention abduction cases, be asked to determine in the court of Oregon if public funding would be available for the abducting parent in the country of origin..

Appointments and Memberships

Deputy High Court Judge 2016
Recorder 2012

Family Law Bar Association (FLBA), South Eastern

Publications

- Enough is Enough: A report on Child Protection and Mental Health Services for Children and Young People (The Centre for Social Justice [June 2014])

- Concurrent Planning: Achieving early permanence for babies and young children. BAAF July 2013
- Removal of Children at Interim Hearings [2009] Fam Law 321
- International Surrogacy – A Country Tale, Family Law January 2008
- Expert Evidence in cases of Alleged Non-Accidental Injury, Family Law October 2007