

Using real-life examples of how to overcome the problems, when and with what safeguards, should a child give direct evidence to the court?

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THE EVOLVING STORY OF RECEIVING CHILD EVIDENCE IN FAMILY PROCEEDINGS

The following cases and materials provide a core reference for issues which are or are likely to be engaged in receiving evidence from children.

Re W [2010] UKSC 12 – children regularly give evidence in criminal proceedings so why not in family proceedings?

Youth and Criminal Justice Act 1999 (YCJA) and the Criminal Procedure Rules (CPR) as amended by the Criminal Procedure (Amendment No. 2) Rules 2016.

Achieving Best Evidence in Criminal Proceedings Guidance on interviewing victims and witnesses, and guidance on using special measures March 2011 Ministry of Justice (ABE Guidance).

Family Procedure Rules 2010 Part 22.1 – Power of court to control evidence

The Advocates Gateway Toolkits particularly;

a) Ground Rules Hearing and the fair treatment of vulnerable people in Court and Checklist (updated 1 December 2016);

b) Case management when a witness or a defendant is vulnerable Toolkit 1a, 10 April 2017;

c) General principles from research, policy and guidance: Planning to question a vulnerable person or someone with communication needs Tool kit 2 30 November 2015;

d) Planning to question a child or young person Toolkit 6, 15 December 2015

e) Vulnerable witness and parties in the Family courts Tool kit 13, 8 November 2014;

f) Intermediaries: step by step; 10 April 2017

R v Lubemba; R v J [2014] EWCA Crim 2064 para 44

R v Krezolek and Luczak [2015] Crim L.R. 628, CA

Guidelines in relation to children giving evidence in family proceedings (December 2011 [2012] Fam Law 79).