

## CHILDREN IN LITIGATION

How has Re C (2023) EWCA changed existing thinking on placing children at the heart of litigation in their own capacity, i.e. giving evidence, meeting Judges and instructing their own solicitors?

## REFERENCE SHEET

- Autonomy and the Courts: Beyond the Right to be Heard (2018) by Aoife Daly

*“The chairs are so big that you get lost and have to keep sitting up to be able to see over the top.”*

- GUIDELINES IN RELATION TO CHILDREN GIVING EVIDENCE IN FAMILY PROCEEDINGS - Lord Justice Thorpe's Working Party, 24.06.2011

URL: <https://www.judiciary.uk/wp-content/uploads/JCO/Documents/FJC/Publications/Children+Giving+Evidence+Guidelines+-+Final+Version.pdf>

- Family Procedure Rules [2010] PD 12B

URL: [https://www.justice.gov.uk/courts/procedure-rules/family/practice directions/pd part 12b](https://www.justice.gov.uk/courts/procedure-rules/family/practice%20directions/pd%20part%2012b)

## Cases

- Re C (Child: Ability to Instruct Solicitor) [2023] EWCA Civ 889

URL: <https://www.bailii.org/ew/cases/EWCA/Civ/2023/889.html>

- Re B (Care: Expert Witnesses) [1996] 1FLR 667 & Re D (A child) [2010] EWCA Civ 1000, [2011] 1 FLR 447

URL: <https://www.bailii.org/ew/cases/EWCA/Civ/2010/1000.html>

- Re A (Children) (Contact: Ultra Orthodox Judaism: Transgender Parent) [2017] EWFC 4, [2017] 4 WLR 201 at [137]

URL: <https://www.bailii.org/ew/cases/EWFC/HCI/2017/4.html>

- Re W (Children) [2010] UKSC 12 - Children giving evidence in public law fact-finding hearings

URL: <https://www.bailii.org/uk/cases/UKSC/2010/12.html>