

NAI cases - Is there a shift in the wind over how the courts are thinking about shaking injuries, bruises or other NAI cases?

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NAI cases - Is there a shift in the wind?

Drawing on practical examples and live family cases, is there a shift in the wind over how the courts are thinking about shaking injuries, bruises or other NAI cases??

NAI cases - Is there a shift in the wind?

- Availability of experts
- Presidents' Working group
- Costs
- Delays for expert to report
- Criminal Prosecutions
- Overriding Objection [FPR 2010]
 - Timetable
 - Issues to be investigated
 - Procedure

NAI cases - Is there a shift in the wind?

- Failure to Protect

L-W Children [2019] EWCA Civ 159

Causative link for failure to protect

- Re-Opening Findings of Fact

M v Derbyshire County Council and others [2018] EWHC 3734 (Fam)

Principles to apply in re-opening / expert evidence

- Findings of Fact

PR v JES v TER (Appeal: Sexual Abuse, Fact Finding) [2019] EWHC 791 (Fam)

NAI cases - Is there a shift in the wind?

- *Uncertain Perpetrators*

B (Children: Uncertain Perpetrator) [2019] EWCA Civ 575

The pool

- *Dismissal of Care Proceedings*

H-L (Children - Summary Dismissal of Care Proceedings) [2019] EWCA Civ 704

NAI cases - Is there a shift in the wind?

Issues from recent cases

- Disclosure of medical records
- Use of treating physicians
- Threshold findings
- Availability of experts
- Appropriate experts with appropriate expertise
- Questions to experts
- Need for experts attendance
- State of medical knowledge
- Tensions with police investigations

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IT DEPENDS

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