

Legal Roundup – April 2022

The President of the family division has issued the following:

[Fact-finding hearings and domestic abuse in Private Law Children proceedings – Guidance for Judges and Magistrates](#)

In summary, the document lists the steps that the court should go through when considering whether there is a need to list a fact-finding hearing in private law proceedings.

Ukrainian Surrogates

Evidence of consent from a Ukrainian surrogate is still required. However, the court will need to take the situation in respect of the conflict in Ukraine into account when considering the issue of any difficulties in locating or obtaining a Ukrainian surrogate's consent. g

The Legal Aid Agency

The agency has recently conducted a review of its policies and it has concluded that it intends to remove the means test for civil representation for under-18s. This should mean that there is no longer a need for a means test to be carried out on any r16.4 guardian appointments.

Recent Helpful Case Law

[B \(A Child\), Re \(Adequacy of Reasons\) \[2022\] EWCA Civ 407 \(25 March 2022\) \(bailii.org\)](#)

This is an Appeal on the making of care and placement orders on the basis that the Judge did not conduct a balancing exercise in which each realistic option was evaluated. The case also highlighted that the presence of adoption being in the range of realistic options means that the relevant welfare test under the Adoption and Children Act 2002 is engaged and ought to be applied.

[AB \(A Child: human rights\) \[2021\] EWFC B100 \(01 April 2021\) \(bailii.org\)](#)

This case reminds us of the need to remain vigilant about a child's placement and to notify the court immediately if there is a concern that a child's placement appears to amount to a deprivation of liberty.

[Tickle v Herefordshire County Council & Ors \[2022\] EWHC 1017 \(Fam\) \(04 May 2022\) \(bailii.org\)](#)

This case deals with the issue of disclosure of information from family proceedings to a journalist and the publication of information relating to family proceedings in the media. It sets out the necessary balancing exercise of the convention rights of the parties and professionals involved in family cases that needs to be undertaken by the court when dealing with such applications for disclosure.