



Louise Stanbury

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Year of Call: 2004

“Her practice includes cases of serious abuse and chronic neglect.” **Legal 500 2017**

Louise has practised exclusively in family law since completing her pupillage.

Memberships

- Family Law Bar Association

Appointments

- Accredited for Direct Public Access instructions

Legal Directory Recommendations

- “*She has a broad Children Act practice and is experienced in Brussels II cases.*” Legal 500 2016
- “*Knowledgeable on all aspects of public and private children law*” Legal 500 2015
- Recommended as a ‘leading Junior’ in the Legal 500 2014 as “experienced in all types of Children Act Proceedings”.
- Recommended for Family Law Cases (Legal 500 2013)
- Recommended for Children Act Work (Legal 500 2012)
- Recommended in the Family Law Section (Legal 500 2011)

EXPERTISE

Family - Children

Louise has wide experience in a full range of Children Act proceedings including public law applications, private law applications and adoption cases and has successfully appeared in the High Court and Court of Appeal.

Louise is extremely thorough and efficient in her approach to each case with an eye for the relevant detail. She can be a tenacious advocate when necessary and her clear and direct advice coupled with a friendly and approachable manner are suited to the sensitivities of many family cases.

Louise is available to provide training and seminars in all areas of her practice. She regularly accepts instructions directly from members of the public as well as via solicitor referrals. She welcomes enquiries from the public via her clerks.

Public Law

Within her public law practice Louise is regularly instructed to represent parents and other family members and has considerable experience representing children through their Guardians.

She is frequently instructed to advise and represent local authorities in complex public law cases.

Louise deals with cases including those involving:

- Complex or conflicting medical evidence
- Child death
- Non accidental injury
- Chronic neglect
- Allegations of serious sexual and/or physical abuse
- She also has experience in dealing with cases involving Brussels II Revised (BIIR).

Louise is regularly instructed in lengthy and complex finding of fact hearings and has successfully represented parents in applications for revocation of a placement order.

Private Law

Louise has busy and varied private law practice. Her experience covers the full range of Children Act applications such as:

- Protracted contact cases including those where one parent is implacably hostile
- Cases involving allegations of sexual abuse or domestic violence

- Applications to permanently remove children from the jurisdiction
- Cases involving families in same sex relationships and sperm donors
- Specific issue applications in relation to schooling, names and religious practice.

Reported cases

G (A Child) [2018] EWCA Civ 305

Appeal by the same sex parents of the child against a child arrangements order, which provided for the sperm donor's parents to have contact with the child. Appeal dismissed.

Re AB v Doncaster MBC (BIIR: Care Proceedings) [2012] EWCA Civ 978; [2013] 1 FLR 168

Representation of a Lithuanian Mother in care proceedings where the case was initially transferred to the High Court due the possibility of the Lithuanian authorities requesting a return of the child pursuant to Art 56 of Brussels II Revised (BIIR). The case was remitted back to the county court directing that the court should determine whether the child should be returned to the care of her mother and, if not, the practical arrangements should be made for compliance with the Art 56 request. On appeal it was held that this had been a wrong interpretation of Art 56, in that there was no entitlement of a Member State to call for the placement of a child within its jurisdiction; Art 56 placed a consultative obligation on the English court but it did not tie the hands of the court or exclude or reduce its obligation to arrive at its own judgment as to the child's best interests; and the judge's order was in error to the extent that it treated Art 56 as if the English court were obligated to return the child and comply with a possible request from the Lithuanian authorities for a return of the child.

Recent cases of note include:

Representation of mother in the High Court resisting an application by a father for disclosure of a psychological assessment of their daughter, who had witnessed him murder her stepmother. The relevant case law indicated that disclosure should be granted; however the Judge accepted the legal arguments made that this case could be distinguished from those authorities and the application for disclosure was refused.

Representation of a Mother in public law proceedings where 11 months earlier the parties' 7 older children had been removed. Following the birth of the 8th child the LA sought to remove the baby at birth based on the concerns from the previous proceedings, negative findings made by the Judge about the parents honesty in those proceedings, and a negative pre-birth assessment. The LA's application was supported the Guardian. Successfully persuaded the same Judge to direct a section 38(6) assessment with placement of the child with the parents at home under an interim care order, enabling the parents to take the child home from hospital and thereafter remain in their care.

Representation of a Mother for the revocation of a placement order made in respect of their eldest child, which was made in 2009. Since the making of the final orders in 2009, the parents' lives had considerably changed and they had gone on to have another child, who had remained in the parents' care. They sought leave of the court to apply to revoke the placement orders made in respect of the sibling child. Leave was duly granted; however the Local Authority strongly opposed the revocation of the placement order arguing that the change was not sufficient to justify revocation. The court granted the application and the placement order was duly revoked.

Instructed on behalf of the Applicant Father in his applications for contact and a specific issue/prohibited steps order as to the surname of his four children. At the outset of proceedings the Mother made numerous and serious allegations against the Father of physical abuse towards her and the children. The children were visited by the CAFCASS officer prior to the finding of fact hearing where they all made disclosures of abuse against the Father. In the course of the finding of fact hearing, which last five days, the court heard evidence from the CAFCASS officer, the Mother, two older children of the Mother's (aged 17 and 15), the Father and the paternal Grandmother. The allegations were dismissed in their entirety by the court and the specific issue in relation to the Children's surnames granted. Thereafter the Mother remained hostile to direct contact between the children and their Father and the court had a number of hearings on the issue ordering that direct contact to take place. Direct contact enforced successfully.