



Damian Sanders

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Year of Call: 1988

Damian Sanders is a family practitioner and has experience of all aspects of family law.

Damian has a formidable reputation for care work, acting for parents and guardians in matters concerning serious harm, abuse and deprivation of liberty.

EXPERTISE

Family - Children

Notable Cases

FC v MC [2021] EWHC 154 (Fam): Mrs Justice Lieven DBE. Case concerning parental responsibility in respect of the child of a same sex couple born by artificial insemination.

Manchester City Council v D (Application for Permission to Withdraw Proceedings after Abduction) [2021] EWHC Civ 1191: This case raises the question of how the court should treat an application by the local authority pursuant to FPR 2010 r.29.4 for permission to withdraw care proceedings under Part IV of the Children Act 1989 where the parents have abducted the children who are the subject of those proceedings from the jurisdiction of England and Wales and, following all reasonable efforts being made by the court, it proves impossible to secure the return of the children to this jurisdiction within a timescale commensurate with the care proceedings.

E (Through Her Children's Guardian) & Anor v A Mother & Anor [2019] EWCA Civ 1557: Joint appeal by a local authority and children's guardian against judge's refusal to make care and placement orders on the basis that the parents should have 18 months to rehabilitate themselves from their drug use. Damian was for the LA and the appeal was allowed and remitted for rehearing.

AA & Ors (Children) (Rev) [2019] EWFC 64: Paedophile ring case, concerning 21 leading counsel and 35 juniors. Damian was for one of the 'accused' and his client was exonerated.

Cumbria County Council v R [2019] EWHC 2782 (Fam): MacDonald J's judgment in a final hearing of care proceedings, in which he rejected a request by the mother to revisit earlier findings of non-accidental injury on the basis of a subsequent admission by the father. The judge further favoured an ICO, rather than a care order of SGO, as the appropriate means to test a placement with the child's grandparents.

Re C (Children) [2016] EWCA Civ 356: Appeal by mother against the decision to hear oral evidence at an appeal hearing against a decision of the Lay Justices and the findings at the subsequent re-hearing held before the same judge. Appeal allowed and case remitted to the Lay Justices.

A (Children), Re [2015] EWCA Civ 133: 'The moon is made of cheese' case. This appeal arises out of the peremptory dismissal on 13 June 2014 by His Honour Judge Dodds of an application for a direction for DNA testing made on behalf of a 13-year-old girl. Strong language used by the Court of Appeal in admonishing HHJ D.

R (A Child) [2011] EWHC 1715 (fam): The unknown cause case. The child suffered a subdural haematoma in June 2009, following which the child went home. Then in October 2009 he suffered a fractured femur. Hedley J referring to the criminal case of Henderson and others and the judgment of Moses J who said:

"There remains a temptation to believe that it is always possible to identify the cause of injury to a child. Where the prosecution is able, by advancing an array of experts, to identify a non-accidental injury and the defence can identify no alternative cause, it is tempting to conclude that the prosecution has proved its case. Such a temptation must be resisted..."

and commented that such temptation should also be resisted in family courts.

SC (A Child), Re [2005] EWHC 2205 (Fam): Hearing to decide residence and contact issues arising where an abducted child had not been returned on the grounds that she was settled in her new environment.

S v Knowsley Borough Council [2004] EWHC 491: Child diagnosed as suffering ovarian cancer during duration of Secure Accommodation Order. Court approved multiplicity of causes of action to bring the case before the court. Decision that the LA decision was amenable to Judicial Review.