



## Neil Owen-Casey

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Year of Call: 2007

Neil Owen-Casey is a family law specialist with a particular interest in public law children proceedings. Neil represents parents, local authorities, children and extended family members in the full range of applications that come before the Court.

A visiting lecturer at Bangor University's School of Law, Neil gives regular seminars to solicitors, local authorities and local Family Justice Boards, in respect of all aspects of his practice. He has written recent practice updates concerning The Evidential Importance of a Permanence Report and the Record of Decision, and Consent to a Restriction of Liberty for a Child under the Age of 18. You can download the documents [here](#).

Neil is well-known for his approachable style and the ability to manage the expectations of his clients.

### Memberships

- Family Law Bar Association (FLBA)
- Wales and Chester Circuit
- Gray's Inn
- Acting Chair of North Wales & Chester FLBA
- Association of Lawyers for Children.

### EXPERTISE

Family - Children

Public Law

Neil has extensive experience in care proceedings and cases involving chronic neglect, all forms of abuse, domestic violence (including sexual violence and honour-based), as well as non-accidental injuries, and fabricated and induced illness. He has also been involved in cases concerning disclosure of status, and matters involving the criminal jurisdiction where public interest immunity is an issue.

Neil is regularly instructed in adoption cases, including those with an international element and involving the Conflict of Laws, and the recognition of foreign adoptions within this jurisdiction. He is also experienced in cases involving issues of identity, donor insemination and same-sex parents.

Recent cases have involved honour-based violence, severe neglect, abusive head trauma and the removal of a child due to a parent's mental health difficulties – which was complemented and informed by Neil's Court of Protection practice. Neil is also experienced in dealing with applications for secure accommodation orders, and those brought under the Inherent Jurisdiction concerning the deprivation of liberty of young people.

Neil is renowned for his sensitivity in cases involving significant cultural and religious issues. He is skilled in representing grandparents, young parents and vulnerable clients, including those who have a physical or learning disability and/or lack of capacity.

## Private Law

Neil represents all parties in both Children Act and Family Law Act matters. He has considerable experience in dealing with all aspects of Child Arrangement Order applications. He is also instructed to advise and act in specific issue applications, cases where there are jurisdictional issues (including leave to remove), enforcement, and protracted disputes that often require expert assessments.

Recent instructions have included parent alienation, the determination of residence of an adopted child due to the separation of the adoptive parents, contact and/or residence concerning parents suffering with a broad range of mental health difficulties, and revocation of parental responsibility.

## Cases

### **XZ Council v DN, MH, MEN & WAN (by their guardian), DJ and RC [2014] EWHC 4653 (Fam)**

Neil represented the Respondent mother in care proceedings at the High Court. The mother was diagnosed to have significant mental health issues, including Fabricated Induced Illness (FII) in respect of herself and was an alleged perpetrator of FII towards her own disabled child. Issues of paternity, the extent of the FII, sexual abuse and further physical abuse remained as live issues at the final hearing. The full judgment can be read [here](#).

### **A v R and Anor (Declaration of Parentage) [2017] EWHC 396 (Fam)**

Neil represented the Applicant non-biological parent in a case that was necessary due a mere paperwork error by the relevant clinic: the consequence was that the Applicant did not in fact become the child's legal parent, contrary to the original intention of the same-sex parents. The full judgment can be read [here](#).

## Court of Protection

Neil is regularly instructed to represent P, local authorities, CCGs and other interested parties. He has an in-depth understanding of the sensitivities involved with such applications, and aims to assist all those involved to achieve the best possible 'best interests' decision.

Alongside Neil's Court of Protection practice, recent instructions have included Forced Marriage Prevention Order applications that proceed either separately or in tandem with the intervention of the Court of Protection. Current instructions include consideration of whether P should be forced to receive religious education when deemed to be 'legally incompetent'.

Neil also regularly appears in the Family Court and, therefore, is well-placed to deal with those matters which cross jurisdictions.

## Family - Finance

Neil has in-depth experience in all areas of family finance including high-value cases dealing with complex issues around family businesses, farms, trusts and the disposal of assets. He has a particular interest in cases involving assets held outside of the jurisdiction. In addition, he routinely receives instructions to advise and act within enforcement proceedings, including those matters that reach beyond the jurisdiction of England and Wales.

Neil also accepts instructions in contested dissolution applications, same-sex dissolutions, and in matters between co-habitants under TOLATA 1996. In particular, Neil often undertakes advisory work and negotiations when ownership of individual properties or portfolios is disputed within the wider family.

Neil also advises and represents clients in applications for financial remedies brought under Schedule 1 of the Children Act 1989, and matters concerning Child Maintenance.