

Darren
Howe KC
MCI Arb

Call: 1992 KC: 2015



Darren is a child law specialist who represents parents, children and local authorities across the whole range of children-related disputes. Darren specialises in complex cases at High Court level and above involving:

- Disputes as to the cause of catastrophic injuries and/or death of children, particularly cases that may involve complex and 'cutting-edge' medical and scientific evidence;
- Allegations of recent or historic sexual abuse;
- Allegations of Fabricated or induced illness;

Darren has extensive experience in contentious private law cases involving allegations of parental alienation, intractable contact disputes, child abduction, domestic and international relocation.

Darren advises public and private bodies concerning child protection duties.

Children (Public Law)

Darren has extensive experience in cases of the most complex kind that are heard in the Family Court, the Family Division of the High Court and the Court of Appeal. He is instructed on behalf of parents, children and local authorities and has a keen eye to the detail of a case. He demonstrates a clear understanding of the medical science that the court considers when determining the cause of injury or death of the child. Darren also has extensive experience in complex fact-finding hearings concerning allegations of fabricated illness and sexual abuse.

Selected Cases

- **Re BR and Other [2023] EWFC 9.** A case in which the court permitted the media to attend the fact-

finding hearing as part of the transparency pilot project.

- **A Local Authority v Mother and Others [2022] EWFC 172:** A case in which the parents were found not to have caused injuries to their child.
- **Central Bedfordshire Council v F and others [2022] EWFC 130.** A case in which the parents were found not to have caused injuries to their child.
- **G, Re [2020] EWFC 94 (2020)**
- **Cases A, B and C (Adoption: Notification of Fathers and Relatives) [2020] EWCA Civ 41**
- **A Local Authority v The Mother & Ors [2020] EWHC 1233 (Fam):** Williams J gave a useful analysis of the matters to be considered when hearing a case remotely, in person or in hybrid form.
- **C (Children: Covid-19: Representation) [2020] EWCA Civ 734:** Appeal provided an important clarification about remote hearings.
- **AA & 25 Ors (Children) (Rev 2) [2019] EWFC 64**
- **Re P [2018] EWCA Civ 720:** Successful appeal against findings of sexual abuse made by a High Court judge due to the judge failing to provide an adequately reasoned judgment.
- **Bournemouth Borough Council v A Mother and Others [2017] EWFC 18:** Case concerning the cause of death of a baby, by shaking or shaking with impact, and identification of the perpetrator.
- **ES (A child) [2017] EWFC B96:** Case concerning Ehlers Danlos Syndrome in which it was successfully argued that EDS was the cause of the numerous bruises suffered by the child. It was also successfully argued, by challenging the evidence of a radiologist, that the child had suffered 2 rib fractures and not the 12 rib fractures and 2 metaphyseal fractures alleged by the local authority.
- **Re M (A Child) [2015] EWHC 2082:** Case concerning inconsistency in findings concerning sexual abuse of a child in proceedings in both England and Scotland.
- **Re T (Care Proceedings: Drug Testing) [2013] 2 FLR 467:** Case concerning the reliability of hair strand drug testing in care proceedings and the procedure to be adopted if test results are challenged.
- **Re E (Withdrawal of Care Proceedings) [2013] EWHC 2400:** Case concerning allegations of fabricated and induced illness where it was alleged that the parents were inducing illness in their child with special needs but there were case management failures by the local authority.
- **Re M (A Child) (Care Order: Findings Against Father) [2013] All ER (D) 54 (Oct), [2013] EWCA Civ 1819:** Appeal against the making of a care order following allegations of sexual abuse and findings that the response of the parents had caused the child significant harm.
- **A County Council v K and others [2011] 2 FLR 817:** Case concerning the legality of CAFCASS management interfering with the decision of a children's guardian in care proceedings.
- **Re L (Care Proceedings: Removal of Child) [2008] 1 FLR 575:** Case concerning the test to be applied by the court when making an interim care order.
- **Re B – L (Children) (Care Proceedings: Responsibility for Injury) [2004] All ER (D) 345 (May):** a case concerning a successful appeal to the Court of Appeal, against findings that the mother had perpetrated injuries to the child, due to the trial Judge breaching the mother's right to a fair trial by unfairly relying on evidence that the local authority had agreed was not relevant to the fact-finding hearing.

Children (Private Law)

Darren specialises in representing parents and children in cases involving proven or alleged parental alienation. He is extremely familiar with how such cases should be managed by the court, given the unusual features of these cases that require the court to think 'out of the box' to achieve the best result of the child.

Darren is instructed in international child abduction cases, high conflict residence cases, internal and international relocation cases and applications for parental orders.

Selected Cases

- **SAB (A Child) [2014] EWHC 385 (Fam):** Court made an order for the biological father of a child living with a same sex couple to spend time with the child against the wishes of the biological mother and her civil partner.
- **Re D [2014] EWHC 2376 (Fam):** High Court provided guidance as to how safeguarding checks should be undertaken in private law proceedings.
- **Re S (Parental Order) [2010] 1 FLR 1156:** Case involving the court making a parental order having approved payments made under a commercial surrogacy arrangement in a foreign jurisdiction.
- **Re G (Surrogacy: Foreign Domicile) [2008] 1 FLR 1047:** Case defining how surrogacy cases involving parents not resident in England should be managed.
- **Re M (Children) [2007] All ER (D) 46:** Successful appeal to the Court of Appeal against the limitation of a child's holiday with a non-resident parent.

International Family Law

Darren undertakes international child abduction and relocation cases. International family law issues arise regularly in the public law and private law cases in which Darren appears. Darren is very experienced in addressing the international elements of modern family law, particularly relocation issues.

Selected Cases

- **Re B (A Child) (1980 Hague Convention Proceedings) [2014] EWCA Civ 375:** Appeal against a decision by the High Court to return a child, who was the subject of care proceedings, to France.
- **Re E (Abduction: Intolerable Situation) [2009] 2 FLR 485:** Successful opposition to an order returning the children to their country of origin on the basis that child was settled and objected to return and a return would expose him to psychological harm or would otherwise place him in an intolerable situation.
- **Re T (Abduction: Rights of Custody) [2008] 2 FLR 1794:** Case concerning how the Court in the child's country of origin should, in Hague Convention abduction cases, be asked to determine in the court of Oregon if public funding would be available for the abducting parent in the country of origin.

Arbitration

Darren Howe is a very experienced family law KC who deals with some of the most complex cases that appear before the family courts. Darren has sat as a judge of the family court for in excess of 12 years, at all levels of court including the High Court.

Darren has a great deal of experience in deciding difficult children related disputes; experience that includes complex national and international relocation cases.

Darren has also been at the forefront of the modernisation program taking place in the family jurisdiction and has huge experience hearing children related disputes remotely via Microsoft Teams and Zoom. Darren is happy to arbitrate cases outside of usual office hours to assist in reaching the earliest possible solution for the families who instruct him to arbitrate.

Appointments

- Deputy High Court Judge (2016)
- Recorder (2012)

Awards

- FLBA 'Special Contribution Award'

Memberships

- FLBA

Publications

- Enough is Enough: A report on Child Protection and Mental Health Services for Children and Young People (The Centre for Social Justice [June 2014])
- Concurrent Planning: Achieving early permanence for babies and young children. BAAF July 2013
- Removal of Children at Interim Hearings [2009] Fam Law 321
- International Surrogacy – A Country Tale, Family Law January 2008
- Expert Evidence in cases of Alleged Non-Accidental Injury, Family Law October 2007