



James Dove

Call: 2006

James is a specialist children and Court of Protection practitioner. He is experienced at representing all types of party to family proceedings, including local authorities, parents, Guardians, children and other family members within public law proceedings. He is also highly experienced in private law and child abduction proceedings.

James has been involved in complex cases throughout his career either acting as counsel on his own, acting as leading junior counsel or being led. James regularly successfully acts for Appellants and Respondents in appeals at all levels. His most recent appeal cases have settled in his client's favour, without a hearing, on the basis of his written work.

James is sensitive to the stress and anxiety that all those concerned in family proceedings are likely to be feeling. He knows how important it is to put his clients at ease. He also knows the importance of providing robust advice to clients to ensure that they receive the best possible outcome in their circumstances. James has completed the Inns of Court College of Advocacy Vulnerable Witness Training.

James, acting for himself, won a claim against Iberia; establishing that Iberia and many major airlines' terms and conditions were unfair.

Public Law Children

James has experience of the most complex public law cases ranging from child death, murder by a parent of the other parent or another family member, complex non accidental injury cases to inter-generational sexual abuse and complex emotional harm cases, such as alleged parental alienation. James represents local authorities, parents, children and Health Trusts. He is very familiar with the inherent jurisdiction, including medical treatment cases (such as disputes over 'do not resuscitate' orders), and applications for DOLS orders, reporting restriction orders in high profile cases, and emergency injunctions to recover children or to prevent harm. James also acts in Female Genital Mutilation Prevention

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Order proceedings and Forced Marriage Protection Order proceedings.

Notable Public Law Children cases

- **Re A (2020) Court of Appeal**

A judge made a welfare decision that adoption was in a child's best interests, on the recommendation of the Guardian, when the local authority's care plan was for rehabilitation to the father. The Guardian conceded the appeal on the basis of the arguments put forward on behalf of the local authority in James' skeleton argument.

- **A City Council v M & Others [2020] EWFC 15, [2020] 4 WLR 47**

James represented a father in this complex emotional abuse case. Gwyneth Knowles J in her judgment sets out guidance of how local authorities should handle complex private law cases. In this case the mother's false belief that one of the fathers had physically and sexually harmed his daughter amounted to significant emotional harm.

- **Re B (2020)**

James represented a local authority in a fact-finding hearing against leading counsel for the father. The mother was concerned that the father may have sexually harmed their daughter in the context of mutual distrust between both parents following the end of their relationship. Findings of emotional harm were made against both parents and findings were made in respect of the father's conduct that had been denied by him.

- **Re C (2020)**

Question of whether threshold crossed in respect of an orphan so that a care order could be made. James extensively researched the court's options for somebody to have parental responsibility for the orphan who was in long term foster care. On the facts of the case it was possible for the court to find threshold and a care order was made, however, James came up with a novel alternative for granting the local authority parental responsibility for an orphan without crossing threshold through the use of Guardianship and the Human Rights Act. The arguments made in the case were transformed into an article in Family Law 'ORPHANS – Are some of them prejudiced by the Children Act 1989? Can this be remedied?'

- **Re P (2018)**

Represented a mother in a fact-finding facing an allegation of causing a skull fracture. The local authority's case was that only the mother could have harmed her child. The judge made a finding that the mother was a potential perpetrator, or the injury was caused by another unknown person. The child was returned to the mother at the conclusion of the proceedings

Private Law Children

James' public law children practice complements his private law practice. He can handle the most factually complex private law proceedings and those that have local authority involvement because of the perceived risks by the court and professionals involved. He is very familiar with cases involving alleged parental alienation and allegations of serious harm either physical, emotional or sexual being made by one parent against the other including harm to the parent or to the _____

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child. He undertakes all types of private law cases such as leave to remove a child from the jurisdiction, as well as residence and contact disputes.

Notable Private Law Children cases

- **A City Council v M & Others [2020] EWFC 15, [2020] 4 WLR 47**

This case was a private law case where the alleged emotional harm was so serious that the local authority's involvement was required.

- **Re K (2017)**

Parental alienation case. James' cross examination of the mother was commented on by Pauffley J in her judgment: 'If he will allow me to say so, Mr Dove explored the mother's insight extremely well by asking a series of very useful and pertinent questions.'

International Family Law

James has represented Applicant's and Respondent's in Hague Convention proceedings for the return of children. He has also represented children and local authorities within those proceedings. He fully understands the mechanisms available to secure the return to this country within the English courts as well as the limitations of the system. He can advise on strategy to secure the return of a child from another country. He also has experience of utilising European law (Brussels II) to secure the return of children. James can be available at short notice to secure inherent jurisdiction orders to prevent a child being abducted from this jurisdiction, including orders to locate children, have passports seized and port alerts made.

Notable International Family Law cases

- **Re H (2019)**

James settled a Hague Convention return case on the basis of undertakings to protect his client, in circumstances where the mother had no grounds to resist the Hague application made by the father.

- **Re C (2017)**

James secured the return of a child that had been abducted to Spain. James coordinated the English proceedings with the Spanish lawyer who had been privately instructed to secure the child's returning the Spanish courts.

Court of Protection

James first gained experience of mental health law and the Court of Protection when he was seconded to a local authority's legal department in 2008. He has experience of a range of welfare situations from capacity to consent to sexual intercourse to family disputes in respect of which care home a relative should be placed in.

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Notable Court of Protection cases

- **Re B (2019)**
Acting for a local authority in respect of a dispute between family members over which care home a relative should be placed in.
- **R (M) v Hammersmith & Fulham LBC & Sutton LBC [2010] EWHC 562 (Admin)**
Administrative court case in respect of which local authority had responsibilities for a person who had been sectioned under the Mental Health Act 1983.

Direct Access

James is qualified to accept instructions directly from members of the public under the Direct Access Scheme in appropriate circumstances.

Publications

- ORPHANS – Are some of them prejudiced by the Children Act 1989? Can this be remedied? July [2020] Fam Law
- Circuit judges, permission to appeal and judicial review: quis custodiet ipsos custodes? July [2015] Fam Law 819

Memberships

- Association of Lawyers for Children
- Family Law Bar Association
- Lincoln's Inn

Education

- BVC, Inns of Court School of Law, City University
- LLB, University of Durham

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