



Simon Miller

Call: 1996

Simon is a children law specialist, having practised exclusively in children matters for more than 20 years since pupillage. He represents local authorities, parents and children's guardians at all levels of court up to and including the Court of Appeal on a wide range of matters including cases of neglect, serious injury or death, sexual abuse and factitious illness.

In private law matters, Simon typically handles cases involving disputes over contact, alienation and domestic violence. He has also represented clients on matters of this kind where there is an international dimension to the case.

Simon has also been involved in matters in respect of international adoptions, Court of Protection and mental health review tribunals. Other unique cases of interest have involved sperm donation, Jehovah Witnesses, human rights, and applications under the inherent jurisdiction.

Public Law Children

Simon has specialised in children law for more than 20 years. He appears regularly for a number of local authorities, as well as parents and children's guardians in cases have relating to complex medical issues including bruising, fractures (vitamin D), head injuries, sexual abuse, factitious illness, and the death of children.

In addition, he has also provided representation on cases involving domestic violence, chronic neglect, drugs and/or alcohol abuse, learning disabilities and mental health issues.

Simon has also undertaken pro bono cases.

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Notable Public Law Children cases

- **S v Birmingham City Council & Ors [2024] EWFC 244 (B)**

Application by Mother to reopen findings in care proceedings that were concluded in 2023, on the grounds that she was unable to attend court, due to the absence of an intermediary.

- **Re D-S (A Child: Adoption or Fostering) [2024] EWCA Civ 948**

Appeal by local authority against refusal to make order allowing an 11-month-old child to be placed for adoption.

- **Re D (Children: Interim Care Order: Hair Strand Testing) [2024] EWCA Civ 498**

Appeal by mother from decision, largely based on hair strand testing, to remove children in interim care from the care of their maternal grandmother.

- **Re Z (Infant Fatality) [2024] EWHC 618 (Fam)**

Fact-finding hearing in care proceedings issued following death of sibling.

- **Re A (Foreign Adoption) [2023] EWFC 221**

Couple's adoption allowed to proceed in spite of the death of a spouse.

- **A & B & Bristol City Council [2023] EWHC 3041 (fam)**

An interesting child abduction case that raises two important legal principles and the imposition on local authorities to provide accommodation under S5 Child Abduction and Custody Act 1985.

The mother abducted the child from Ireland to this jurisdiction.

The child had profound disabilities, which were, prior to the abduction, being met by a specialist school in Ireland. Soon after arrival, the child was made subject to police protection. The child was initially placed in a specialist children's home, and after the father had been called by the social worker, he came to this jurisdiction, and the child placed in his care in a hotel.

There are two important legal principles which the court addressed.

The first issue was whether the court should release the father from undertakings he gave to the court not to return to Ireland with the child. The court decided it could – see paragraphs 37 – 64 for the legal analysis.

The second issue was whether the court could make an interim return order under S5 CACA 1985 to allow the father to return to Ireland with his child. The court decided it could make such an interim return order – see paragraphs 65 – 74 for the legal analysis.

An important issue for the local authority was the funding of accommodation until the final hearing in February 2023 under S5 CACA 1985, which would fall heavily on the local authority purse strings. A recent Supreme Court case reported at [2023] UKSC 45 (28th November 2023), considered analogous issues of limited housing stock and severe budgetary constraints which may well be of importance in any further applications within the remit of this case.

- **S and T (care - final hearing – s91(14)), Re [2023] EWFC 194 (29 September 2023)**

Final hearing of care proceedings concerning two children. Older child to live at placement pursuant to care order and younger child placed with father.

- **S and T (care - fact finding - FII - emotional abuse) [2023] EWFC 195 (24 March 2023)**
Fact-finding in care proceedings. Found that children had suffered emotional harm and neglect whilst in the care of their mother.
- **Manchester City Council v Maryan Yusef & Ors [2023] EWHC 2792 (Fam)**
Further application by local authority for committal of father for contempt for breach of orders relating to the return of his children, believed to be in Somalia. The father was found in breach of the court orders and was sentenced to one year in prison.
- **J & Ors, Re (Children: Interim Removal) [2023] EWCA Civ 1266**
Appeal by father against interim care orders made in respect of three children.
- **Fahad Abdi v Manchester City Council & Ors [2023] EWCA Civ 1214**
Appeal by father against 12 month committal for breaches of orders relating to the return of children to this jurisdiction. Appeal dismissed.
- **EBY (A Child) (Deprivation of Liberty Order: Jurisdiction) (17-year-old) [2023] EWHC 2494 (Fam)**
Application by LA for an order under inherent jurisdiction authorising the LA to deprive a 17-year-old child of her liberty.
- **A County Council v M [2021] EWFC 35**
Order of Judd J authorising a local authority to proceed with an adoption favoured by the parents without first assessing the paternal grandmother as a potential carer.
- **Re M (Deprivation of Liberty in Scotland) [2019] EWHC 1510 (Fam)**
An important case which examined the approach to be taken when an English child is accommodated under an interim care order in a placement in Scotland that has not been approved by the Scottish Ministers for the provision of secure accommodation and is subject to deprivation of liberty orders.
- **Re S [2013] EWHC 15; [2013] All ER (D) 187**
Fact-finding. Acting for the children. Mother and Father represented by QCs. Maternal grandparents representing themselves.
- **A Local Authority v W & B March [2011] High Court Family Division**
Three-week fact-finding hearing into serious head and brain injuries to a six-month-old baby at the hands of the mother and/or father.

Private Law Children

Simon has significant experience of cases featuring parental hostility to contact and alienation, domestic violence and cases with an international element.

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Notable Private Law Children cases

- **AB v CD [2023] EWHC 1670 (Fam)**

Application by father for summary return of child to Portugal. Mother's Art 13(b) and child objection defences rejected and return ordered.

- **Re V and W (Hague Return Order, Lithuania) [2022] EWHC 739 (Fam)**

Abduction case in which the court was persuaded to refuse to return 2 children under Art. 13(b) and considered the correct approach in such a case where there have been findings in welfare proceedings, including a change of residence to the applicant father, in the requesting state.

Court of Protection and Medical Treatment

Notable Court of Protection and Medical Treatment cases

- **Cambridge University Hospitals NHS Foundation Trust v AH [2021] EWCOP 64**

Application by Trust seeking a declaration that it is no longer in AH's best interests to receive ventilatory support and treatment. A previous judgment in this case had been set aside by the Court of Appeal for procedural reasons.

Publications

- Parental Opposition to Adoption: The Two-Stage Test (with Piers Pressdee QC) (Family Law, November 2007)

Memberships

- Family Law Bar Association
- Association of Lawyers for Children
- British Association for the Study and Prevention of Child Abuse and Neglect
- British Association for Adoption and Fostering

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