



## Profile

Jo Delahunty of Garden Court Chambers is *"young, dynamic and making waves in every case she gets involved in."*

### Chambers and Partners Directory 2010

Jo was identified by '**Chambers and Partners Directory**' in **2009** as being within the top 15 London Family Silks, noted for her *'relaxed, straightforward and no-nonsense'* attitude to her work ..often seen acting in complex care proceedings. Previous editions described her as *'an exceptionally well prepared lawyer who is ready on paper to destroy your case'* and who *'fights hard'*, yet always maintains her focus on the child' as well as *'being a challenging opponent and admired very much for it'* Jo has also been highlighted as a Leading London silk in the **legal 500 2009** edition with her profile and reputation warranting inclusion in the **2009** edition of **The Legal Experts Directory** as a leading family silk Her *'eloquence'* was singled out for mention by Lady Baroness Hale in the recent case of **Re B (Standard of Proof)** in the House of Lords. Jo has consolidated her position in the **2010 legal 500** and is confirmed as a top ranked Childrens law london silk noted for appearing in complex cases involving the death of ,or catastrophic injuries to, a child.

Jo has carved out a reputation for enhanced client care, tactical and legal insight and tenacity deployed in the written and oral presentation of her clients case.

Jo has particular expertise in legally significant and factually complex care proceedings with specific interest in cases involving

- The death of / catastrophic injuries to a child
- Sex abuse/ incest and paedophilia (including internet and commercial exploitation)
- Ritualized abuse/ cultural practices,
- acting for children who are both the victims of abuse and alleged abusers
- Teenage mothers
- Parents with learning disabilities
- Child protection cases involving concurrent criminal prosecution for attempted murder/child cruelty and neglect/ sex offences/ terrorism.
- Complex private law proceedings and Adoption and Placement cases area natural corollary to her practice.
- Acting for children who are suspected victims of trafficking when issues of Brussels II Revised and Local Authority duties under Article 20 / Hague arise

Jo has extensive experience acting for all protagonist in complex care cases and but is particularly highly regarded for her representation of children in situations where they are separately represented from their Guardians, e.g. acting for a child who is both subject victim and respondent abuser in sex abuse cases (and where the child potentially faces criminal prosecution) or acting for teenage mothers when they are both a subject child and teenage parent respondent.

Jo has a particular interest in post care services to children particularly where physical injuries/ emotional harm they have sustained require care plans that look to ' pathway plans ' and support and services as a vulnerable adult/ post 18 care.

## Recent cases include

**HOUSE OF LORDS CASE - CARE PROCEEDINGS - STANDARD OF PROOF -**

### Year of Call

1986

### Email Address

jod@gclaw.co.uk

### Telephone

020 7993 7723

### Queen's Counsel

2006

### Education

MA (Oxon) Jurisprudence

### Practice Areas:

Jo Delahunty QC is a member of the following Practice Areas:  
- Family

### Garden Court Chambers

57 - 60 Lincoln's Inn Fields  
London WC2A 3LJ  
Tel 020 7993 7600  
Fax 020 7993 7700



## **Re B (Standard of Proof) 2008 FLR 2 FLR 141 (HL)**

CARE PROCEEDINGS - STANDARD OF PROOF - REVIEW OF RE H (Minors) (Sexual Abuse: Standard of Proof)1996] AC 563; Instructed by CAFCASS to intervene on behalf of the organization to argue against the appellants proposed 'real possibility' test; to support the retention of the civil standard of proof and to reject any presumption that the 'cogency principle' required a higher standard of proof than the balance of probabilities in serious cases. CAFCASS were successful on all points. The House of Lords unanimously agreed with their submissions and adopted their wording in full as a suggested pro-forma draft letter of instruction to experts in cases where findings sought have not been made. The case is now the leading case on the standard of proof in Care proceedings.

[Click here to read more](#)

**Re S [2009] 2 FLR 550** Most recently reported in December 2008 in **Re ES (2008) EWHC 3013 (Fam) Charles J ( FLR ( forthcoming)** in which guidance was given to local authorities when applying their duties under Article 20 as a receiving state of a child victim of trafficking between EU states where Brussels II Revised applies.

**A Local Authority v J ( 2008) 2 FLR 1389 ( 2008) EWCA 1484 : Hogg J :** re adoption/ Care/ post adoption contact : re competing welfare needs of half siblings: the case considered consequences arising from the mothers failure of emotional care towards her children and her inability to co operate with the local authority .The case is noteworthy for the sensitively and pragmatism with which the judge dealt with the mothers inadequacies and the impact upon her and her older children (who were to remain within the paternal family unit) of a care plan for adoption of the youngest child and the severance of (half )sibling contact that this required.

**A LA v K ( 2008) EWHC 2051 ( family)** Hedley J; acting for the father, the latest in a line of cases dealing with the assessment of parents in care proceedings. FLR report awaited.

Jo was reported in **'Haringey LBC v S (2007) 1 FLR 387**, Acting for 4 of 5 subject children with concurrent criminal proceedings for child cruelty and neglect following the reception into care of a child suspected to be under threat of assault and wilful neglect in respect to ritual abuse. The case attracted some notoriety in the nationwide press as a result of the abuse inflicted upon the child under the guise of punishment/ banishment of evil spirits 'kndoki'. Related immigration issues/ Human Rights/ Child's Right to Family Life - adults with whom child placed to be deported to Angola, child had leave to remain in UK, child at risk of further accusations of witchcraft if returned to Angola with adults, comment on potential clash between Home Office decision to refuse leave to remain to adult carers with court view of child's welfare and risk of harm by deportation or separation from family members

**Re F (2007)** Acting directly on instructions of a 15 year old boy who was a sexual victim of extreme maternal and familial gang rape and buggery. As a result of his experiences he became a sexual abuser himself including violation of his youngest siblings ( aged 2 years up ) and had engaged in extreme acts of self genital mutilation being described as a 'seriously disturbed young man' The trial involved the exploration of a parenting history spanning 26 years including multi generational incest and inter sibling sex abuse (oldest perpetrator 72 (grandmother), youngest child (18 months old)) including repeated acts of violent sexual exploitation, buggery and gang rape and the most severe and extensive that the psychiatric experts had assessed in their combined experience.



**Re N (7.9.2007 Charles J) High Court;** acting for a father in care proceedings concurrently on trial at the Old Bailey for terrorist offences allegedly involving himself and his then 6 month old son and wife. Client acquitted of the most serious charges in the criminal courts ( as was mother) the care court then having to consider if it should trespass upon a criminal province ; effectively by retrying a police/ customs terrorism case based on alleged possession of plans/ instructions for bomb making equipment, death/ be heading videos and extreme religious tracts which the local authority argued established a risk of harm to the child based on the fathers alleged extreme political views. Outcome: Secured withdrawal of the proceedings, child returned to mother, no bar on parents reuniting upon the fathers release from prison on lesser charges

Jo was also reported in **Re X: London Borough Council v Y and X (2006) 2 FLR 998** Munby J, under a care plan versus court clash.

## Skills

Jo has an established practice in childcare matters and by those who instruct her, her strengths are considered to be:

- a compassionate yet realistic approach to the difficulties inherent in cases involving a child's welfare and needs
- effective communication of the issues involved to the clients, both lay and professional
- pro-active client-care
- good negotiation skills
- assured presentation of the case in court by advocacy and written presentation
- underpinned by thorough preparation of the case and the law to be applied within it
- directed towards a clear analysis of the strengths and weaknesses of the brief.

## Publications and teaching

Over the course of her practice, Jo has written articles on child protection issues and lectured in training courses for barristers and solicitors in family law matters, principally care proceedings and the impact upon them of the Human Rights Act. Jo has delivered seminars on a range of subjects including 'The representation of children in public law proceedings, including Rule 9.5 appointments' and 'The issues that arise for children when care and criminal proceedings coincide.'

Most recently Jo delivered the keynote speeches on public law for Jordan's in their annual 'Children Law Update' and was described as a '*very powerful speaker*' therein. She was also invited to lecture CAF/CASS Head Office London ( lawyers and officers) on developments in fact finding hearings and the duties of the parties within them

## Societies

Family Law Bar Association, Association of Lawyers for Children, British Association of Adoption and Fostering, Association of Women Barristers, Child RIGHT , Amnesty



Barrister profile

# Jo Delahunty QC



## Personal

In her 40's, married to her partner of 29 years, a commuter from deepest Kent, and an expert in time management given the task of combining a career at the Bar with three young children and two dogs - with the frown and laughter lines to prove it!

(Last Updated: October 2009)