



# Katherine Duncan

YEAR OF CALL: 2014



Katherine is a barrister specialising in family law relating to children. She has a busy practice in private and public law and international family law. Katherine is also the Chair of the Young Barristers' Committee.

If you would like to get in touch with Katherine please contact the clerking team:

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You can also contact Katherine directly:

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## FAMILY LAW

Katherine practises in public law representing Local Authorities, parents and Guardians, grandparents and other kinship carers. She regularly represents parents with learning difficulties.

She represents clients in private law children applications including Child Arrangements Orders, Prohibited Steps order and Specific Issue order applications including leave to remove from the jurisdiction, parental responsibility orders and change of surname.

## **FAMILY LAW: CHILDREN'S LAW**

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Katherine acts in public law proceedings. She represents clients in cases where there have been allegations of non-accidental injury, factitious or induced illness, domestic violence, neglect, sexual abuse, and alcohol and drug abuse. She regularly works with clients with learning difficulties, mental health difficulties and substance misuse issues, and works hard to make sure they are able to fully engage in the proceedings. Katherine is regularly instructed to appear in Deprivation of Liberty cases.

Katherine appears in complex child arrangement proceedings, particularly where there have been allegations of domestic violence and often where a Guardian has been appointed for the children. She is regularly instructed to represent clients in same-sex relationships.

In international proceedings, Katherine represents clients in cases concerning child abduction, child relocation, temporary removal and access rights under the Hague Convention 1996.

### **NOTABLE CASES**

#### **Re W**

Represented Local Authority in applications for care orders, FMPO and FGMPO. Issues included applying for the return of the children from a non-Hague Convention country.

#### **Re S**

Represented Local Authority in care proceedings following findings made of non-accidental injury against a baby.

#### **Re D**

Represented a mother in care proceedings. After successful cross-examination of the social worker, the social worker conceded that the children should not have been removed at the beginning of the proceedings and should be returned to the parents as the allegations of non-accidental injury had very likely been fabricated by one of the children. Children returned the next day with a Family Assistance Order.

#### **Re H**

Represented a mother with severe cognitive difficulties in care proceedings. Ensured she was able to engage with the proceedings as much as possible.

#### **Re N**

Represented mother in private law matter with a Guardian appointed for the children. The mother made allegations of domestic abuse and physical abuse of the children which were proven at a fact-finding hearing. Specific Issue Order application considered for temporary leave to remove.

### **Re A**

Represented father at fact-finding hearing in private law dispute where allegations made against the father of serious domestic abuse including abandonment and threats to kill. Welfare issues include exposure to domestic abuse, parental alienation and sibling collusion.

### ***M v F & SM (Human Fertilisation and Embryology Act 2008) [2017] EWHC 2176 (Fam)***

Katherine Duncan, instructed by Mills and Reeve, acted for the second respondent in the application for a parental order in relation to a child born as a result of a gestational surrogacy arrangement between the applicant and her former partner, where the child was born to a surrogate mother. Wardship continues until the law changes to permit applications for parental orders by a single applicant.

## **TRAINING AND SEMINARS**

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Katherine takes a keen interest in forced marriage and FGM cases and provides seminars on these subjects.

Katherine recently spoke at the Family Law team's seminar on relocation, temporary leave to remove from the jurisdiction and Brexit.

She has also recently provided advocacy training to trainee solicitors.

## **AWARDS**

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International Legal and Professional Development Grant

Ede and Ravenscroft Prize 2014

Major Scholarship from Inner Temple for BPTC 2013

Major Scholarship from Inner Temple for GDL 2012

Merit Scholarship from University of Aberdeen 2008-2012

## EDUCATION

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- Kaplan Law School, BPTC (Very Competent)
- University of Law, GDL (Commendation)
- University of Aberdeen (First Class Honours)

## PROFESSIONAL MEMBERSHIP

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- Family Law Bar Association
- Resolution
- South Eastern Circuit
- Young Barrister Committee Chair (2020)
- Member of the Bar Council

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