

# 1GC | Family Law

## Julien Foster, MCI Arb

Year of Call: 1995



## Practice Overview

Julien practises across three main areas: public law, private law children cases and Court of Protection cases. His areas of expertise and specialisation include care proceedings, cases with an international dimension and judicial review, particularly involving Local Authorities' duties towards children and vulnerable adults. His practice encompasses civil law disputes with a family dimension, including negligence actions against Local Authorities.

Julien has a particular interest in publicity and reporting in the context of family proceedings. He has acted for the father of the child known as "Baby P" in a number of different cases including civil proceedings brought, unusually, on an anonymised basis, and in proceedings in the Family Division when reporting restrictions were imposed.

## Children (Public Law)

Julien has extensive experience of care proceedings (acting for Local Authorities, parents, members of the extended family and children) and has appeared in many factually sensitive and factually complex disputes. He has recently appeared in cases involving allegations of deliberately inflicted injuries, fabricated and induced illness, poisoning of a child, radicalisation and inter-generational sexual abuse.

### Notable cases include:

*O and Y (Children: Care Order)* [2019] EWFC B22

*Re J (A Child) (Fact-Finding Hearing in Care Proceedings)* [2019] EWFC 73

*Re T (A Child)* [2018] EWCA Civ 650, [2018] 4 WLR 121

*Wandsworth London Borough Council v M* [2017] EWHC 2435 (Fam), [2017] 4 WLR 180

*London Borough of Tower Hamlets v M and Others* [2015] EWHC 869 (Fam), [2015] 2 FLR 1431

*M (Children)* [2014] EWCA Civ 1753

*K (A Child)* [2012] EWCA Civ 925

*KM v Lambeth LBC* [2011] EWCA Civ 1125, [2012] 1 FLR 1278

*Bracknell Forest Borough v N and Others; Re N and N (Children)* [2006] EWCA Civ 1562, November 6, 2006 *The Times*, Court of Appeal.

## Children (Private Law)

Julien is frequently instructed by parents in private law children cases. He also regularly acts for children when a children's Guardian is appointed to represent their interests. Recent disputes in which Julien has been involved include residence, contact, schooling and medical treatment. Julien also practises in cases of international child abduction and where children are made wards of court. Julien is often asked to act in cases when serious allegations of physical or emotional abuse are in issue.

### Notable cases include:

*C (A Child) (No 2)* [2014] EWFC 44

*Q v Q; Re B; Re C (Private Law: Public Funding)* [2014] EWFC 31, [2014] Fam Law 1398, [2014] WLR(D) 372, [2015] 1 FLR 324, [2015] 1 WLR 2040, [2015] 2 FCR 521, [2015] 3 All ER 759

*W (Children)* [2003] EWCA Civ 116, [2003] All ER (D) 183 (Jan)

*W (A child) (Sexual Abuse)* [2002] All ER (D) 34 (Jan)

## Judicial Review & Administrative Law

Julien has a particular interest in administrative law and judicial review applications arising from family disputes and Local Authorities' duties towards children and families. He acts for public bodies and private individuals in the Administrative Court, the Coroner's Court and tribunals.

### Notable cases include:

*R (On the Application Of FD) v X Metropolitan Borough Council* [2019] EWHC 3481 (Admin)

Application for judicial review in relation to the duties of a local authority in private law proceedings under the Children Act 1989 and its duties under Article 3 of the European Convention on Human Rights.

Application for judicial review of a local authority's decision to deregister two foster carers.

Application for judicial review of a local authority's decision to place a young offender in accommodation against his wishes.

Application for judicial review of a local authority's decision not to fund and/or facilitate adaptations to the family home.

Commissioner's Case No: CDLA/4295/2000 [2001] UKSSCSC CDLA\_4295\_2000 (01 January 2001) (appeal to the Social Security Commissioner).

## International Family Law

Julien regularly acts for parents involved in Hague Convention applications, representing applicants and respondents in the High Court. He also has a particular interest in care proceedings with an international dimension (e.g. cases where habitual residence is uncertain, placement of children abroad and cases where other counties have issued the equivalent of care proceedings).

**Notable cases include:**

*DCE v JA (A Minor: Abduction: Jurisdiction)* [2000] All ER (D) 2124

## **Domestic Violence & Injunctions**

Julien frequently represents clients in applications for injunctions in the High Court and the Family Court.

## **Court of Protection**

Julien frequently represents local authorities, persons subject to an application under the Mental Capacity Act 2005 and members of their extended family.

**Notable cases include:**

*DY, Re* [2021] EWCOP 28 (10 May 2021)

*Wandsworth London Borough Council v M* [2017] EWHC 2435 (Fam), [2017] 4 WLR 180

## **ENE / Private FDR**

Julien is willing to undertake an Early Neutral Evaluation of a case (usually, but not limited to, proposed private law proceedings under the Children Act 1989) with the objective of providing the parties with a realistic idea of the merits of the case.

## **Arbitration**

Julien is an arbitrator, qualified to take on children work.

## **Damages Claims**

Julien's practice encompasses civil law disputes with a family dimension, including negligence actions against Local Authorities and claims under the Human Rights Act 1998.

**Notable civil cases include:**

*KC v MGN Ltd* [2013] EWCA Civ 3, [2013] 2 Costs LR 269, [2013] All ER (D) 140 (Jan)

*Cairns v Modi* [2012] EWCA Civ 1382, [2012] WLR(D) 302, [2013] 1 WLR 1015, [2013] EMLR 8, [2012] All ER (D) 01 (Nov)

*KC v MGN Ltd* [2012] EWHC 483 (QB), [2012] All ER (D) 28 (Mar)

## **Notable Cases**

### **Notable Children (Public) cases include:**

*O and Y (Children: Care Order)* [2019] EWFC B22

*Re J (A Child) (Fact-Finding Hearing in Care Proceedings)* [2019] EWFC 73

*Re T (A Child)* [2018] EWCA Civ 650, [2018] 4 WLR 121

*Wandsworth London Borough Council v M* [2017] EWHC 2435 (Fam), [2017] 4 WLR 180

*London Borough of Tower Hamlets v M and Others* [2015] EWHC 869 (Fam), [2015] 2 FLR 1431

*M (Children)* [2014] EWCA Civ 1753

*K (A Child)* [2012] EWCA Civ 925

*KM v Lambeth LBC* [2011] EWCA Civ 1125, [2012] 1 FLR 1278

*Bracknell Forest Borough v N and Others; Re N and N (Children)* [2006] EWCA Civ 1562, November 6, 2006 *The Times*, Court of Appeal.

### **Notable Children (Private) cases include:**

*C (A Child) (No 2)* [2014] EWFC 44

*Q v Q; Re B; Re C (Private Law: Public Funding)* [2014] EWFC 31, [2014] Fam Law 1398, [2014] WLR(D) 372, [2015] 1 FLR 324, [2015] 1 WLR 2040, [2015] 2 FCR 521, [2015] 3 All ER 759

*W (Children)* [2003] EWCA Civ 116, [2003] All ER (D) 183 (Jan)

*W (A child) (Sexual Abuse)* [2002] All ER (D) 34 (Jan)

### **Notable Judicial Reviews include:**

*R (On the Application Of FD) v X Metropolitan Borough Council* [2019] EWHC 3481 (Admin)

### **Notable International cases include:**

*DCE v JA (A Minor: Abduction: Jurisdiction)* [2000] All ER (D) 2124

### **Notable Court of Protection cases include:**

*DY, Re* [2021] EWCOP 28 (10 May 2021)

*Wandsworth London Borough Council v M* [2017] EWHC 2435 (Fam), [2017] 4 WLR 180

### **Notable civil cases include:**

*KC v MGN Ltd* [2013] EWCA Civ 3, [2013] 2 Costs LR 269, [2013] All ER (D) 140 (Jan)

*Cairns v Modi* [2012] EWCA Civ 1382, [2012] WLR(D) 302, [2013] 1 WLR 1015, [2013] EMLR 8, [2012] All ER (D) 01 (Nov)

*KC v MGN Ltd* [2012] EWHC 483 (QB), [2012] All ER (D) 28 (Mar)

## **Education**

BA (Hons) (University of York)

Graduate Diploma (Law) (University of Westminster)

Diplock Scholarship, Middle Temple

## **Appointments**

Recorder (Family Law), South Eastern Circuit (2019)

MCI Arb

## **Memberships & Associations**

[Family Law Bar Association](#)

[Administrative Law Bar Association](#)

[South Eastern Circuit](#)

[Association of Lawyers for Children](#)

[Court of Protection Bar Association](#)

Seminars and Lectures

Julien delivers seminars and lectures on legal developments and recent case law in the fields of children law and mental incapacity law. Recent topics on which he has spoken include: developments in public and private law; the international dimension of care cases; reporting restrictions; advocacy in the Family Court; giving evidence in court; the law relating to harassment; child protection in practice; and sex, marriage and interference with Article 8 of the European Convention on Human Rights.

He gave three webinars as part of the 1GC Family Law Webinar series. The first focused on "The Crossover Between Public and Private Law in Lockdown" the second covered "Love in the Time of Covid-19: Sex and Marriage Cases in the Court of Protection" and the third was a "How-To Guide" to Early Neutral Evaluation (June 2020).

## Publications

### Julien's publications include:

Co-author, *DIY Divorce & Separation: The Expert Guide to Representing Yourself* (Jordan Publishing: 2014)

*Order in court: Julien Foster examines good practice, bad practice and the pitfalls when it comes to local authorities and public law children proceedings* *Local Government Lawyer Insight*, December 2018 and *Public Law Today*, December 19, 2018

"If social workers feel uneasy in court, that should be reassuring" *Community Care*, July 13, 2017

"Applications for leave to oppose adoption orders - best practice" *LexisNexisLibrary*, 27 May 2015

"Testing the waters of judicial intervention" *LexisNexisLibrary*, 5 June 2014

"Not a bundle of fun: the President's Direction on Court Bundles" *Family Law*, Nov 2006

"Treading with care: foot care, litigation and the expert witness" *Practical Diabetes International*, Jan/Feb 2004

"Drafting enforceable contact orders" *The Leeds & Yorkshire Lawyer*, Feb 2003

## Additional Information

Julien teaches advocacy for Middle Temple and is a pupil supervisor. He has appeared on Radio 5 Live's "Late Night Live" programme (discussion of barristers' fees) and on Radio 1's "The Sunday Surgery" (discussion of the impact of divorce on children).

## Language

Conversational French. Limited Italian, Spanish and German.

## Personal

Julien enjoys eating out, cooking, walking, reading and writing. He is the co-author of "Repton Spectacular", a computer game published by Superior Interactive.