

1GC | Family Law

Melissa Elsworth

Year of Call: 2015



Practice Overview

Melissa specialises in all aspects of family law relating to children, including both private and public law proceedings.

Within the private law sphere, she has extensive experience of complex cases, including those involving serious allegations of abuse, intractable opposition to contact, high conflict, as well as leave to remove applications. Melissa is instructed to represent parents as well as children.

In addition to this, Melissa has significant experience of the law surrounding surrogacy, fertility treatment and LGBT families, in particular, applications for Parental Orders, Declarations of Parentage, and private law disputes arising out of surrogacy arrangements. Melissa has appeared in numerous reported cases within this area (both within the High Court and the Court of Appeal), is regularly led by prominent silks, and has provided many seminars/talks within this field. Melissa is recognised as having wide-ranging experience and knowledge of this area, which is beyond her year of call. Indeed, Mrs Justice Theis referred to Melissa within the judgment of *Y v Z* [2022] EWFC 157 (Fam) as being a 'specialist in this area'.

Within the public law sphere, Melissa is instructed in a wide range of cases, acting for the Local Authority, parents or the Guardian, including cases involving vulnerable parents, allegations of non-accidental injury and child death, international issues, deprivation of liberty, and radicalisation.

Children (Private Law)

Melissa regularly represents clients who are involved in private children proceedings and is instructed for all types of hearing, including FHDRAs, DRAs, directions hearings, fact-finding hearings and final hearings. Melissa has particular experience of representing parties in cases involving serious and complex allegations of domestic abuse, substance abuse and mental health issues as well as in cases involving alienating behaviours and implacable hostility.

Notable cases include:

Re P (Teenager: Transfer of Residence: No 1)

Re P (Teenager: Transfer of Residence: No 2)

H-N And Others (Children) (Domestic Abuse: Finding of Fact Hearings) [2021] EWCA Civ 448 (30 March 2021)

Surrogacy, Adoption & Fertility Law

Melissa has developed a specialism in the area of modern families and surrogacy and she has particular experience of applications for parental orders and private law disputes arising out of surrogacy arrangements. She has previously worked alongside surrogacy/assisted reproduction attorneys and surrogacy agencies in the US and has worked for a leading UK firm which specialises in this niche area (during which time she worked on a number of leading cases). Melissa has also authored articles on surrogacy law and she has both contributed to and organised seminars/training sessions on assisted reproduction, same-sex families and surrogacy.

Notable cases include:

Z (Surrogacy: Step-parent Adoption), Re [2024] EWFC 20

Re C (Surrogacy: Consent) [2023] EWCA Civ 16

Re X (Catastrophic Injury: Collection and Storage of Sperm) [2022] EWCOP 48

Re N (Surrogacy: Enduring Family Relationship: Child's Home) [2019] EWFC 21

Children (Public Law)

Melissa has experience of care and other public children proceedings. She has represented the local authority, parents, children and prospective special guardians, including where allegations of neglect, abuse, non-accidental injury, mental health issues and drug/alcohol abuse have been made.

Notable cases include:

T-D (Children: Specific Issue Order), Re [2024] EWCA Civ 793

London Borough of Barking & Dagenham v RM & Ors [2023] EWHC 1879

London Borough of Barking & Dagenham v RM & Ors [2023] EWHC 777

Re S (Inherent Jurisdiction: Transgender Surgery Abroad) [2023] EWHC 347

International Family Law

Melissa has significant experience of international family law, particularly international child abduction and international surrogacy.

Family Finance & Property

Melissa has particular expertise in the area of family finance and property, having completed her

pupillage at QEB. She has extensive experience of a range of financial remedy hearings, including FDAs, FDRs, preliminary issue hearings and final hearings, as well as different types of proceedings, such as financial remedies, Schedule 1 and Part III of the Matrimonial and Family Proceedings Act 1984. Melissa also accepts instructions to draft related documents and opinions in this area.

Domestic Violence & Injunctions

Melissa regularly represents clients who are involved in Family Law Act 1996 proceedings, including proceedings involving allegations of serious domestic abuse. She has extensive experience of applications for non-molestation orders and occupation orders and of the different types of hearing, including without notice hearings, return dates, directions hearings and final hearings.

Notable Cases

T-D (Children: Specific Issue Order), Re [2024] EWCA Civ 793

Z (Surrogacy: Step-parent Adoption), Re [2024] EWFC 20

London Borough of Barking & Dagenham v RM & Ors [2023] EWHC 1879

London Borough of Barking & Dagenham v RM & Ors [2023] EWHC 777

Re S (Inherent Jurisdiction: Transgender Surgery Abroad) [2023] EWHC 347

Re C (Surrogacy: Consent) [2023] EWCA Civ 16

Re X (Catastrophic Injury: Collection and Storage of Sperm) [2022] EWCOP 48

Y v Z [2022] EWFC 157 (Fam)

H-N And Others (Children) (Domestic Abuse: Finding of Fact Hearings) [2021] EWCA Civ 448 (30 March 2021)

Re N (Surrogacy: Enduring Family Relationship: Child's Home) [2019] EWFC 21

What the directories say

"Melissa is a very well-prepared advocate, who will always go above and beyond to get a good result. Clients love her, and rightly so." Up and Coming - Chambers & Partners, 2025

"Melissa is a calming barrister whose clear and concise approach to advocacy is impressive to watch. She gets to the root of an issue quickly." Up and Coming - Chambers & Partners, 2025

"Melissa has it all. She has the law at her fingertips and adopts a practical and human approach to her cases." Up and Coming - Chambers & Partners, 2025

"Melissa goes the extra mile to understand the client and their objectives. Her advocacy is assured and assertive, and she provides pragmatic and client-friendly solutions."

Tier 5 - Legal 500, 2025

"Calm, patient and a very strong advocate, Melissa is a true rising star. She is a solicitors dream when it comes to responsiveness and no question is ever too small - Melissa is always happy to help and is a reassuring voice in times of need." **Up and Coming - Chambers & Partners, 2024**

"Her level of preparation and position statements are exceptional. Not only that, she is also friendly and approachable - clients love her." **Up and Coming - Chambers & Partners, 2024**

"Her ability to speak in layman's terms to the clients and then offer complex legal argument to the court is second to none." **Up and Coming - Chambers & Partners, 2024**

"Melissa is excellent with the details of any complex private law children case. She also has a kind bedside manner, is willing to listen and is very supportive of vulnerable clients." **Legal 500, 2024**

"Melissa is extremely well prepared, hard working and goes above and beyond in terms of client care and case preparation." **Tier 1 - Legal 500, 2023**

Education

LLB, First Class (including a year abroad in Munich), University College London (2014)

BPTC, Outstanding, University of the West of England (2015)

ADR Group Accredited Civil and Commercial Mediator (2015)

Awards

Prize for Best Overall Grade on the BPTC (2015) (UWE)

Certificate of Honour (2015) (Middle Temple)

Queen Mother BPTC Scholarship (2014) (Middle Temple)

Blackstone Entrance Exhibition (2014) (Middle Temple)

Leonard Sainer BPTC Scholarship (2014) (Leonard Sainer Legal Education Foundation)

UCL Faculty Research Prize (2014) (UCL)

Dean's List (2014) (UCL)

The Richardson Prize (2014) (UCL)

The John Frederic Whitehouse Essay Prize (2014) (UCL)

Access to the Bar Award (2011) (Middle Temple)

Memberships & Associations

Association of Lawyers for Children

Family Law Bar Association

Middle Temple