

# 1GC | Family Law

## Sam Momtaz KC

Year of Call: 1995 Year of Silk: 2017



## Practice Overview

Sam acts in all aspects of the law relating to children. In public law, Sam represents Local Authorities, parents, Guardians and competent children. Sam has particular expertise in cases which involve risk of harm from radicalisation, death and non-accidental injuries, allegations of serious sexual abuse, child trafficking and cross-examination of expert and vulnerable witnesses. In private law Sam acts in disputes between parents and other significant adults including cases involving serious harm and internal and international relocation. Sam also practices in Family-related judicial review and some Court of Protection cases.

### Children (Public Law)

Sam represents Local Authorities, parents and children in care proceedings. He appears in the most difficult, sensitive and challenging cases involving the protection of children. He is instructed in the most complex cases involving radicalisation, serious physical and sexual abuse and factitious disorders i.e. deliberately creating or exaggerating symptoms of an illness. Sam's cases involve cross-examination of expert witnesses, from a wide variety of disciplines as well as vulnerable witnesses and children.

### Children (Private Law)

Sam acts in disputes between parents and other significant adults including cases involving serious harm and internal and international relocation. Sam understands the importance of proper preparation and strategy at the earliest possible stage in relocation cases which understandably evoke strong feelings and can often be very finely balanced. Presenting the factual and legal issues in a reasonable and balanced way is the key to achieving the best possible outcome for the client.

## Judicial Review & Administrative Law

Sam represents Local Authorities and children in Family-related judicial reviews.

## International Family Law

Sam has a great deal of experience in dealing with international issues arising in children's

proceedings. In public law cases he regularly deals with jurisdictional issues including the application of habitual residence, Article 15 transfers and the effect of diplomatic immunity. In private law, Sam's relocation cases range from proposed moves to mainland Europe to moves to far-flung corners of the world which present very different legal and factual challenges.

## What the Directories Say

Has a real depth of experience in children matters, and is frequently instructed on behalf of Local Authorities, parents and children in public law care issues. He is accustomed to handling cases with an international element, including those relating to habitual residence, issues of jurisdiction and the international transfer of children.

*"He's very bright and good at dealing with difficult clients."* Band 3 - Chambers and Partners, 2025

*"A silk with exceptional knowledge and professionalism"* Tier 3 - Legal 500, 2025

*"A very effective barrister, who is never afraid to represent his client with vigour."* Band 3 - Chambers and Partners, 2024

*"He's a strong forceful advocate, who's well prepared and tactically astute."* Band 3 - Chambers and Partners, 2024

*"His detailed, methodical advocacy gets results."* Band 3 - Chambers and Partners, 2024

*"He is a robust advocate, with good legal and forensic understanding."* Tier 3 - Legal 500, 2024

*"Sam is very considered in his approach and takes his job seriously".* Band 3 - Chambers and Partners, 2023

*"Always well prepared, he's a pleasure to deal with and is calm under pressure."* Band 3 - Chambers and Partners, 2023

*"Sam is well informed, hard working and a strong advocate."* Tier 3 - Legal 500, 2023

*"Sam is both passionate and understated, which is a powerful combination. He has the rare talent of using a direct, robust and no-nonsense approach to advocacy whilst undertaking a thoughtful, nuanced and eloquent approach to the law."* Chambers and Partners, 2019

*"His attention to detail is second to none."* Legal 500, 2019

Newly made up to silk, he has a real depth of experience in children matters. He is frequently instructed on behalf of Local Authorities, parents and children in public law care issues. He is accustomed to handling cases with an international element including those relating to habitual residence and the international transfer of children.

**Strengths:** *"An experienced barrister with particular expertise in complex public law matters involving non-accidental injuries and sexual abuse."* Chambers and Partners, 2018

## Notable Cases

*E (A Child: Care Proceedings Fact Finding)* [2023] EWCA Civ 858

*Re P, H-L (Children) (Mobile Phone Extraction)* [2023] EWCA Civ 206

*W-A (Children: Foreign Conviction)* [2022] EWCA Civ 1118

*P (Children: Disclosure)* [2022] EWCA Civ 495

*Foster Carers v A, B & A Welsh Local Authority* [2019] EWFC B52 (27 June 2019)

*EF, GH, IJ (Care Proceedings)* [2019] EWFC 75

*Lancashire County Council v A, B and Z (A Child : Fact-Finding Hearing: Police Disclosure)* [2018] EWHC 1819 (Fam)

*Re P-S* [2018] EWCA Civ 1407

*A Local Authority v X & Ors* [2018] EWHC 874 (Fam)

*Kirklees Council v LS & Anor* [2018] EWFC 12 (20 February 2018)

*L (A Child) Abduction Turkey Protective Measures under Hague 96* [2017] EWHC 3797 (Fam)

*M (A Child)* [2017] EWCA Civ 245

*AS v TH (No 2) (Jurisdiction to Make Final Orders)* [2016] EWHC 2825 (Fam)

*Tower Hamlets v M & Ors* [2015] EWHC 869 (Fam)

*L (A Child) (Jurisdiction: Private Fostering), Re* [2015] EWHC 1617 (Fam)

*EH (Supervision Order)* [2014] EWCC B78 (Fam)

*M (Children)* [2014] EWHC 667 (Fam)

*A Local Authority v M and F; The Children (By Their Guardian)* [2009] EWHC 3172 (Fam)

*Re X & Y* [2007] EWHC 1862 (Fam)

*Islington v Z & Ors* [2007] EWHC 1862 (Fam)

## Education

LLB (Hons), Queen Mary & Westfield (University of London)

## Memberships & Associations

Bar Council's Equality Diversity and Social Mobility Committee (2007-2016)

## Family Justice Council

Family Law Bar Association Committee (2002-2015)

Family Law Bar Association's Equality and Diversity Officer (2007-2015)

Panel Member of Home Office appointed independent review into the application of Sharia Law in England and Wales (2016 - 2018)

### Seminars, Publications and Training

Sam lectures in chambers' seminars, for Local Authorities and external providers such as Jordans. His recent talks have included talks on radicalisation, whether justice can be achieved within the 26-week timescale in care proceedings, the best use of evidence in children's proceedings, and witness training for social workers.

### Personal

Sam is an avid football fan and devoted follower of his beloved Liverpool FC. He also enjoys playing football and tennis. He is a regular cinema and theatre goer and likes travelling to get away from it all.

### Languages

Farsi