

# 1GC | Family Law

## Sam Whittam

Year of Call: 1995



## Practice Overview

Sam is a specialist child law practitioner with over 26 years' experience of a broad range of public and private law proceedings.

### Children (Public Law)

She has represented Local Authorities, parents, extended family members and children (either directly or by their Children's Guardian) in highly complex public law matters, notably involving very serious injuries to children and cases where allegations of significant sexual abuse arise. Sam has particular expertise where the consideration of complex medical evidence arises.

Sam regularly represents young people who are competent to give instructions in their own right. In a recently reported matter, Sam has represented an 18-year-old seeking to be adopted (where the application was opposed).

### Children (Private Law)

Sam undertakes all aspects of private law work, acting for parents and for separately represented children. Her work includes relocation cases (both within the jurisdiction and overseas) and cases involving the litigation of serious allegations of domestic abuse or child sexual abuse within the private law sphere.

## Court of Protection

In recent years, Sam has also been developing her practice in the Court of Protection.

## Notable Cases

**[2021] Non-accidental injuries (multiple):** Sam acted as leading Junior Csl for Mother in case where baby had sustained multiple NAIs. Key aspect of case was management of late disclosure of very extensive mobile telephone and social media records.

**[2020] Non-accidental injuries (multiple):** Sam acted for Father, led by Anna McKenna QC.

Central to the case was extent to which child's treatment / management for a physical disability may have inter-played with alleged injuries.

**[2020] Non-accidental injuries (multiple):** Sam acted for Mother, led by Janet Bazley QC. Key issue in case was whether to re-open pool perpetrator 'finding' in previous proceedings involving half sibling from 2010.

**[2019] Non-accidental injuries (multiple):** Sam acted for Local Authority in complex NAI matter where multiple injuries sustained by very premature baby. Sam led by Jo Delahunty QC – central feature at trial was significance of prematurity re child's injuries and failure of expert witnesses to adequately consider the same.

**[2018] Non-accidental head injury case:** involving infant presenting with SDH alone (and unexplained unresponsive episodes). Sam acted for Mother, led by Sam Momtaz QC. Key issue within the case – import of allowing oral evidence from treating medical practitioners in this case a highly qualified Safeguarding Lead Paediatrician and Neurologist from GOSH. Case specific need to consider highly complex haematological evidence given Mother's unusual medical history.

**[2018] Deprivation of Liberty case:** Sam represented 15 year old subject of application by Local Authority for a DOL order under the inherent jurisdiction of the High Court - young person caught up in county lines / violent gang activity.

**[2017] Care proceedings (final hearing):** Sam acted for 16 year old subject child with ASD who was competent and directly instructed his Solicitor in proceedings. With special measures in place, he came to court for much of the final hearing and fully participated in proceedings – opposing LA application. Sam visited him in foster care pre-hearing to take final instructions and advise re court process.

**[2005/2006] Re C (Care: Consultation with Parents Not in Child's Best Interests) [2005] EWHC 3390 (Fam); [2006] 2 FLR 787** Care proceedings – Local authority – Duty to inform and consult parent.

## What the Directories Say

*"She's excellent in her preparation, in courts and with clients."* **Band 4 - Chambers and Partners, 2023**

*"Samantha is very professional, helpful with the drafting of documents, and easily contactable."* **Band 4 - Chambers and Partners, 2023**

## Education

BA (Hons) Bristol University  
MA (Distinction) London University  
CPE (Commendation) City University

Bar Finals examination (Very Competent)

Pegasus Scholar (2001) with Chief Justice of the Family Court in Melbourne, Australia

## **Memberships & Associations**

Association of Lawyers for Children (Member of Executive Committee)

Family Law Bar Association

Middle Temple

Languages

French