



## **Katherine Duncan**

Year called 2014

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## **OVERVIEW**

Katherine practises in family law relating to children in care proceedings, deprivation of liberty orders, secure accommodation orders, adoption (domestic and international), and private law.

Katherine is ranked for Family Law: Children in the Legal 500 2024.

Katherine is accredited by the FLBA and Bar Council to conduct cross examination of vulnerable witnesses and children.

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## **PRACTICE AREAS**

Private Law Children

Public Law Children

Local Authority

Coram Conference Speakers

Direct Access

Alternative Families

Human Rights

## **Public Law**

Katherine practises in complex public law proceedings representing Local Authorities, parents and guardians, grandparents and other kinship carers.

She represents clients in cases where there have been allegations of non-accidental injury, fabricated or induced illness, domestic violence, chronic neglect, interfamilial sexual abuse, and alcohol and drug abuse.

She regularly works with parents with learning difficulties, mental health issues, trauma and substance misuse issues, and she works hard to make sure they are able to fully engage in the proceedings. Katherine is well known for her empathic approach and ability to distil complex legal and factual issues in a way that is easy to understand. She adopts a trauma-focused lens to her dealings with vulnerable clients.

Katherine is regularly instructed to deal with applications for Deprivation of Liberty Orders and Secure Accommodation Orders. Katherine is well versed in the legal framework for such orders.

Katherine also represents older children, who have separated from the Guardian, and are instructing their own solicitor during public law proceedings.

Many of her cases have an international element to them, including placement outside the jurisdiction and international adoption, which she is comfortable advising on.

## **Notable Cases**

### ***Re A***

Represented a local authority at the fact-finding and welfare hearings regarding allegations of non-accidental injury (skull fractures) and ingestion of drugs by the child.

### ***Re L***

Represented a mother with learning difficulties in lengthy and complex care proceedings involving issues regarding possible placement of the children in Pakistan, serious allegations of domestic and sexual abuse, and the interplay between family members who were Jehovah's Witnesses and devout Muslims.

### ***Re S***

Represented and advised the local authority in care proceedings and then Hague adoption proceedings.

### ***Re W***

Represented a mother in a non-accidental injury fact-finding hearing where the Local Authority sought findings against the mother and/or the father regarding the skull fracture of their baby. After cross examination of the expert witnesses over three days, the Local Authority agreed to withdraw their case against the parents and their application for care orders.

### ***Re L***

Junior counsel for a Local Authority in a fact-finding hearing concerning allegations of fabricated or induced illness in a toddler by the mother. Findings of FII were made.

### ***Re K***

Represented a local authority in applications for Deprivation of Liberty Order and Care Order for an 8 year old.

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## **Private Law**

Katherine 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, internal relocation and change of surname.

She is regularly instructed to represent clients where there have been allegations of domestic abuse and often where a Guardian has been appointed for the children.

She is regularly instructed to represent clients in same-sex relationships. She is known for her dedicated and robust approach. Katherine also represents r16.4 Guardians.

In international proceedings, Katherine represents clients in cases concerning child relocation, temporary removal and access rights.

Across both public and private law, Katherine has extensive experience of cases involving issues of faith and religion from a wide variety of backgrounds and traditions. This detailed knowledge makes her a particularly strong advocate in such cases. In addition, she is particularly interested in matters concerning spiritual abuse and trauma.

## **Notable Cases**

### *Re B*

Katherine represented a father who was accused of serious domestic abuse and sexual abuse against the mother of his children at a fact-finding hearing and welfare hearing. None of the allegations were proved and the father was awarded a shared care arrangement at the conclusion of proceedings.

### *Re S*

Katherine represented a parent in private law proceedings involving allegations of domestic abuse and physical abuse against the child, and issues of how the child would be brought up within the practising Sikh family.

## **Education**

Kaplan Law School, BPTC (Very Competent)

University of Law, GDL (Commendation)  
University of Aberdeen (First Class Honours)

## **Professional Memberships**

Family Law Bar Association  
Association of Lawyers for Children (ALC)  
South Eastern Circuit

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## **Testimonials**

"Katherine is tenacious, compassionate and builds rapport with vulnerable clients very quickly."  
LEGAL 500, 2024

"She delivers advice in simplistic terms and goes over and above to assist in progressing a case."  
LEGAL 500, 2024

## **Training And Seminars**

Katherine has provided training on thresholds and fact-finding hearings, and on relocation and temporary leave to remove from the jurisdiction.

She has also provided advocacy training to trainee solicitors and is very happy to run these sessions.