



PUMP COURT CHAMBERS

The Voice of Children

Maria Henty

Southampton Children Law Seminar - 23 September 2026

The Voice of Children

- Wishes and feelings: s.7 and CIR
- Cafcass
- ISW
- Children's guardian
- When children get forgotten



Children giving evidence

- **Re W [2010] UKSC12** – sets out the test on whether a child should give evidence.
- **Re R (Children) [2015] EWCA Civ 167** – by way of example, notes the impact on a child being denied the chance to be heard.



Letters to Judges

- Sometimes appropriate for a child to write directly to a judge with the assistance of: children's guardian, social worker, Cafcass officer...
- It is important to guard against placing children in a situation when one parent has influence, be it intentional or not, over the views a child may express.



Children attending court

- Certain orders from the CFC & other areas
- What actually happens if a child attends
- Risk of harm and conflict
- A parent bringing a child to court of their own volition



Meeting a Judge

- When this might be ordered
- How this would work
- Things to consider



Covert recordings of children

- **Re B [2017] EWCA Civ 1579**
- **Re C (A Child) [2015] EWCA Civ 1096**
- **Covert recordings in Family Law proceedings concerning children: Family Justice Council Guidance, May 2025** - “Whilst some covert recordings have been found to have evidential value, the secret nature of covert recordings can intrude on the privacy of parents, children and professionals, causing harm and often leading to concerns about the accuracy of the recording.”



Other things to consider

- Therapist letters
- Location, location, location
- Additional needs
- Timing of meeting a child



Writing to children

- **Re A : Letter to a Young Person [2017] EWFC 48** - The 'Dear Sam' judgment is a short one but it contains the letter sent from Jackson J to Sam. The letter provides a useful guide as to format and content for any Judge who might embark upon a similar exercise
- **Lancashire CC v M [2016] EWFC 9 –**

- **Northamptonshire County Council v The Mother & Ors (Rev 1) [2016] EWFC 38** – child present in court for judgment

Writing to children

- 26 February 2025 - Writing to Children – A Judges Toolkit
- <https://www.judiciary.uk/wp-content/uploads/2025/02/Writing-to-Children--A-Judges-Toolkit-V1.7-1.pdf>
- Examples of letters:
 - *Ms D v Mr D* [2022] EWFC 164
 - *Mother v Father* [2024] EWFC 252 (B)
 - *B, Re A Child* (Disengaged mother letter to child)
 - *Tom v M & Anor* [2024] EWFC 313 (B)



Why it matters...

“Like you are just like a case, and you are one of a thousand [...] They just see the case and they see what needs to be done and what boxes need to be ticked. You’re no longer a person. You’re not even a number. You’re a piece of paper and I think that’s the hardest part.”



Why it matters...

“I definitely prefer that [being told by the judge/third party] because then I know it's coming from someone who like is not part of whatever is happening. So like, they're just doing their job and finding the facts. Definitely someone in the middle ground to tell you what's going on. Someone not to do with the family or not on a side. Or someone on my side, someone on my side who understands it all because I don't even understand what I'm doing to be honest with you.”



Contact details



Maria Henty
Call: 2012

Maria is the joint deputy head of the private children team in chambers and welcomes instruction in private children matters.

Maria was recently successful before HHJ Vincent on a specific issue order application in respect of schooling: *CBM v MBS* [2026] EWFC 265 (B).

“You want Maria in your corner, she has a no-nonsense approach and is a fierce advocate.” - Chambers & Partners, 2026

“Maria has a really engaging manner, is completely on top of the detail, but is good at understanding the human elements of a case.” – Chambers & Partners, 2026

“Maria is a formidable barrister, a real star in the making. Her advocacy is outstanding.” - Legal 500, 2025



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