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# Contents

Children Law (Public) .....	1
Selected Cases .....	2
Children Law (Private) .....	3
Family Finance .....	4
Court of Protection .....	4
Qualifications .....	4
Professional associations .....	4
Outside Interests .....	4



## DAVID JOSTY

"David displays an unbelievable attention to detail and quickly grasps complex issues. His advocacy skills are excellent; he is clear and concise but ensures all aspects of a case are fully covered."

Legal 500, 2024

Call: 2002

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David Josty is a specialist family law practitioner with expertise in children law (public and private), family finance and Court of Protection. He has a particularly busy practice in the area of children law (public).

Notably acting on a *pro bono* basis, David recently successfully represented the Appellant father in the matter of *Re Y (Children in Care: Change of Nationality)* [2020] EWCA Civ 1038 (see below).

David has also developed an interest in the Court of Protection.

David continues to be ranked as a "*Leading Junior (Tier 2)- Family and Children Law*" in The Legal 500. He appears at all levels of court and is highly regarded for his forensic analysis and robust approach, whilst striking the essential balance necessary to take account of the sensitivity of the issues in the case.

*'David can get to grips with the most complex cases and is a forceful advocate, providing prompt attendance notes and always willing to go that extra mile for clients.'* Legal 500 2025

David is a member of the Family Law Bar Association (FLBA) and the Western Circuit.

## Children Law (Public)

David has acted in a broad range of public law cases on behalf of Local Authorities, lay parties (including parents, other relatives / intervenors) and children. Cases with which David has had considerable experience include those involving allegations of physical and sexual abuse, non-accidental injury, domestic violence, murder, neglect and substance misuse. David has a significant portfolio of cases in which he has acted for vulnerable parties with learning disabilities and / or mental health problems and also where the subject children share such presentation. David's

experience extends to cases involving the Official Solicitor.

## Selected Cases

**Wiltshire Council v M & Anor (gonorrhoeal infection in a child) [2021] EWFC B31**

**Re Y (Children in Care: Change of Nationality) [2020] EWCA Civ 1038**

David acted on behalf of the Appellant Father, successfully challenging the proposed actions of a local authority. A discrete issue within the appeal and the only ground upon which permission to appeal had been granted focused on the local authority's powers in relation to making an application for change of citizenship for the children who were subject to care orders. The Court of Appeal determined that where the parents oppose a proposed application for change of citizenship of the children and where such change may lead to a loss of their existing citizenship, it is appropriate for a declaration that s.33 CA 1989 does not entitle the local authority to apply for British citizenship for the subject children without first obtaining the approval of the High Court.

**A Local Authority v B (2019)**

David, led by Leslie Samuels QC and Penny Howe QC, acted for the mother of an adolescent paraplegic adolescent child. The child's condition was assessed and found to be a neurological functional disorder attributable to her complex relationship with her mother. The court faced competing expert medical opinion on the form of treatment and issues of deprivation of liberty.

**A Local Authority v W (2018)**

David acted for the mother. At final hearing, the mother's allegation of rape by the father was proved as was a separate allegation that he had sexually abused an unrelated child.

**A Local Authority v G (2018)**

Non-accidental injury case. David acted for the mother who was in the pool of alleged perpetrators of a skull fracture and bruising to her toddler child. After trial, the mother was extracted from the pool. The child was rehabilitated to the mother.

**A Local Authority v T (2017)**

David acted for the mother in this non-accidental injury case. David was led by Leslie Samuels QC to fact-finding stage and acted alone at the welfare stage of the proceedings. The mother was alleged and found to have caused skull fractures and linear posterior rib fractures to her premature newborn child by throwing her to the ground.

### Kent County Council v A,B,C and D (Children : Weight to be attached to evidence of child after flawed ABE interviews) (Rev 1) [2017] EWFC B72 (01 March 2017)

David acted for one of two fathers. Concern centred on the actions of the mother and her partner. They were accused of sexual and physical abuse of one of the children (including shooting a child with a BB gun). All allegations were found proved

### SM & Ors (Welfare) [2016] EWFC 15 (22 March 2016)

David acted for a 14-year old child accused of sexual abuse of his 7-year old sister. Led by Leslie Samuels QC to fact-finding stage and acting alone in welfare stage, David highlighted the failure of the local authority to see his client also as a victim and adequately provide for his religious needs

### A Local Authority v N (2016)

David acted for the father in care proceedings. The local authority plan for adoption was, in part, based on the father's alleged extremist views and violence. Complex religious/cultural issues featured prominently in the case.

### Wiltshire Council v R & Ors [2014] EWFC B76 (30 April 2014)

David acted for the father in care proceedings. The local authority's concerns focused on domestic violence perpetrated by the father.

### A Local Authority v R (2014)

David acted for the mother. The local authority sought care and placement orders for the subject children. Threshold was pleaded on the basis of the mother's recourse to artificial insemination at home using sperm from members of her immediate family. Midway through the final hearing, the local authority revised its case on threshold to the subject children being the products of sexual abuse perpetrated by the maternal grandfather. David successfully challenged the findings sought by the local authority.

## Children Law (Private)

David is regularly instructed in complex children law matters involving child arrangement disputes, relocation cases (both internal and international) and change of name. He has experience of representing parties in proceedings involving parental alienation and where there are allegations of serious physical, emotional and/or sexual abuse. He has considerable experience in finding of fact hearings and his practice in private law work has led to an increasing number of appearances in the High Court.

## Family Finance

David has developed a practice around his interest in applications under Schedule 1 of the Children Act 1989 and TOLATA. David also receives instruction in matrimonial finance matters. His experience in this area extends to cases involving businesses, foreign assets, pensions and intervening third party interests.

## Court of Protection

Expanding on the breadth and depth of experience that he has acquired through his Children Law practice, David has developed an interest in Court of Protection work.

## Qualifications

- BVC, Cardiff University
- PGDL, College of Law
- M.Sc. Forensic Science, King's College London
- B.Sc. (Hons) Biomedical Science, Kingston University

## Professional associations

- Family Law Bar Association
- Western Circuit

## Outside Interests

Leisure time is spent with his family (3 children) and, when time allows, he enjoys cycling and walks in the New Forest.