

ANITA GUHA KC

Year of call
1997

Silk
2024



Anita Guha is a specialist in all areas of children law and international family law and was ranked as a Leading Junior for many years by Chambers & Partners and Legal 500 prior to her appointment as Kings Counsel in March 2024.

Anita regularly appears in the High Court and Court of Appeal in reported cases. Last year, Anita acted in the landmark case of *LB Hackney v P* in which the Court of Appeal provided pivotal guidance in respect of the jurisdictional legal framework that governs children proceedings.

Anita has undertaken cases in other fields outside family law including the Court of Protection and immigration and refugee law. Anita was appointed as a Special Advocate by the Attorney General in 2018 and undertakes cases in closed proceedings in various tribunals including SIAC.

Anita has vast experience representing vulnerable adults and young people in cases of high sensitivity and complexity. She has contributed to a number of initiatives throughout her career to promote awareness and provide training to assist victims of domestic abuse, honour-based violence, transnational marriage abandonment and forced marriage.

Anita is a qualified arbitrator in children matters.

For many years, Anita has provided advocacy training for Middle Temple students and new practitioners and pro-bono legal assistance to the charity Advocate as a case reviewer.

Most recently, Anita represented a mother in her application for her child's return to Ukraine in a High Court legal battle (*M v F* [2024] EWHC 1689 (Fam)), where she was successful. You can read the full judgment [here](#).

Anita is qualified to accept instructions directly from clients and is registered under the Bar Council's Public Access Scheme, meaning that members of the public who seek specialist advice can come direct to her. In addition, she welcomes instructions from solicitors, in-house law departments, qualified foreign lawyers, and clients licensed by the Bar Council to give instructions direct to barristers under the Bar Council's Licensed

Access Scheme. For more information please visit our Direct Access page [here](#).

LEGAL EXPERTISE

Family Law

Anita specialises in all areas of public and private children and international family law including: her particular field of expertise is in the area of international family law and cases involving the cross border movement of children. Anita has recently been appointed as a Special Advocate by the Attorney General and will be undertaking cases in closed proceedings.

Anita's areas of expertise include:

- international cross border disputes;
- child abduction (Hague and non Hague Convention cases);
- Brussels II registration and enforcement cases;
- relocation disputes;
- wardship;
- stranded spouses;
- overseas surrogacy and parental order applications;
- forced marriage and honour based violence cases;
- Hague Convention adoption matters;
- public law care and adoption cases;
- residence and contact disputes;
- judicial review claims against local authorities;
- applications for reporting restriction orders.

Anita is regularly invited to speak at conferences on specialist topics.

Selected Cases

[A Father v A Mother and others \[2024\] EWHC 991](#)

Complex 5-day final hearing in Hague Convention proceedings in which four Convention defences were relied upon by the Respondent including rights of custody.

[HZ v GA \[2024\] EWHC 489 \(Fam\)](#)

Acted for Applicant Father in successful application for return of child to New Zealand in a case where the Respondent Mother granted permission to adduce expert evidence upon impact of return upon her mental health.

[LB Hackney v P \[2023\] EWCA Civ 1213](#)

Court of Appeal provided pivotal guidance as to the legal framework that governs jurisdiction in public law proceedings following the departure of the UK from the EU.

[Re S \(A Child\) \(Abduction: Article 13\(b\): Mental Health\) \[2023\] 2 FLR 439](#)

Anita acted for successful Appellant in the Court of Appeal challenging the decision of High Court judge to make order of summary return of child to Australia.

[Sheffield CC v MFA \[2023\] EWHC 128](#)

Appointed as Special Advocate for father facing allegations in forced marriage application in closed proceedings before Poole J.

[JC v SS \[2023\] EWHC 2063 \(Fam\)](#)

Represented vulnerable respondent in Hague proceedings before Roberts J. Court found in favour of respondent with respect to a number of Convention defences and dismissed application for orders for return of four children to Republic of Ireland.

[FJ v LT \[2023\] EWHC 1783 \(Fam\)](#)

Acted for respondent father in establishing defence of consent in Hague proceedings.

[The Father v The Mother \[2023\] EWHC 1454 \(Fam\)](#)

Complex private law proceedings with open and closed proceedings before Lieven J acting for successful applicant in internal relocation application.

[Re B \(Children\) \(Abduction: Consent: Oral Evidence\) \(Article 13b\) \[2022\] 3 WLR 1315](#)

Anita was part of the legal team acting on behalf of the Intervenor, Reunite International, in this appeal before the Court of Appeal, where guidance was given upon the correct legal approach to the Art 13 defences of consent and acquiescence.

[LB Hackney v P & Ors \[2022\] EWHC 1981 \(Fam\)](#)

This is a landmark case heard by Macdonald J in which the court was requested to determine fundamental issues of importance in respect of the jurisdictional framework in children cases following the UK's departure from the European Union.

[VB v LB \(children\) \[2022\] EWFC 60](#)

Anita acted for the Respondent Father on a 3 day contested final hearing of the Mother's application for

permission to relocate with the children to the US.

YP v XP [2022] EWHC 1954 (Fam)

Anita acted for the Applicant Father in a successful 1980 Hague Convention application seeking the summary return of his daughter to France.

IK [2022] EWHC 396 (Fam)

Anita represented the Respondent Father in highly contested Hague Convention proceedings heard before Mr Justice Peel.

W v W (Transnational Abandonment)[2021] EWHC 3411 (Fam)

Findings were obtained at a contested hearing in the High Court on behalf of a vulnerable mother that she had been stranded in Pakistan by the Father.

P v P (Divorce: Jurisdiction) [2021] EWHC 2306 (Fam)

Mr Justice Cobb accepted the case advocated on behalf of a mother in highly acrimonious and protracted proceedings, with multiple causes of action having been issued by the parties in Bulgaria and this jurisdiction, that the court had jurisdiction in respect of the mother's divorce petition.

Re A (a child) (relocation) [2020] All ER (Nov)

Acted for mother in successful application for international relocation and findings of fact in respect of domestic violence who had her passport seized and was prevented from leaving the jurisdiction by the court at the commencement of protracted and lengthy proceedings. Matter listed for a 5 day contested final hearing in High Court. Father was represented by Queens Counsel and sought a number of findings against the Mother in respect of cross allegations of violence and her mental health which were all dismissed by the court as untrue.

AX v CY [2020] EWHC 1599 (Fam)

Successful application in Hague Convention child abduction proceedings for summary return of child to Spain notwithstanding fact that the respondent mother relied upon a defence of settlement.

PA Media Group v A Local authority and others [2020] All ER (D) 128 (May) & A local authority v Mother and others [2020] All ER (D) 74 (May)

Represented mother in care proceedings before Hayden J in which the media successfully challenged the order made by the court anonymising the name of the local authority in its judgment.

Re S (children) (summary return) [2020] All ER (D) 73 (Apr)

Acted as junior counsel representing appellant mother in Court of Appeal in jurisdictional appeal.

ZM v NM [2020] EWHC 2413 (Fam)

Successful application for father in second set of Hague Convention proceedings for summary return of his children to Croatia.

CH v GLS [2020] 4 WLR 74

Acted for respondent mother who resisted application for summary return of her child to Spain upon grounds of acquiescence and Article 13b in case where serious allegations of domestic violence were levelled against applicant.

Mander & Anor v Royal Borough of Windsor & Maidenhead & Anor [2019] EWFC B64

Advised the Equality & Human Rights Commission as a specialist family lawyer in a race discrimination claim brought by a British Indian couple against an adoption agency upon the grounds that they were wrongly or unfairly rejected or discriminated against either during the process of consideration of their application for adoption and when considering whether to match them to a child. James Robottom at 7BR successfully represented the couple at trial. The case attracted widespread media interest.

AB v CD [2019] EWHC 3543 (Fam)

Successful application for summary return of child to Belgium in circumstances where the respondent mother was refusing to return with the child.

Re A (children) [2019] All ER (D) 11 (Oct)

Barbara Connolly QC and Anita Guha acted for the Mother in the retrial of a fact finding hearing in stranded spouse proceedings involving 4 children before the President of the Family Division. The retrial took place after a successful appeal was pursued by Barbara Connolly QC and Anita Guha against the findings of a High Court Judge who disbelieved the mother's case and made findings that she had not been stranded in Pakistan; the children had not been wrongfully removed by the Father to this jurisdiction from Pakistan; the Mother was the woman in a video seen to be hitting by the eldest child, and had physically abused the children on other occasions. Then Court of Appeal set aside this judgment and listed the matter for a fresh hearing before the President of the Family Division. Following a 2 week trial, the court accepted the Mother's evidence and made all the key findings in her favour and held that the children had suffered very serious child abuse following their estrangement from their mother after she had been stranded in Pakistan for a period of 4 years.

A (Children) Re [2019] EWCA Civ 74

Acted for Appellant mother in successful appeal against findings made by a High Court Judge in a stranded spouse case involving allegations of parental alienation. Court of Appeal set aside judgment of court and remitted case to the President of the Family Division for a rehearing.

Re G (Children) (Habitual Residence) [2017] EWHC 2111

Acted for Applicant Mother who had been stranded in the UAE with her twin sons by the Father. Case listed before High Court to determine jurisdictional argument and application for summary return of children to the UK. Court granted Mother's applications and determined in her favour that court had jurisdiction on grounds of habitual residence and/or prorogation pursuant to Article 12(3) of BIIR. Court rejected Father's application for stay of proceedings upon grounds of forum non conveniens and made order for immediate summary return of children to this jurisdiction.

Re G (unregulated artificial conception) [2014] All ER (D) 71 (May) [L v C [2014] EWFC 1280]

Acted for Respondent and successfully opposed applications for residence and contact by former same sex partner after Respondent moved with to Ireland with child. Court accepted argument that court had no jurisdiction and dismissed applications. Court further accepted that application for declaration that applicant was a psychological parent of child should be dismissed and made limited declaration that applicant had Article 8 rights to family life at time of removal of child to Ireland.

Re F (Abduction: Consent) [2014] EWHC 484 (Fam)

Acted for Respondent in Hague Convention child abduction matter in which consent relied upon as defence.

Re S (Contact Order) [2012] EWCA Civ 128, [2011] 2 FLR 1317

Acted for mother in successful appeal in Court of Appeal against a decision by Judge to order supervised contact between father and child despite findings by court that father had perpetrated domestic violence against mother and conflict of recommendations by 2 different CAFCASS officers.

Re O (Abduction: Settlement) [2011] EWCA Civ 128

Acted for Appellant mother in Hague Convention child abduction matter in Court of Appeal. Appeal successful and court held that child should not be returned to USA upon grounds that defence of settlement was established.

Court of Protection

Anita has undertaken Court of Protection cases acting for local authorities and respondents predominantly in health and welfare matters and Schedule 3 of the MCA 2005. Earlier this year, Anita acted in a number of hearings in a reported case before Cobb J in a cross border case in which findings were made within the proceedings that P had been wrongfully removed to this jurisdiction from Spain by his children. TD and another v KD and another (by his litigation friend, the Official Solicitor) [2020] All ER (D) 188 (Mar),.

Memberships

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