



ANITA GUHA

Year of call
1997

Anita Guha is a specialist in all areas of children law and is ranked as a Leading Junior by Chambers & Partners and Legal 500.

Anita's 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 also has undertaken cases in the Court of Protection and has a background of specialism in immigration and refugee law and has acted in a substantial number of judicial review claims in the High Court and Court of Appeal. Anita has been representing vulnerable adults and children in honour based violence and forced marriage cases for many years and has participated in a number of seminars and committees within this field to promote awareness and address recent developments.

Anita is an advocacy trainer for Middle Temple and provides voluntary legal assistance to the charity Advocate.

LEGAL EXPERTISE

Family Law

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

[\(2020\)EWCA Civ 515](#)

[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.

M v M [2010] EWHC 3350 (Fam)

Represented mother in successful application in Hague Convention abduction matter for summary return of children to the USA.

G v B [2010] EWHC 2630 (Fam)

Represented mother in private law matter heard before the President where consideration given to the safeguarding responsibilities and duties of CAFCASS arising from the Disclosure Protocol reached between CAFCASS and the Association of Chief Police Officers.

Court of Protection

Anita has experience of advising and appearing for parties in welfare and property and affair matters and section 21A challenges in the Court of Protection. Anita has principally acted for local authorities and family members. Anita has recently acted in a reported cross border case listed in the High Court before Mr Justice Cobb in Re QD(Habitual Residence) (No.2) Neutral Citation Number: [2020] EWCOP 14.

Memberships

- ALC
- CALA
- FLBA