

Young Association of Lawyers for Children

Legal Advice Competition 2024

Terms and conditions

- This competition is open to all students in their third year of undergraduate study and above, postgraduate students, CPE/LPC/BPTC students, recent graduates, paralegals, and anyone currently applying for training contracts or pupillage.
- The winner will receive one year's free membership to the ALC and a three day work experience programme with solicitors, barristers and a Judge.
- Four runners up will receive one year's free membership to the ALC.
- The format of the competition will be a written problem question.
- All entries must be typed in English and saved as either a word document or a pdf.
- Entries must be sent to admin@alc.org.uk by 5.00pm on **Wednesday 31 July 2024**. Any entries received after this will not be accepted.
- All entries must comply with the word limit. Any entries which exceed the word limit will not be accepted. Any footnotes should be limited to case citations, sources, and other references and will not count towards the word limit.
- Entrants must submit their own work and entries must not be prepared with the assistance of any artificial intelligence.
- All entries must be sent with a covering email stating (i) the level of study/qualification the entrant has reached and at which educational institution, and (ii) their preferred contact details, (iii) proof of their student status. This information will be kept confidential and will not be seen by judges during the judging process.
- Entries will be marked anonymously and given a score based on the following criteria:
 - Application of law to the facts
 - Clear and concise writing
 - Exercise of judgement
- The judging panel will consist of members of the ALC Executive Committee and will be chaired by Her Honour Judge Corbett, Designated Family Judge of West London Family Court. The decision of the judges is final and binding.
- The shortlist will be announced by the end of September 2024.
- The winner will be announced by mid-October 2024.
- By participating in this competition entrants agree to abide by the terms and conditions. Any failure to comply with these terms may result in disqualification.

Problem Question

T is little girl who is 18 months old. Her mother is MT, and she is in a same sex relationship with WM, and they married around 3 months before T was born. T's father is FT. He met MT and WM on social media and agreed to donate sperm to them informally so they could have a baby. He has done this many times before with other couples.

In the early stages of planning the sperm donation FT sent a message to MT saying, *'I would like to have a relationship with the child, I see myself as a distant uncle figure, exchanging birthday/Christmas cards and visiting once or twice per year.'* MT replied a week later, *'That sounds great, I'm sure we can sort something out.'*

When T was born MT registered her birth and did not include FT on the birth certificate as the father. He does not have Parental Responsibility for T.

A few months after T's birth MT and WM arranged a naming ceremony and party for T. FT was invited and he attended the ceremony where he held T and had some photographs taken with the family. He attended the party for an hour before making his excuses and leaving. He has not seen T since, and the adults have not exchanged any cards.

FT has now made an application for a Child Arrangements Order in respect of T. He wants an order that T spends time with him every Sunday afternoon and for that to progress to overnight stays when she reaches the age of two.

MT and WM are strongly opposed to the application. They have filed a statement saying it was never agreed he would have such a role in T's life, and he was only ever to be the sperm donor. They think it would be confusing for T to be introduced to a father figure now, and she has two loving parents and does not need a third. They say that T should not be required to spend time with FT and there should be no contact.

The court has appointed a CAFCASS Guardian to represent T's best interests. The Guardian has met the adults and T and her initial view is that T should spend time with FT, but any contact should be limited and certainly not as frequent as FT would like.

1. Advise the Guardian on the approach the Judge is likely to take in respect of whether FT will be treated as just a 'sperm donor' or as T's father. (400 words max)

2. What arguments can you make to support the Guardian's view that there should be some contact between T and FT? (400 words max)

3. What advice would you give to the Guardian about the order the Judge is likely to make (ie contact or no contact, and if there is contact how frequently it might be). (400 words max)

You may find some of the following judgments helpful:

- *T v T* [2010] EWCA Civ 1366 - <https://www.bailii.org/ew/cases/EWCA/Civ/2010/1366.html>
- *A v B & Anor* [2012] EWCA Civ 285 - <https://www.bailii.org/ew/cases/EWCA/Civ/2012/285.html>
- *G (A Child)* [2018] EWCA Civ 305 - <https://www.bailii.org/ew/cases/EWCA/Civ/2018/305.html>
- *Re X (No 2: Application for contact by the biological father)* [2015] EWFC 84 - <https://www.bailii.org/ew/cases/EWFC/HCJ/2015/84.html>
- *X (A Child : child arrangements order)* [2020] EWFC 49 - <https://www.bailii.org/ew/cases/EWFC/HCJ/2020/49.html>
- *MacDougall v SW & Ors (sperm donor : parental responsibility or contact)* [2022] EWFC 50 - <https://www.bailii.org/ew/cases/EWFC/HCJ/2022/50.html>
- *P v Q and Others [2024] EWFC 85 (B)(Fam)* - https://assets.caselaw.nationalarchives.gov.uk/ewfc/b/2024/85/ewfc_b_2024_85.pdf