

Jennifer Kotilaine

Year of Call: 2011
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Overview

Jennifer joined 3PB in 2016 having established a successful Family and Court of Protection practice at a leading common law chambers. She continues to develop her practice, undertaking work primarily in the law relating to children and vulnerable adults.

She works principally in the field of public family law, representing parents, children and local authorities in complex care proceedings. She has experience of representing parents and children with mental health issues and learning difficulties. Her public law cases have covered areas such as neglect, sexual abuse, non-accidental injury, factitious illness, life limiting conditions and modern slavery.

Many of her public law proceedings include an international dimension.

Jennifer is also often instructed in private family matters. She has regular instructions in matters of international family law, including applications to remove children permanently from jurisdiction and also child abduction proceedings in the High Court.

She has developed a particular expertise in Special Guardianship Orders and recently led herself in the Court of Appeal: Re M (Special Guardianship Order: Leave To Apply To Discharge) [2021] EWCA Civ 442. This case has already been cited by the Court of Appeal in several other of its decisions relating to SGOs.

Jennifer has written several articles on developments in public law and advised the policy unit of a local authority on safeguarding issues arising from a child sexual exploitation scandal, including preparing for a Serious Case Review and a 'stocktake' review by central government of child sexual abuse. This was a two-year project which she undertook whilst also practicing at the Bar.

Recommendations

'Jennifer is diligent and thorough in the cases she deals with. She approaches each matter with sensitivity and will put forward her client's case fearlessly and to the best of her ability, even against the odds.'

'Jennifer is someone I turn to in particular to assist with cases in which we represent older children. She manages them beautifully and sensitively, cares about the outcome of their cases and invests herself fully in their representation.'

'I have been particularly impressed by Jennifer's ability to deal with care cases with a foreign element. She understands the many problems of assessing family abroad and navigates the issues with great skill.'

'Jennifer has a kind and empathetic manner and will make any client feel well supported and that she cares about getting the best outcome for them.'

'Jennifer's positive, calm and helpful approach and expertise in this very complex matter were invaluable to this case and it was a great pleasure working with her. She came highly recommended and I will certainly look forward to instructing her in the future and recommending her to colleagues.'

'Jennifer was extremely helpful to the social work team and identified solutions in a very enabling and supportive manner. The social workers really felt that they were all part of one team.'

'Her very clear, concise and frank advice on the legality of our policy [in relation to Special Guardian allowances] has been escalated to the highest level. We will now be redrafting our policy accordingly.'

'Your piece [on local authority duties to unaccompanied migrant children] was immensely informative and easy to follow and beautifully written. Thank you-- though I am very perturbed about that massive glistening iceberg that is in our path that you have just illuminated.'

Academic qualifications

- BA/BMus (High Honors), Oberlin College & Conservatory, USA
- PhD in Music, Harvard University USA
- MA (Jurisprudence), University of Oxford
- BVC (Very Competent), City Law School

Scholarships

- Major Exhibition, Inner Temple
- Duke of Edinburgh Entrance Award, Inner Temple

Professional qualifications & appointments

- Associate Lecturer in Law at Oxford Brookes University
- Family Mediator (Resolution)

Professional bodies

- Chair of Oxfordshire Family Justice Board
- FLBA
- ALC
- Court of Protection Bar Association
- Resolution (Associate Member)
- Inner Temple

Expertise

Family

Jennifer works principally in the field of public family law, representing parents, children and local authorities in complex care proceedings. She has experience of representing parents and children with mental health issues and learning difficulties. Her public law cases have covered areas such as neglect, domestic violence, substance abuse, sexual abuse, non-accidental injury, female genital mutilation, factitious illness and children with life limiting conditions.

Many of her public law proceedings include an international dimension. She also routinely advises local authorities on their duties to unaccompanied asylum seeking and refugee children.

Jennifer is often instructed in private family matters, some of which have included honour based violence and modern slavery. She has regular instructions in matters of international family law, including applications to remove children permanently from the jurisdiction, internal relocation, and child abduction proceedings in the High Court.

She also accepts instructions on Family Law Act matters.

Mediation

Jennifer is a family mediator (Resolution).

Articles

Talk about a Revolution: The Internet and Children Proceedings, Family Law Week 17.08.17
'Archer v Titchener: What would a Family Court Decide?' Family Law Week, 21.09.16
'Duties of Local Authorities to Unaccompanied Migrant Children,' Family Law Week, 01.09.16
'Swings and Roundabouts', NLJ 2015 13 Nov 2015
'Reviewing Findings of Fact in Care Proceedings', Family Law Week, 28.07.14
'There's No Place Like Home', NLJ 11 Jul 2014
'Children and Families Act 2014: A Guide for Public Children Lawyers', Family Law Week, 17.04.14

Reported Cases

- Great Ormond Street Hospital v A Local Authority & Ors 2022 EWHC 2596 Fam: End of life treatment for dying child who is already subject to care proceedings
- Re M (Special Guardianship Order: Leave to Apply to Discharge) [2021] EWCA Civ 442

This case clarifies the test to be used when applying for leave to discharge a Special Guardianship Order. There are two stages to this test. First, there must be a significant change of circumstances. If this test is met, then the the court must evaluate the prospects of success of the application in the context of the effect on the child's welfare of the application being heard or not heard. However the child's welfare is not the paramount consideration. The degree of any change in circumstances is likely to linked to prospects of success. The greater the prospects of success, the more likely it is that leave will be granted.

- Re T (Early permanence or kinship carers) [2017] EWFC B43
- WSCC v H & Ors (Children) (Care proceedings: Brain Injury), Re [2015] EWHC 2439 (Fam) (led by Gemma Taylor)

Court of Protection

Jennifer practices in the Court of Protection on Healthcare and Welfare matters up to the High Court. She represents local

authorities and P, through their litigation friend, and other family members.

Her cases have related to capacity, deprivation of liberty, and welfare (including residence and contact). Given her background in public law children, she has a particular expertise on transitional arrangements for 16-18 year olds, many of whom have been subject to care proceedings and are accommodated in local authority care.

She was recently involved in an end of life treatment case in the context of care proceedings: GOSH v A Local Authority & Ors [2022] EWHC 2596

Jennifer also advises local authorities on the question of ordinary residence for the purpose of assigning responsibility for the care of vulnerable adults and has published on this topic.

She was a member of the Court of Protection ad hoc rules committee and provided training on changes to the rules to local authorities and other solicitors.

Articles

Family law specialist Jennifer Kotilaine considers the recent case of Re M [2021] (Special Guardianship Order: Leave to apply to discharge) EWCA Civ 442, in which she is acting, and the clarification it brings to the test for permission to apply to discharge SGOs.

View Article

3PB family barrister, Jennifer Kotilaine reflects on the various ways in which the application of children law has adapted to the internet and social media and on the further adaptations that may lie ahead.

View Article