

Re ET (Serious Injuries: Standard of Proof) (2003)

[2003] 2 FLR 1205

17/04/2003

Barristers

Stephen Lyon

Court

Family Division

Facts

In care proceedings the burden of proof was on the local authority to establish its case on the balance of probabilities. However, the more serious the allegation and the more improbable it was, the stronger the evidence must be to satisfy the court.

In the course of care proceedings an issue arose regarding the standard of proof applicable where very serious allegations were involved. The matter concerned a baby who had sustained head injuries, allegedly at the hands of the parents.

Held

HELD: In care proceedings the burden of proof was on the local authority to establish its case on the balance of probabilities. However, the more serious the allegation and the more improbable it was, the stronger the evidence must be to satisfy the court. This did not mean that the standard was higher where there were serious allegations, but that stronger evidence would be needed to prove the allegations on the balance of probabilities, *Re H (minors) (Sexual Abuse : Standard of proof)* (1996) AC 563 applied.

Judgment accordingly.

Permission

Lawtel 