



NZLS CLE Ltd
Continuing Legal Education
New Zealand Law Society



INTENSIVE ADVANCED LAWYER FOR CHILD

June 2022

IN THIS INTENSIVE

- *The Te Ao Mārama model for the District Court*
- *Child participation review*
- *Talking to children*
- *Specialised therapy to shift the resist/refuse dynamic*
- *Approaches to resist/refuse dynamic*
- *A quickfire update on important and emerging caselaw impacting our role*
- *How can we keep ourselves sane and happy*
- *Matariki hunga nui: Wānanga Tikanga, Tiriti, Tamariki*
- *Effective advocacy for children and young persons caught up in the Oranga Tamariki Act*

ADVANCED LAWYER FOR CHILD FROM THE CHAIR



Tēnā koutou katoa. Greetings to you all. It is with much excitement that I present the programme for our Advanced Lawyer for Child Intensive. This event was last convened four years ago, and the opportunity to gather in person to collaborate, upskill and socialise, will be eagerly embraced I am sure. The role of Lawyer for Child must evolve and develop in tune with cultural practices, societal changes, political developments, and more. There is much to discuss after four years; expectations and pressures have increased, and COVID-19 has resulted in many in our position feeling as if they are having to fulfil the role in increasing isolation. It is crucial we stay abreast of the constant changes and this intensive ensures you are brought up to date with developments and are equipped to improve and strengthen your skill set. It will also provide a fantastic opportunity to reconnect with colleagues from throughout the country, gain increased expertise in meeting with children, strive to do more in the area of cultural competency, be guided to better protect children's interests when a relationship with both parents appears to be impossible to secure, and so much more. I believe we have secured the best possible presenters for you and look forward with much anticipation to sharing their wealth of knowledge and experience with you all on the day.

Ngā manaakitanga

Susie Houghton

LEARNING OBJECTIVES

In this intensive you will be:

- Provided with the latest developments to challenge your own best practice model.
- Guided by experts to increase your expertise and skill set.

WHO SHOULD ATTEND

All experienced Lawyers for Child who want to be updated on the latest developments and trends to take your practice to the next level.

8.00-8.30

REGISTRATION

8.30-8.40

INTRODUCTION TO THE DAY: Chair – Susie Houghton

8.40-9.20

SESSION 1: THE TE AO MĀRAMA MODEL FOR THE DISTRICT COURT – IMPLICATIONS FOR FAMILY LAWYERS

The Chief District Court Judge, Judge Heemi Taumaunu, announced in 2020 a new model for the District Court, reflecting the needs of a multi-cultural Aotearoa, where everyone can seek justice and feel they are heard and understood. The model realises the shared vision for the Court by improving access to justice and enhancing procedural and substantive fairness for all people who are affected by the business of the Court. Principal Family Court Judge Moran will address us on what this will mean for family lawyers in the future.

Presenter

Judge Jacquelyn Moran

9.20-10.10

SESSION 2: CHILD PARTICIPATION REVIEW – CHALLENGE YOUR THINKING

Dr Inder will offer an update on findings and recommendations from her child participation review undertaken for the Ministry of Justice. This includes providing an understanding of best practice elements of child participation and highlighting where the gaps are in our current versus best practice. Deb will also present on how we can understand the concept of child participation beyond rights realisation to use in our day-to-day practice.

Presenter

Dr Deb Inder

10.10-10.30

MORNING TEA

10.30-11.10

SESSION 3: TALKING TO CHILDREN

Dr Calvert will provide “how to tips” about interviewing children, as well as an overview of developmental issues to keep in mind, how to address complex issues (family violence or relocation) and manage children resisting contact. Sarah will also look at the complexity of the issues of children’s wishes/opinions in light of international law as it is developing in this area.

Presenter

Dr Sarah Calvert

11.10-11.50

SESSION 4: SPECIALISED THERAPY TO SHIFT THE RESIST/REFUSE DYNAMIC

April will present on a specialised therapeutic process for families who are identified with “resist/refuse” dynamics, in which children are resisting or refusing contact with one parent. This model involves the child’s entire family system and has been adapted from a prominent United States model to fit into the New Zealand legal system.

Presenter *April Trenberth*

11.50-12.50

SESSION 5: APPROACHES TO RESIST/REFUSE DYNAMIC

A panel discussion, where Judge Goodwin, Judge Mahon, Pip and Catherine will together discuss the approaches to tackling the resist/refuse dynamic in the court setting and answer questions about approaches in these cases and the importance of working with the Court and psychologists to address the complex issues for children and their families with these dynamics.

Presenters *Judge Alan Goodwin, Judge Antony Mahon, Pip Cobcroft and Catherine Townsend*

12.50-1.40

LUNCH

1.40-2.30

SESSION 6: A QUICKFIRE UPDATE ON IMPORTANT AND EMERGING CASELAW IMPACTING OUR ROLE

With Vivienne and Alex at the helm, we will traverse some important topics and legal developments that you will not want to miss:

- Section 95 Evidence Act – the correct approach and risks
- Confidentiality under s 69 Evidence Act
- Lawyer for Child – staying in our lane and Judicial review
- The role beyond domestic Family Court matters:
 - Hague Convention matters – Lawyer for Child beyond the paramountcy rule
 - Appellate level – practical requirements and further challenges

Presenters *Vivienne Crawshaw QC and Alex Ashmore*

2.30-3.10

SESSION 7: HOW WE CAN KEEP OURSELVES SANE AND HAPPY

Dr Smith presents on how we can keep ourselves emotionally balanced when our cases are complex, the pace of work life is fast, and stress is building. Louise provides practical tips for setting boundaries, along with guidance on professional supervision and what is required to really make it serve its purpose.

Presenter *Dr Louise Smith*

3.10-3.30 **AFTERNOON TEA**

3.30-4.10

SESSION 8: MATARIKI HUNGA NUI: WĀNANGA TIKANGA, TIRITI, TAMARIKI

Matariki provides us with an opportunity to reflect on the years gone and to define our plans for the years ahead. As we journey towards transformative change in the Family Court, we need to consider: What are our plans? Is upskilling in te reo Māori and tikanga Māori part of our professional development? What does best practice look like for us as Lawyers for Child? Corin will take you through the basics of tikanga Māori, wellbeing from a te ao Māori view, s 7AA, Te Tiriti, and the obligations that we must discharge whenever we represent children.

Hiwa-i-te-rangi horahia ō hua mātinitini ki te Āpōpō.

Presenter *Corin Merrick*

4.10-4.50

SESSION 9: EFFECTIVE ADVOCACY FOR CHILDREN AND YOUNG PERSONS CAUGHT UP IN THE ORANGA TAMARIKI ACT

This session will cover how to try and give effect to the provisions in the Oranga Tamariki Act to ensure a holistic and creative outcome is achieved for your client, particularly if they are also caught up in the Youth Justice system or as they transition to independence from care. Catherine will take us through how to utilise the Crossover Court, how it works, how we can assist our clients and discuss alternatives if there is no Crossover Court.

Presenter *Catherine Cull*

4.50-5.00

SUMMARY OF THE DAY - CHAIR: SUSIE HOUGHTON

CHAIR



Susie Houghton, North Shore Legal Chambers, Auckland

Susie has been practising Family Law for over 25 years. She has been part of the Family Law Section's Executive for the last five years, including one year as Deputy Chair. Susie is a part of the specialist panel of lawyers appointed by the New Zealand Central Authority to represent parents involved in Hague proceedings (child abduction) and has represented children in the Family Court and the High Court for the last 20 years. She is an NZLS-trained mediator and has a passion for trying to assist parties to resolve even the most difficult of disputes, through discussion and compromise.

PRESENTERS



Alex Ashmore, Ponsonby Chambers, Auckland

Alex was admitted to the Bar in 1990 and commenced practice as a Barrister Sole in 2007. He has specialised in Family Law for over 20 years, with a particular focus on child abduction, child representation and appellate work. Alex has presented numerous papers on these subjects within New Zealand and in the United Kingdom.



Dr Sarah Calvert, Waikato University, Auckland

Dr Sarah Calvert PhD. Distinguished Scholar – Waikato University, is a Registered Clinical Psychologist who has worked for 35 years specialising in working with those impacted by trauma and with children and their families. She has worked for Oranga Tamariki in specialist roles and now principally works doing Family Court-related work, work for ACC and supervision. Sarah has always been involved in researching in her areas of interest and that research has been published internationally. She has recently authored a chapter in a publication on the Hague Convention on Child Abduction to be published later this year.



Pip Cobcroft, St Marys Chambers, Auckland

Pip is a Family Law Barrister who specialises in all aspects of Family Law litigation in the Family Court and High Court jurisdictions. She has a particular focus on complex and high conflict parenting disputes, entrenched post separation dynamics for children, resist/refuse dynamics, relationship property and post separation financial support. Pip is a Senior Lawyer for Child and she is a keen proponent for skilled advocacy in family law disputes and for lawyers who act for children to have a working understanding of concepts in the psychological literature.



Vivienne Crawshaw QC, Hobson Chambers, Auckland

Vivienne has been in practice in litigation since 1988 and focuses primarily on relationship property and child custody cases. She has appeared in numerous hearings, at first instance and appellate level. Vivienne has presented at NZLS CLE and other conferences. She took silk in 2018.

PRESENTERS



Catherine Cull, Barrister Sole, Kaikohe

Catherine is currently a Criminal Barrister conducting Judge Alone and Jury Trials for all levels of crime and was appointed to the Crown Prosecutors Panel (Whangarei) in 2021. In addition she has been a Lawyer for Child since 1990, Faculty Member of NZLS CLE Litigation Skills Programme since 1989 (Course Director in 2001 and 2002), and a Youth Advocate since 2004. Catherine helped establish, with Judge Lindsay, the Crossover Court in both Whangarei and Kaikohe Court.



His Honour Judge Alan Goodwin, District Court, Manukau

His Honour Judge Goodwin was appointed to the Manukau District Court in 2016 where he sits in Family and Criminal Courts. He is currently a member of the Principal Family Court Judge's advisory board. Prior to his appointment, Judge Goodwin was a Partner and Managing Partner at Corban Revell until practising as a Barrister Sole in Newmarket. He has practised family law in New Zealand since 1994 and has presented at a number of Family Law conferences and for NZLS CLE.



Dr Deb Inder, Inder Family Law, Wanaka

Admitted to the Bar in 1998, Dr Deb Inder is a Barrister and Accredited Mediator. She conducts both Family Dispute Resolution (FDR) and private mediations and regularly appears in the Family Court as Court Appointed Lawyer for Child and on behalf of clients. Most recently Deb has undertaken the child participation stocktake for the Ministry of Justice providing a report that focuses on the types of processes children are currently participating in under the Care of Children Act 2004 and the FDR Act 2013. This report has addressed best practice advice and identifying where New Zealand practice differs from best practice.



His Honour Judge Antony Mahon, Family Court, Manukau

His Honour Judge Mahon has been a Family Court Judge since 2015 and sits in Manukau. Prior to his appointment, he specialised in all aspects of Family Law with a particular interest in children's rights. Judge Mahon co-presented the Lawyer for Child workshop from 2006 until 2013 and was Chair of the Family Law Section from 2010 to 2012.



Corin Merrick, Matariki Chambers, Auckland

Corin (Ngāti Whare, Waikato, Maniapoto, Raukawa) is a graduate of Kōhanga Reo, Kura Kaupapa Māori, and Te Panekiretanga o Te Reo. She is a barrister at Matariki Chambers. Corin co-authored the first te reo Māori handbook for the law - *Kia Kākano Rua te Ture*. She is on the teaching faculty for the immersion reo programmes at Te Kura Kaiwhakawā and Te Hunga Rōia Māori. Corin undertakes Court-appointed work including lawyer for child, counsel to assist (assisting on matters where tikanga and the law intersect), and as a youth advocate. She is part of the Te Korimako Legal Education team.

PRESENTERS



Her Honour Judge Jacquelyn Moran, Principal Family Court Judge, Wellington

Her Honour Judge Jacquelyn (Jackie) Moran was appointed a Family Court Judge in 2003 and became Principal Family Court Judge in November 2018. She is New Zealand's fifth Principal Family Court Judge and the first woman appointed to the role since the Family Court's establishment in 1981. Judge Moran practised for 23 years mainly in Family Law was a member of Canterbury Family Justice Network and took an active role in designing and rolling out nationally the Early Intervention Process to deal efficiently with Care of Children Act 2004 proceedings.



Dr Louise Smith, Clinical Psychologist, Central Otago

Dr Louise Smith is a Clinical Psychologist, holds both a doctorate in psychology and a post graduate diploma in clinical psychology and has been a specialist report writer for the Family Court since 1994. She is an accredited Cognitive Analytic Therapy practitioner and supervisor, as well as continuing to offer cognitive behavioural therapy. Louise is accredited to work with clients for ACC. She provides therapeutic work with a variety of issues (anxiety, depression, OCD, recovery following trauma or abuse, grief, identity issues, self-harm, relational issues, etc).



Catherine Townsend, St Marys Chambers, Auckland

Catherine is a senior Family Law Barrister based in Auckland. She undertakes both private and Court-appointed work. Catherine is frequently appointed to represent children in Family Court proceedings as Senior Lawyer for Child(ren), and receives appointments as Counsel to Assist the Court. She has acted as Lawyer for Child for over 25 years. Catherine has a strong interest in and appreciation of child development and endeavours to incorporate this into her practice as Lawyer for Child.



April Trenberth, Clinical Psychologist, Auckland

April is a Clinical Psychologist with 37 years experience in a wide range of settings including mental health inpatient and outpatient services, child and family services, general private practice, Family Court specialist reports, Family Court specialist counselling, and Oranga Tamariki psychological reports. She supervises the professional and clinical work of psychologists, lawyers, social workers, youth workers, and counsellors. April is a co-presenter at the NZLS CLE training course for lawyers who wish to be approved as Lawyer for Child.

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