CHAIR



Rachael Dewar, Rachael Dewar Law, Wellington

Rachael established Rachael Dewar Law in 2010. She was a partner for 12 years at Tripe Matthews & Feist of Wellington, leading the Family Law team, and has 29 years' experience specialising in this area. Rachael has expertise in all aspects including relationship property, pre-nuptial agreements, parenting and relocation, adoption and surrogacy arrangements.

As a senior Lawyer for Child and an accredited FDR (Family Dispute Resolution) Mediator she has many years of hands-on experience in the court mediation role. Rachael is a long-standing member of the Wellington branch Family Law Committee of the NZLS and is currently on the Executive Committee of the Family Law Section of the NZLS.

KEYNOTE AND INTERNATIONAL SPEAKERS



Ita Buttrose AC OBE, Australian Media Icon, Sydney, Australia

Ita Buttrose AC OBE is a truly exceptional Australian: a legendary media trailblazer, businesswoman, best-selling author, committed community and welfare contributor and former Australian of the Year.

A renowned journalist, Ita has smashed through the glass ceiling throughout her career. Her accomplishments include being the founding editor of Cleo, the youngest ever editor of The Australian Women's Weekly and the first woman to ever edit a major metropolitan newspaper in Australia as Editor-in-Chief of the Sydney Daily and Sunday Telegraphs as well as the first female director of News Ltd Australia.

She balances her high profile role with her many charitable responsibilities including work with Dementia Australia and the Macular Disease Foundation. In the Queen's Birthday Honours this year she was made a Companion of the Order of Australia for her service to the community through leadership in the media, the arts, the health sector and as a role model.



Robyn Bradey, RB Counselling & Consultancy Services, Sydney, Australia

Robyn (BSocStud, SYD) is a Mental Health Accredited Social Worker with 39 years' experience, 28 of those in private practice. She has been a youth worker, a hospital social worker, and an administrator. Robyn offers professional supervision to a wide range of health, welfare and legal workers, and acts as a consultant to the UK Bar. She has been a counsellor, specialising in loss, grief, trauma, work-related stress and injury and has taught at TAFE, the Australian College of Applied Psychology, and the Centre of Community Welfare Training. Robyn has written five books and numerous professional publications.

KEYNOTE AND INTERNATIONAL SPEAKERS



Dr Rob George, University College London and Harcourt Chambers, London, England

Rob is a leading expert on international family law, particularly in relation to relocation disputes, child abduction, jurisdiction, and international and domestic surrogacy cases. Alongside his practice at Harcourt Chambers, he holds the position of Associate Professor of Family Law at University College London, teaching family law and children's rights, as well as conducting research into the family justice system. Rob joined UCL in 2014 after eight years at the University of Oxford, first as a Lecturer and then as a British Academy Postdoctoral Fellow. He completed his DPhil in Family Law in 2010, after doing an Undergraduate degree in Law and a Master's degree in Social Policy. Rob sits on the International Family Justice Committee and is the author of numerous books and articles on family law, including OUP's *Family Law: Text, Cases and Materials* (4th edition, 2019) and *Relocation Disputes: Law and Practice in England and New Zealand* (2014).

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 graduated LLB in 1979 and was admitted to the Bar in 1980. She practised for 23 years mainly in family law in Ōtāhuhu, Whanganui, and Invercargill. When appointed a District Court Judge with a Family warrant Judge Moran was assigned to Christchurch. For six years she was the Administrative Family Court Judge for the Southern Region, and for a brief period in 2014 she served as Acting Principal Family Court Judge. She has been 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. In 2013-2014 she was a judicial member of the working party on Family Court reforms introduced at that time.



Professor Bruce Smyth, Australian National University, Canberra, Australia

Bruce has worked as a social scientist in the area of family law for the past 25 years. Last year, he received the Stanley Cohen Distinguished Research Award in Washington from the American Association of Family & Conciliation Courts (AFCC) in recognition of outstanding research and research achievements in the field of family and divorce. He has published widely in the area of family law, especially on post-separation parenting, and loves attending NZLS CLE conferences.



Amy Bayliss, Atticus Chambers, Christchurch

Amy has practised as a family lawyer since 2009. She has particular interest in property and estates and is a contributing author to *Westlaw Family Law – Family Property and Family Procedure*.



Margaret Casey QC, Barrister, Auckland

Margaret specialises in cases involving international conventions and family disputes. She is an expert in Hague Convention matters, adoption, and surrogacy.



Ophir Cassidy, Manukau Law, Auckland

Ko Hikurangi te maunga, Ko Waiapu te awa, Ko Ngati Porou te iwi. Ophir specialises in family law with particular interest in care and protection matters. She is a Lawyer for Child and a Youth Advocate.



Lady Deborah Chambers QC, Bankside Chambers, Auckland

Lady Deborah practises in the area of complex relationship property, family trusts and fiduciary relationships.



Sharon Chandra, Turner Hopkins, Auckland

Sharon practises in family law, focusing on relationship property, trusts and estate disputes.



John-Luke Day, Law Commission, Wellington

John-Luke has worked mainly on the review of the Property (Relationships) Act 1976, since 2016.



Alison Douglass, Barrister, Dunedin

Alison has 30 years' experience in health and disability law, and is appointed by the Family Court and appellate Courts to represent people with impaired capacity.



Dominic Dravitzki, Malley & Co, Christchurch

Dominic specialises in relationship property, disputes about the care of children and Hague Convention matters. He is a senior Lawyer for Child and has acted as Counsel to Assist the Court.



Erin Ebborn, Portia, Christchurch

Erin is Director and Principal Lawyer of Portia. She has served as an Executive Officer of the NZLS Family Law Section and was a contributor to the recently-released book *Feminist Judgments of Aotearoa New Zealand*.



Nigel Fairley, Captial & Coast District Health Board, Wellington

Nigel is the General Manager and Director of Area Mental Health Services for three DHBs. He is a Fellow of the New Zealand College of Clinical Psychologists.



Antonia Fisher QC, O'Connell Street Barristers, Auckland

Antonia specialises in relationship property, trusts and estate litigation. She often assists with complex s 21 agreements.



Dr Paul Fitzmaurice, Healthscope NZ, Wellington

Paul has a PhD in Toxicology and is a member of the NZ Expert Advisory Committee on Drugs, and the Psychoactive Substances Expert Advisory Committee.



Jane Forrest, Darroch Forrest, Wellington

Jane specialises in family law, medico-legal matters and professional indemnity insurance.



Annette Gray, Buchanan Gray, Wellington

Annette has been a Counsel for Subject Person for many years and is currently a District Inspector of Mental Health.



Professor Mark Henaghan, University of Auckland, Auckland

Mark is a Professor of Law at the University of Auckland law school specialising in family law.



Henry Herman, Rice Craig, Auckland

Henry is a specialist family lawyer with 13 years' experience and leads the Family Law Team at Rice Craig Lawyers.



Caroline Hickman, Barrister and Mediator, Napier

Caroline specialises in family, property, youth law and mediations and is on the Executive Committee of the NZLS Family Law Section.



Dr Anna High, University of Otago, Dunedin

Anna is a lecturer in law at the University of Otago, where she teaches Evidence, Criminal, and Chinese Law.



Deb Inder, Central Mediation, Wanaka

Deb is a Barrister and Mediator. Her doctoral thesis topic is: *The Voice of the Child in the Context of the New Zealand Family Justice System*.



Erin Judge, Oranga Tamariki – Ministry for Children, Wellington

Erin (Ngāti Tūwharetoa) leads a team of 105 lawyers and legal assistants as Kaihautū Ture – Chief Legal Officer.



Greg Kelly, Greg Kelly Law, Wellington

Greg has 35 years' experience in wills, trusts and estates. He is on the Wills and Trusts Committee of the NZLS Property Law Section, and is a member of STEP.



Nichola Lambie, Law Commission, Wellington

Nichola worked on the review of the Property (Relationships) Act 1976 from 2016 to its completion in 2019.



Helen McQueen, Law Commission, Wellington

Helen is the Lead Commissioner on the three-year review of the Property (Relationships) Act 1976.



Corin Merrick, Mānuka Chambers, Auckland

Corin (Tainui, Ngāti Whare) is a family lawyer and youth advocate in Tāmaki Makaurau. She is passionate about te reo Māori and is a graduate of Te Panekiretanga o Te Reo (the Institute of Excellence in the Māori Language).



Dr Fiona Miller, University of Otago, Wellington

Fiona's doctoral research was entitled: *Children's competence to consent to medical, surgical and dental treatment: Partners in Healthcare?*



Johan Niemand, Niemand Peebles Hoult, Hamilton

Johan has practised predominantly in family law since his admission in 2005. He has particular interest in Family Court practice and procedure.



Rosslyn Noonan, University of Auckland, Auckland

Rosslyn chaired the Independent Family Court Review Panel, is the part-time director of the NZ Centre for Human Rights Law, Policy and Practice, and works internationally as a senior consultant.



Her Honour Judge Sharyn Otene, District Court, Hamilton

Judge Otene (Ngāpuhi) was appointed to the District Court bench in 2015 and sits in the family, youth and criminal jurisdictions.



Her Honour Judge Emma Parsons, Family Court Waitakere, Auckland

Judge Parsons was appointed in 2016 and sits in the Family Court and Alcohol and Other Drugs Court at Waitakere, Auckland.



Dr Ayesha Scott, AUT, Auckland

Ayesha is an interdisciplinary researcher, whose ongoing projects explore the impact of financial and economic abuse in intimate partnerships.



Dr Jacqueline A. Short, CCDHB and University of Otago, Wellington

Jackie is Clinical Director of the Central Regional Forensic and Rehabilitation Mental Health Service and Deputy Chair of the Family Violence Death Review Committee.



Dr Emily Street, NZ Defence Force, Wellington

Emily is a UK trained Clinical Psychologist who specialises in adult mental health.



Kiriana Tan, Te Kopu Chambers, Hamilton

Kiriana is of Ngāti Hangarau, Ngāti Mutunga and Chinese descent. She is a Lawyer for Child, Counsel for Subject Person and a member of the Family Violence Death Review Committee.



Associate Professor Dr Nicola Taylor, University of Otago, Dunedin

Nicola (BSW (Hons), LLB (Hons), PhD) is Director of the Children's Issues Centre, Faculty of Law, University of Otago.



Stephen van Bohemen, Atticus Chambers, Christchurch

Stephen's practice is predominantly family law. He is a contributing editor to *Brookers Family Law – Child Law, Family Procedure and Family Property.*



Dr Fran Vertue, Christchurch Psychology, Christchurch

Fran is a clinical psychologist with a PhD in Psychological Medicine. She prepares specialist psychological reports for the Family Court.

CONTENTS

In session order

Keynote: Opening Address
There is no paper for this session 1
Principal Family Court Judge Jacquelyn Moran
Keynote: The role of law in family disputes
The role of law in family disputes
Dr Rob George
He taonga te tamariki – representing Māori in the Family Court
He taonga te tamariki – representing Māori in the Family Court 13
Ophir Cassidy and Corin Merrick
Understanding intimate partner violence
Surviving post-separation financial violence despite the Family Court
Dr Ayesha Scott (author) and Professor Bruce Smyth (co-presenter)
Anarchy and analysis – applying the rules to child-related evidence
Anarchy and analysis – applying the rules to child-related evidence
Caroline Hickman and Dr Anna High
Hague Convention – an update
Navigating a Hague Convention case from port to court
Margaret Casey QC and Dominic Dravitzki
Family Law Section update
There is no paper for this session
Kirsty Swadling
The resilient lawyer The Resilient lawyer – a manual for staying well @ work
Robyn Bradey

"We just want what's fair" – helping clean up after the winds of change have blown
through a relationship
Fact scenario
Amy Bayliss, Antonia Fisher QC, Jane Forrest, Henry Herman and Stephen van Bohemen
"Kidz rule ok": children's capacity for decision-making
"Kidz rule ok": children's capacity for decision-making 135
Alison Douglass and Dr Fiona Miller
Hair drug analysis – getting to the root of the problem
Hair drug analysis – getting to the root of the problem
Dr Paul Fitzmaurice
Absorbing radiation over time: the cost of exposure to disturbing material and the importance of prevention
There is no paper for this session
Dr Emily Street
Keynote: Continuous change: a creator of future opportunities
There is no paper for this session
Ita Buttrose AC OBE
Reform of the Property (Relationships) Act – The Law Commission's recommendations
The Law Commission's review of the Property (Relationships) Act 1976 173
John-Luke Day, Nichola Lambie and Helen McQueen
Making the changes happen
Executive Summary of Te Korowai Ture ā-Whānau: the final report of the Independent Panel examining the 2014 family justice reforms
Rosslyn Noonan
Evaluating the 2014 Family Law Reforms: family justice professionals' perspectives
Associate Professor Nicola Taylor
Parenting with a mental disorder
Parenting with a mental disorder

Nigel Fairley and Dr Jacqueline Short

Quiz! Do you really know your stuff?
There is no paper for this session
Johan Niemand and Judge Emma Parsons
Oranga Tamariki Act Changes – Update
Te Hurihanga Tuarua? – examining amendments to the Oranga Tamariki Act 1989 that took effect on 1 July 2019
Judge Sharyn Otene
Care and protection: past, present, future
Judge Sharyn Otene
The black letter law amendments
Dr Allan Cooke (Author only)
Family Protection Act and the PRA
Family Protection Act (FPA) and the Property Relationships Act (PRA) 1976 309
Annette Gray
Family Protection Act claims
Greg Kelly
Children's participation in the family justice system: purpose and process
Children's participation: the purpose and process
Deb Inder
Children's participation in the specialist report writer's work: translation of best interests into something measurable and ways to collect valid information from children 347
Dr Fran Vertue
Falling through the cracks: alternative perspectives on family violence
Falling through the cracks: alternative perspectives on family violence
Kiriana Tan
Falling through the cracks: alternative perspectives on family violence (ii)
Erin Ebborn
What's love got to do with it – it's all in the section 21 my love!
Section 21 agreements: sign of the times 401

Lady Deborah Chambers QC

Section 21 agreements: what not to do	393
Sharon Chandra	
The principles of law and recent cases on s 21	419
Professor Mark Henaghan	

CONTENTS

Alphabetical by author/presenter

Author		Title	Page
Bayliss	Amy	"We just want what's fair" – fact scenario Panel with Antonia Fisher QC, Jane Forrest, Henry Herman and Stephen van Bohemen	131
Bradey	Robyn	The Resilient lawyer – a manual for staying well @ work	101
Buttrose AC OBE	Ita	There is no paper for this session	171
Casey QC	Margaret	Navigating a Hague Convention case from port to court	71
		Joint paper with Dominic Dravitzki	
Cassidy	Ophir	He taonga te tamariki – representing Māori in the Family Court	13
		Joint paper with Corin Merrick	
Chambers QC	Lady Deborah	Section 21 agreements: sign of the times	401
Chandra	Sharon	Section 21 agreements: what not to do	393
Cooke	Dr Allan	The black letter law amendments	279
Day	John-Luke	The Law Commission's review of the Property (Relationships) Act 1976	173
		Joint paper with Nichola Lambie and Helen McQueen	
Douglass	Alison	"Kidz rule ok": children's capacity for decision-making Joint paper with Dr Fiona Miller	135
		50m puper win Dr 1 10m Winer	

Dravitzki	Dominic	Navigating a Hague Convention case from port to court Joint paper with Margaret Casey QC	71
Ebborn	Erin	Falling through the cracks: alternative perspectives on family violence (ii)	375
Fairley	Nigel	Parenting with a mental disorder Joint paper with Dr Jacqueline Short	235
Fisher QC	Antonia	"We just want what's fair" – fact scenario Panel with Amy Bayliss, Jane Forrest, Henry Herman and Stephen van Bohemen	131
Fitzmaurice	Dr Paul	Hair drug analysis – getting to the root of the problem	163
Forrest	Jane	"We just want what's fair" – fact scenario Panel with Amy Bayliss, Antonia Fisher QC, Henry Herman and Stephen van Bohemen	131
George	Dr Rob	The role of law in family disputes	3
Gray	Annette	Family Protection Act (FPA) and the Property Relationships Act (PRA) 1976	309
Henaghan	Professor Mark	The principles of law and recent cases on s 21	419
Herman	Henry	"We just want what's fair" – fact scenario Panel with Amy Bayliss, Antonia Fisher QC, Jane Forrest, and Stephen van Bohemen	131
Hickman	Caroline	Anarchy and analysis – applying the rules to child-related evidence Joint paper with Dr Anna High	47
High	Dr Anna	Anarchy and analysis – applying the rules to child-related evidence Joint paper with Caroline Hickman	47

Inder	Deb	Children's participation: the purpose and process	333
Judge	Erin	Oranga Tamariki Act changes – Update Presenter	243
Kelly	Greg	Family Protection Act claims	323
Lambie	Nichola	The Law Commission's review of the Property (Relationships) Act 1976 Joint paper with John-Luke Day and Helen McQueen	173
McQueen	Helen	The Law Commission's review of the Property (Relationships) Act 1976 Joint paper with John-Luke Day and Nichola Lambie	173
Merrick	Corin	He taonga te tamariki – representing Māori in the Family Court <i>Joint paper with Ophir Cassidy</i>	13
Miller	Dr Fiona	"Kidz rule ok": children's capacity for decision-making Joint paper with Alison Douglass	135
Moran	Her Honour Judge Jacquelyn	There is no paper for this session	1
Niemand	Johan	There is no paper for this session	241
Noonan	Rosslyn	Executive Summary of Te Korowai Ture ā- Whānau: the final report of the Independent Panel examining the 2014 family justice reforms	215

Otene	Her Honour Judge Sharyn	Te Hurihanga Tuarua? – examining amendments to the Oranga Tamariki Act 1989 that took effect on 1 July 2019	243
		Care and protection: past, present, future	255
Parsons	Her Honour Judge Emma	There is no paper for this session	241
Scott	Dr Ayesha	Surviving post-separation financial violence despite the Family Court	27
Short	Dr Jacqueline	Parenting with a mental disorder	235
		Joint paper with Nigel Fairley	
Smyth	Professor Bruce	Surviving post-separation financial violence despite the Family Court	27
		Co-presenter with Dr Ayesha Scott (author)	
Street	Dr Emily	There is no paper for this session	169
Swadling	Kirsty	There is no paper for this session	99
Tan	Kiriana	Falling through the cracks: alternative perspectives on family violence	361
Taylor	Associate Professor Nicola	Evaluating the 2014 Family Law Reforms: family justice professionals' perspectives	191
van Bohemen	Stephen	"We just want what's fair" – fact scenario Panel with Amy Bayliss, Antonia Fisher QC, Jane Forrest, and Henry Herman	131
Vertue	Dr Fran	Children's participation in the specialist report writer's work: translation of best interests into something measurable and ways to collect valid information from children	347

CONTENTS

KEYNOTE: OPENING ADDRESS	1
THE ROLE OF LAW IN FAMILY DISPUTES	3
HE TAONGA TE TAMARIKI – REPRESENTING MĀORI IN THE FAMILY COURT	13
Tikanga Māori	
HISTORICAL CONTEXT – THE IMPACT OF COLONISATION ON TIKANGA MĀORI	17
TE REO MÃORI	
PRACTICAL TIPS TO ASSIST IN OUR ROLE AS LAWYERS CONCLUSION	
NGĀ RAUEMI – RESOURCES	
SURVIVING POST-SEPARATION FINANCIAL VIOLENCE DESPITE THE FAMILY COUR	
Abstract	29
INTRODUCTION	
COLLECTING WOMEN'S STORIES OF FINANCIAL VIOLENCE	
Tools of entrapment Safety: nowhere to run, nowhere to hide	
WHERE TO NOW?	
References	43
ANARCHY AND ANALYSIS – APPLYING THE RULES TO CHILD-RELATED EVIDENCE.	47
INTRODUCTION	
THEORY OF THE "ANY EVIDENCE" APPROACH	
"ANY EVIDENCE" IN NEW ZEALAND FAMILY LAW – SECTION 12A(4) FAMILY COURTS ACT 1980 Fundamental Evidence Act principles: A primer	
FONDAMENTAL EVIDENCE ACT FRINCIPLES. A FRIMER FREE PROOF, HEARSAY AND CHILD-RELATED EVIDENCE	
Conclusion	64
APPENDIX – OTHER CASE LAW ON SECTION 12A(4)	65
NAVIGATING A HAGUE CONVENTION CASE FROM PORT TO COURT	71
INTRODUCTION	
CHILDREN IN NEW ZEALAND – RISK OF REMOVAL FROM NEW ZEALAND: THE PROCESS ROADMAP CHILD HAS BEEN REMOVED FROM NEW ZEALAND – ACTING FOR THE LEFT BEHIND PARENT: THE PROCE	ESS
ROADMAP How does the Convention process work? – overview	
CHILD BROUGHT TO NEW ZEALAND – ACTING FOR THE REMOVING PARENT: THE PROCESS ROADMAP	
FAMILY LAW SECTION UPDATE	99
THE RESILIENT LAWYER	101
"WE JUST WANT WHAT'S FAIR" – HELPING CLEAN UP AFTER THE WINDS OF CHAN HAVE BLOWN THROUGH A RELATIONSHIP – FACT SCENARIO	
"KIDZ RULE OK": CHILDREN'S CAPACITY FOR DECISION-MAKING	
INTRODUCTION	
SAMANTHA'S EXPERIENCE	
The law	
CAPACITY AND INFORMED CONSENT	
FIONA MILLER'S QUALITATIVE RESEARCH Appendix	
HAIR DRUG ANALYSIS	
INTRODUCTION	
INTRODUCTION	
HAIR COLLECTION ROCEDORE	
INTERPRETATION OF RESULTS	
Conclusion	168

ABSORBING RADIATION OVER TIME: THE COST OF EXPOSURE TO DISTURBING MATERIAL AND THE IMPORTANCE OF PREVENTION	. 169
KEYNOTE: CONTINUOUS CHANGE: A CREATOR OF FUTURE OPPORTUNITIES	. 171
THE LAW COMMISSION'S REVIEW OF THE PROPERTY (RELATIONSHIPS) ACT 1976	. 173
INTRODUCTION	
PROJECT OVERVIEW	
THE LAW COMMISSION'S KEY RECOMMENDATIONS	
WHERE TO FROM HERE?	
APPENDIX 1 – DRAFT CLASSIFICATION PROVISIONS	
APPENDIX 2 – DRAFT AMENDED SECTION 44C	
EVALUATING THE 2014 FAMILY LAW REFORMS: FAMILY JUSTICE PROFESSIONALS' PERSPECTIVES	
INTRODUCTION AND RESEARCH OVERVIEW	. 193
IMPACT OF THE REFORMS ON PROFESSIONALS' WORK	
TRAINING AND PROFESSIONAL DEVELOPMENT	
FAMILY JUSTICE SERVICES	
SUMMARY OF RATINGS ABOUT THE SIX FAMILY JUSTICE SERVICES	. 204
THE 2014 FAMILY LAW REFORMS	. 205
NEW ZEALAND'S CURRENT FAMILY JUSTICE SYSTEM	. 207
CONCLUSION	. 210
APPENDIX A – FAMILY JUSTICE PROFESSIONALS: SURVEY RESPONDENTS	
APPENDIX B – FAMILY JUSTICE PROFESSIONALS: INTERVIEW RESPONDENTS	. 213
EXECUTIVE SUMMARY OF TE KOROWAI TURE Ā-WHĀNAU: THE FINAL REPORT OF THE INDEPENDENT PANEL EXAMINING THE 2014 FAMILY JUSTICE REFORMS	. 215
PARENTING WITH A MENTAL DISORDER	. 235
Session outline	. 237
PREAMBLE	
PEOPLE WITH MENTAL HEALTH PROBLEMS ARE PARENTS TOO	
ATTACHMENT, ATTUNEMENT AND THE "GOOD ENOUGH" PARENT	
WHAT MATTERS – DIAGNOSIS OR BEHAVIOURS?	. 238
WHAT DO THE CHILDREN SAY?	
"THINK FAMILY"	. 239
QUIZ! DO YOU REALLY KNOW YOUR STUFF?	
ORANGA TAMARIKI ACT CHANGES – UPDATE	. 243
CARE AND PROTECTION: PAST, PRESENT, FUTURE	
INTRODUCTION	
GENESIS: TITIRO WHAKAMURI, KŌKIRI WHAKAMUA	
THE SPACE BETWEEN INTENT AND PRACTICE	
Application	
APPENDIX ONE	
APPENDIX ONE	
THE BLACK LETTER LAW AMENDMENTS	
INTRODUCTION	279
THE SOCIAL INVESTMENT DYNAMIC	
THE SOCIAL INVESTMENT DINAMIC	
INTRODUCTORY DISCUSSION	
Well-Being	
SECTIONS 5(1)(A), 10 AND S 11 – CHILDREN'S PARTICIPATION	
SERIOUS HARM?	
CARE OR PROTECTION ORDER AND ITS RELATED PROCESS	
INTERIM GUARDIANSHIP ORDERS – SECTION 110AA	
OTHER IMPORTANT AMENDMENTS	. 296
TRANSITION TO INDEPENDENCE	
TRANSITIONAL PROVISIONS	. 306

	A) 1976 309
"O'DEATH, WHERE IS THY STING? O'GRAVE, WHERE IS THY VICTORY?" 1 CORINTHIANS	
WHO CAN APPLY FOR ORDERS?	312
OPTION A OR B	
EFFECT OF ELECTING OPTION A ON THE DISTRIBUTION OF ADMINISTRATION OF AN ESTATE	
WHO CAN APPLY – SECTION 88	
WHAT KIND OF FACTORS HAVE BEEN DETERMINED AS RELEVANT TO THE SERIOUS INJUSTICE QUES	
ECONOMIC DISPARITY	
SOME INTERESTING RECENT CASES IN THIS AREA	
FAMILY PROTECTION ACT CLAIMS	323
Assets in trust	
TIME LIMITS ON CLAIMS	328
Costs	
MUTUAL WILLS	
Reform	
CHILDREN'S PARTICIPATION: THE PURPOSE AND PROCESS	
INTRODUCTION	
THE FIRST ELEMENT OF PARTICIPATION: PURPOSE	
THE SECOND ELEMENT OF PARTICIPATION: PROCESS	
BARRIERS TO THE REALISATION OF CHILDREN'S PARTICIPATION RIGHTS	
CHILDREN'S VIEWS ON AND BENEFITS OF PARTICIPATION	
A PROPOSED NEW APPROACH TO CHILDREN'S PARTICIPATION THE CONTRIBUTIONS OF CHILDHOOD STUDIES AND SOCIOCULTURAL THEORY	
THE CONTRIBUTIONS OF CHILDHOOD STUDIES AND SOCIOCULTURAL THEORY ESSENTIAL ELEMENTS OF A MODEL OF CHILD PARTICIPATION	
ESSENTIAL ELEMENTS OF A MODEL OF CHILD PARTICIPATION	-
COLLECT VALID INFORMATION FROM CHILDREN	5 ТО
COLLECTING VALID DATA FROM CHILDREN	347
COLLECTING VALID DATA FROM CHILDREN FALLING THROUGH THE CRACKS: ALTERNATIVE PERSPECTIVES ON FAMILY VIOLENCE	347 351
FALLING THROUGH THE CRACKS: ALTERNATIVE PERSPECTIVES ON FAMILY VIOLENCE	347 351 361
FALLING THROUGH THE CRACKS: ALTERNATIVE PERSPECTIVES ON FAMILY VIOLENCE INTRODUCTION	347 351 361 363
FALLING THROUGH THE CRACKS: ALTERNATIVE PERSPECTIVES ON FAMILY VIOLENCE	347 351 361 363 363
FALLING THROUGH THE CRACKS: ALTERNATIVE PERSPECTIVES ON FAMILY VIOLENCE INTRODUCTION	347 351 361 363 363 363
FALLING THROUGH THE CRACKS: ALTERNATIVE PERSPECTIVES ON FAMILY VIOLENCE INTRODUCTION WORK OF THE FAMILY VIOLENCE DEATH REVIEW COMMITTEE. WHAT DO THE CHANGES MEAN FOR US AS FAMILY LAWYERS?	347 351 361 363 363 365 365
FALLING THROUGH THE CRACKS: ALTERNATIVE PERSPECTIVES ON FAMILY VIOLENCE INTRODUCTION WORK OF THE FAMILY VIOLENCE DEATH REVIEW COMMITTEE. WHAT DO THE CHANGES MEAN FOR US AS FAMILY LAWYERS? PRINCIPLE 4(L) TIKANGA MÃORI INTERGENERATIONAL TRAUMA.	347 351 361 363 363 365 365 365 365 368
FALLING THROUGH THE CRACKS: ALTERNATIVE PERSPECTIVES ON FAMILY VIOLENCE INTRODUCTION WORK OF THE FAMILY VIOLENCE DEATH REVIEW COMMITTEE. WHAT DO THE CHANGES MEAN FOR US AS FAMILY LAWYERS? PRINCIPLE 4(L). TIKANGA MÃORI INTERGENERATIONAL TRAUMA. CONCLUDING REMARKS.	
FALLING THROUGH THE CRACKS: ALTERNATIVE PERSPECTIVES ON FAMILY VIOLENCE INTRODUCTION WORK OF THE FAMILY VIOLENCE DEATH REVIEW COMMITTEE. WHAT DO THE CHANGES MEAN FOR US AS FAMILY LAWYERS? PRINCIPLE 4(L) TIKANGA MÃORI INTERGENERATIONAL TRAUMA. CONCLUDING REMARKS. BIBLIOGRAPHY	
FALLING THROUGH THE CRACKS: ALTERNATIVE PERSPECTIVES ON FAMILY VIOLENCE INTRODUCTION WORK OF THE FAMILY VIOLENCE DEATH REVIEW COMMITTEE. WHAT DO THE CHANGES MEAN FOR US AS FAMILY LAWYERS? PRINCIPLE 4(L) TIKANGA MÃORI INTERGENERATIONAL TRAUMA. CONCLUDING REMARKS. BIBLIOGRAPHY FALLING THROUGH THE CRACKS: ALTERNATIVE PERSPECTIVES ON FAMILY VIOLENCE (II)	
FALLING THROUGH THE CRACKS: ALTERNATIVE PERSPECTIVES ON FAMILY VIOLENCE INTRODUCTION WORK OF THE FAMILY VIOLENCE DEATH REVIEW COMMITTEE. WHAT DO THE CHANGES MEAN FOR US AS FAMILY LAWYERS? PRINCIPLE 4(L) TIKANGA MÃORI INTERGENERATIONAL TRAUMA. CONCLUDING REMARKS. BIBLIOGRAPHY FALLING THROUGH THE CRACKS: ALTERNATIVE PERSPECTIVES ON FAMILY VIOLENCE (II) INTRODUCTION	
FALLING THROUGH THE CRACKS: ALTERNATIVE PERSPECTIVES ON FAMILY VIOLENCE INTRODUCTION WORK OF THE FAMILY VIOLENCE DEATH REVIEW COMMITTEE. WHAT DO THE CHANGES MEAN FOR US AS FAMILY LAWYERS? PRINCIPLE 4(L) TIKANGA MÃORI INTERGENERATIONAL TRAUMA. CONCLUDING REMARKS. BIBLIOGRAPHY FALLING THROUGH THE CRACKS: ALTERNATIVE PERSPECTIVES ON FAMILY VIOLENCE (II) INTRODUCTION FAMILY VIOLENCE, OLDER PERSONS AND PERSONS WITH DISABILITY	
FALLING THROUGH THE CRACKS: ALTERNATIVE PERSPECTIVES ON FAMILY VIOLENCE INTRODUCTION Work of the Family Violence Death Review Committee. What Do the changes mean for US as Family Lawyers? PRINCIPLE 4(L) Tikanga Māori INTERGENERATIONAL TRAUMA. CONCLUDING REMARKS. Bibliography FALLING THROUGH THE CRACKS: ALTERNATIVE PERSPECTIVES ON FAMILY VIOLENCE (II) INTRODUCTION FAMILY VIOLENCE, OLDER PERSONS AND PERSONS WITH DISABILITY CONCLUSIONS.	
FALLING THROUGH THE CRACKS: ALTERNATIVE PERSPECTIVES ON FAMILY VIOLENCE INTRODUCTION WORK OF THE FAMILY VIOLENCE DEATH REVIEW COMMITTEE. WHAT DO THE CHANGES MEAN FOR US AS FAMILY LAWYERS? PRINCIPLE 4(L) TIKANGA MÃORI INTERGENERATIONAL TRAUMA. CONCLUDING REMARKS. BIBLIOGRAPHY FALLING THROUGH THE CRACKS: ALTERNATIVE PERSPECTIVES ON FAMILY VIOLENCE (II) INTRODUCTION FAMILY VIOLENCE, OLDER PERSONS AND PERSONS WITH DISABILITY CONCLUSIONS. RECOMMENDED FURTHER AREAS OF RESEARCH	
FALLING THROUGH THE CRACKS: ALTERNATIVE PERSPECTIVES ON FAMILY VIOLENCE INTRODUCTION WORK OF THE FAMILY VIOLENCE DEATH REVIEW COMMITTEE. WHAT DO THE CHANGES MEAN FOR US AS FAMILY LAWYERS? PRINCIPLE 4(L) TIKANGA MÃORI INTERGENERATIONAL TRAUMA. CONCLUDING REMARKS. BIBLIOGRAPHY FALLING THROUGH THE CRACKS: ALTERNATIVE PERSPECTIVES ON FAMILY VIOLENCE (II) INTRODUCTION FAMILY VIOLENCE, OLDER PERSONS AND PERSONS WITH DISABILITY CONCLUSIONS. RECOMMENDED FURTHER AREAS OF RESEARCH BIBLIOGRAPHY	
FALLING THROUGH THE CRACKS: ALTERNATIVE PERSPECTIVES ON FAMILY VIOLENCE INTRODUCTION WORK OF THE FAMILY VIOLENCE DEATH REVIEW COMMITTEE. WHAT DO THE CHANGES MEAN FOR US AS FAMILY LAWYERS? PRINCIPLE 4(L) TIKANGA MÃORI INTERGENERATIONAL TRAUMA. CONCLUDING REMARKS. BIBLIOGRAPHY FALLING THROUGH THE CRACKS: ALTERNATIVE PERSPECTIVES ON FAMILY VIOLENCE (II) INTRODUCTION FAMILY VIOLENCE, OLDER PERSONS AND PERSONS WITH DISABILITY CONCLUSIONS. RECOMMENDED FURTHER AREAS OF RESEARCH	
FALLING THROUGH THE CRACKS: ALTERNATIVE PERSPECTIVES ON FAMILY VIOLENCE INTRODUCTION WORK OF THE FAMILY VIOLENCE DEATH REVIEW COMMITTEE. WHAT DO THE CHANGES MEAN FOR US AS FAMILY LAWYERS? PRINCIPLE 4(L) TIKANGA MÃORI INTERGENERATIONAL TRAUMA. CONCLUDING REMARKS. BIBLIOGRAPHY FALLING THROUGH THE CRACKS: ALTERNATIVE PERSPECTIVES ON FAMILY VIOLENCE (II) INTRODUCTION FAMILY VIOLENCE, OLDER PERSONS AND PERSONS WITH DISABILITY CONCLUSIONS. RECOMMENDED FURTHER AREAS OF RESEARCH BIBLIOGRAPHY WHAT'S LOVE GOT TO DO WITH IT – IT'S ALL IN THE SECTION 21 MY LOVE! SECTION 21 AGREEMENTS: WHAT NOT TO DO	
FALLING THROUGH THE CRACKS: ALTERNATIVE PERSPECTIVES ON FAMILY VIOLENCE INTRODUCTION Work of the Family Violence Death Review Committee. What do the changes mean for us as family lawyers? Principle 4(L). Tikanga Māori INTERGENERATIONAL TRAUMA. Concluding Remarks. Bibliography FALLING THROUGH THE CRACKS: ALTERNATIVE PERSPECTIVES ON FAMILY VIOLENCE (II) INTRODUCTION FAMILY VIOLENCE, OLDER PERSONS AND PERSONS WITH DISABILITY Conclusions. Recommended further areas of Research Bibliography	

SECTION 21 AGREEMENTS: SIGN OF THE TIMES	401
PRECEDENTS	
THE BALANCING ACT	401
CONTRACTING OUT AGREEMENTS: ESSENTIAL CLAUSES, COMMON MISTAKES AND TRUSTS	402
SEPARATION AGREEMENTS: ESSENTIAL CLAUSES AND COMMON MISTAKES AND TRUSTS	411
SHINY NEW IDEAS	416
THE PRINCIPLES OF LAW AND RECENT CASES ON S 21	419
THE FORMAL REQUIREMENTS	419
Core principles	421
DURESS, UNDUE INFLUENCE AND UNCONSCIONABLE BARGAIN	422
TRUSTS AND S 21	423
RECENT CASES – WHERE ARE WE AT NOW?	
Conclusion	428