



FAMILY LAW  
SECTION  
NEW ZEALAND LAW SOCIETY

NZLS EST 1869

Family Law Section Bulletin 416 - 20 March 2020

The unprecedented and uncertain situation, that the current covid-19 epidemic currently presents, sees family lawyers facing a number of issues, including the obvious day to day impact on our practices.

**Family Court services**

You may have seen the media release from the Chief Justice in respect of the suspension of jury trials to better protect the health of those taking part and to limit co-mingling of large groups of people in confined spaces. We have contacted Principal Family Court Judge Jackie Moran to see if there is any similar suspension of Family Court list days, defended hearings or other court events. At this stage all matters in the Family Court are proceeding but the manner in which this occurs is under consideration and Judge Moran will keep me advised.

The judiciary has established a steering group who are reviewing the situation on a daily basis and to manage any approach that may need to be taken in terms of covid-19. The group is following guidelines issued by the Ministry of Health in respect of regular handwashing, social distancing and self-isolation if people have travelled overseas and/or feel unwell. We will let you know if there is any change to normal Family Court business if that arises.

In the meantime, if counsel are themselves unwell, or have genuine health concerns about attending court in person with their client, they should provide appropriate notice to the court and ask to attend by teleconference. We ask members to use their professional judgement when seeking to appear by teleconference, and to do so where there are genuine health concerns. Counsel should ensure that they do not attend court in person if they show any symptoms or there is any risk that they have been exposed to covid-19.

### **Meeting with clients and children**

Some members have raised concerns about the obligation on lawyers appointed for a subject person, for children and/or for care recipients to meet with that child/person to explain the nature and purpose of the application and ascertain the child's/person's wishes. This will no doubt become more problematic with any lockdown or isolation requirements. Again, lawyers should use common sense and professional judgement in each case.

Lawyers should ensure they are well themselves before meeting with any person. They may like to enquire as to the presence of any risk factors, to the person they are meeting and, for example, if there are any people unwell and/or in self-isolation at the address they are to meet. In some situations, where there is already an established relationship, for example, with a child, if there are health concerns it may be appropriate to have remote contact with the child via phone or video conferencing. In the event that they do meet in person they should observe the ministry guidelines as to social distancing (currently 2m). Again, lawyers should use their professional judgement in each case and in circumstances of difficulty or uncertainty seek further direction from the court.

If lawyers are encountering difficulties please let myself or Kath Moran know so that we can try to ensure things are managed in the best way possible.

### **Law Society services**

From Monday 23 March, the Law Society has made the decision not to hold any public events until further notice. However, endeavours will be made to make use of teleconferencing and video technology, to continue to deliver services, including the convening of meetings where possible. It has not taken this decision lightly but believes it is the only responsible course of action. Please note that this decision does not affect NZLS CLE Ltd. For more information, including updates on their events, please go to the CLE [website](#).

Click [here](#) for updates from the New Zealand Law Society in terms of covid-19.

## **Cancellation of FLS events**

### **Tai Tokerau family law intensive – Whangarei 30 April and 1 May**

With much regret, the organisers of the annual Tai Tokerau family law intensive have decided to cancel the intensive this year. There has been a great deal of interest and a number of enrolments. All registrations will be refunded in the very near future. If you have any questions relating to the intensive please email [vanassa@mcgoldrick.law.co.nz](mailto:vanassa@mcgoldrick.law.co.nz)

### **Cross examination of psychologists – 25 March – Hutt Valley District Court**

This seminar has also been cancelled. Those who have already registered and paid to attend will receive a full refund in the near future.

## **Useful information for your clients**

Our friends and colleagues at the Australian Family Law Section are happy to share its [top 10 tips](#) with Kiwi family lawyers to pass on to their clients about managing parenting in a pandemic. Inspiration for these tips comes from an article written by American experts, “Seven guidelines for parents who are divorced/separated and sharing custody of children during covid19 pandemic”. It is hoped that the guide will be useful for parents as they work through the challenges and opportunities these times have brought.

## **Financial Assistance**

It may be that some practices will suffer a downturn due to the impacts of the virus. In such circumstances remember that there is a government assistance package for businesses including the self employed. The details can be found [here](#).

## **Information on latest developments**

There is almost ongoing and constant media coverage on a world-wide basis of covid-19. Below are useful links that provide reliable information on the latest developments, including information on how to manage stress levels and maintain mental wellbeing.

[Ministry of Health](#)

[New Zealand government](#)

[World Health Organisation](#)

We are in unprecedented times. Our clients are, in normal circumstances, generally stressed and often vulnerable, the current situation creates further uncertainty for

them. We as family lawyers are well placed to assist them with good decision making without panic.

I encourage you to look after each other, being sensible with the precautions necessary to avoid the spread of the virus. Put your plans in place now if you have not already done so for working remotely and find new ways of doing things including keeping in touch with colleagues.

Ngā mihi

*Kirsty Swadling*

*FLS Chair*