



**FAMILY LAW
SECTION
NEW ZEALAND LAW SOCIETY**

NZLS EST 1869

Family Law Section Bulletin - Issue 181, 30 November 2017

This will be the last general email bulletin for the year although in the event of particular matters arising we will keep you informed with one off bulletins. The Christmas break is rushing towards us and with it some much needed down time for many of us. Regular bulletin updates will recommence next year as we all return refreshed and reinvigorated for the year ahead.

New FLS regional reps

We are pleased to announce that Dr Emily Henderson has been appointed as a new co-regional representative for Northland alongside Amanda Kennedy. Jo Hambleton has been appointed as the representative for Otago to replace Lauren Pegg who was appointed to the FLS executive in October.

Mental health legal aid providers

Legal Aid Services is reviewing the operation of mental health rosters nationwide and have asked for its [consultation paper](#) to be circulated to family lawyers for their feedback. The brief paper offers proposals on the referral process, how the rosters will be administered, training and review of the practice standards. The FLS will be responding to the paper but we encourage all family lawyers who work in this area to read the paper and send comments to kath.moran@lawsociety.org.nz. To finalise the Law Society's submission we would require your comments by **19 January 2018**.

We appreciate that a large number of mental health lawyers are based in Auckland where the roster has been administered by ALDS Inc who will cease to administer that in February next year. We also understand the practitioners are concerned about how the

roster will be administered after February. For that reason, we are willing to convene a meeting in mid to late January (before the submission is due) with those members who are currently on the mental health roster in Auckland so you are able to share your issues on the proposal which can in turn be included in the Law Society's submission to Legal Aid Services. We will send out a notice of this meeting following the holiday break.

Legal aid – lawyer for child reports

We are pleased to advise that Legal Aid Services will not be asking whether initial lawyer for child reports have been judge-directed in order for legal aid providers to be paid for reading the report and discussing it with their clients. We have asked for legal aid providers to be paid for matters involving subsequent reports also without the need for those to be judge-directed. Legal Aid Services are considering the matter and we hope to be able to update you on this in the near future. In the meantime if you have any issues with legal aid not paying for steps which have been paid for in the past, please email the FLS manager at kath.moran@lawsociety.org.nz. These issues will then be taken up directly with Legal Aid Services.

Law Commission review on relationship property

The FLS has established a working group to respond to the Law Commission's comprehensive [review of relationship property](#) law. I encourage all members who practise in this field to take the time to read the issues paper and consider responding to all or some of the issues posed in the review. There will be a wide variety of views held on the issues raised which cover not only legal principles but wider societal issues. The review paper is available on the Law Commission's website and submissions close on **7 February 2018**.

Relationship between specialist report writers and Lawyer for Child

One of our current works in progress is the question of the extent of the role of lawyer for child to liaise with and brief psychologists who have provided section 133 reports. There is ongoing discussion with the judiciary and the psychologists and we hope to have some clarification in the new year.

Practice Notes

Principal Family Court Judge Laurence Ryan has finalised practice notes for [Adoptions](#) and the [Substance Addiction \(Compulsory Assessment and Treatment\) Act 2017](#). Both practice notes came into effect on 27 November 2017. They will be available on the members' area of the FLS website.

Kirsty Swadling

Chair

Family Law Section, New Zealand Law Society, 26 Waring Taylor Street, PO Box 5041, Wellington 6140,
DX SP20202 Phone: 04 472 7837 Fax: 04 463 2983