INTERNATIONAL CENTRE FOR FAMILY LAW, POLICY AND PRACTICE

IN ASSOCIATION WITH KING'S COLLEGE LONDON

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Conference Programme (final)

July 2016

Conference Venue: King's College London Waterloo Campus, Franklin-Wilkins Building, Stamford Street, London SE1 9NH



Patron: Baroness Hale of Richmond

www.famlawandpractice.com

CPD points available

Conference Rapporteurs:

Sir Peter Singer	Formerly a High Court Judge of the Family Division, England and Wales
Edward Devereux	Harcourt Chambers, London

Assistant Rapporteurs:

Oliver Woolley	1 Garden Court
Charlotte Trace	29 Bedford Row
Caroline Korah	Dawson Cornwell
Kirsty Lea	7 Bedford Row
Samantha Jones	7 Bedford Row
Andrew Powell	4 Paper Buildings
James Netto	Dawson Cornwell
Tom Beak	Kingsley Napley

Student Ambassadors:

Adiba Bassam Caterina Scarabello Nicola Logan Bradley Grant

We are grateful to the charity Action Against Abduction (formerly PACT) and to Professor Glenn Gebhard, School of Film and Television, Loyola Marymount University, Los Angles, USA, for their assistance and support in showing the film "Sarah Cecelie" to the delegates of our conference.



Wednesday 6th July 2016

8.00	REGISTRATION									
8.50	WELCOME AND CONFERENCE OPENING Professor Marilyn Freeman, PhD, Co-Director, International Centre for Family Law, Policy and Practice									
9.00	PLENARY SESSION									
	Chair: Sir Mathew Tho	orpe, formerly Head of I	nternational Family Ju	stice, England and Wale	25					
9.10	The Honourable Chie 40 Years of Innovative Fa	f Justice Diana Bryant A mily Law	AO, Family Court of Aus	tralia						
9.40	-	, Principal Family Court - The Future of Case Manag								
10.10		ghan, University of Ota Decisions and Internation	-							
10.40	Professor Rollie Thom The Relocation Presump	pson, Dalhousie Unive tions Debate	rsity, Halifax, Canada							
11.10	MORNING BREAK									
11.30	PARALLEL SESSIONS	;								
	SESSION A Chair: Barbara Connolly QC, 7 Bedford RowSESSION B Chair: Zenobia Du Toit, Attorney, Miller Du Toit Cloete, South AfricaSESSION C Chair: David Williams QC, 4 Paper BuildingsSESSION D Chair: Simon Blain, Partner, PenningtonsSESSION D Chair: P Peter d Liverpo Moore's									
Paper 1	Colin Rogerson, Solicitor, Dawson Cornwell, London <i>Current Trends in UK</i> <i>Surrogacy Law and</i> <i>the Case For Reform</i>	Dr. Phil Stahl, Child Custody Evaluator, Arizona, USA Cognitive Bias – The Greatest Risk to Objectivity in Child Custody Disputes	Associate Professor Yehiel Kaplan, Faculty of Law, University of Haifa Custody Rights of Children in Their Culture: The Significance of Religious Law	Professor Thomas Oldham, John H. Freeman Professor of Law, University of Houston Law Center Faculty Why a New Uniform Equitable Distribution Jurisdiction Act Is Needed to Reduce Forum Shopping in U.S. Divorce Litigation	Professor Susan Edwards, University of Buckingham Protecting Children and Vulnerable Adults from Witchcraft and Spirit Possession Related Accusations and Victimisation					
Paper 2	Pamela Scriven QC and Andrea Watts, 1 King's Bench Chambers 'Three Person Babies' and the future of Donors in Family Law	Dr. Yoav Mazeh, Associate Professor, Faculty of Law, Ono Academic College, Israel Normalising Post- Divorce Parenthood: Using Damages to Set Standards for Parental Behaviour	Dr. Merel Jonker and Associate Professor Jet Tigchelaar, Utrecht University Law School State Involvement in Religious Upbringing	Dr. Frances Burton, Co-Director, International Centre for Family Law, Policy and Practice Still not 'Family'? Cohabitants in England and Wales in 2016	Associate Professor Elisabeth Gording Stang, Oslo and Akershus University College of Applied Sciences, Norway Children in Prison – The Norwegian Child Unit					
Paper 3	Dr. Monica Navarro- Michel, University of Barcelona Lesbian Couples and Known Donors. Are Three Parents better than Two?	Dr. Maria Moscati, University of Sussex Culture, Same-Sex Couples and Dispute Resolution	Thos Hodgson, Barrister, Edmund Barton Chambers, Sydney The Rights of Grandparents in Parenting Proceedings: An Australian Perspective	Professor Wendy Schrama, UCERF, University of Utrecht Marriage and informal cohabitation: towards a care-based system?	Julien Foster, Barrister, 1 Garden Court Child Protection in Practice: Preserving Culture, Challenging Practices					
1.00	LUNCH									

2.00	PLENARY SESSION										
	Chair: Professor Stephen Gilmore, King's College London										
2.10	Professor Ann Estin, University of Iowa College of Law Global Childhood										
2.40	Professor Rhona Schuz, Co-Director of the Centre for the Rights of the Child, Sha'arei Mishpat Law School, Israel <i>Ritual male circumcision – a violation of children's rights?</i>										
3.10	AFTERNOON BREAK										
3.30	PARALLEL SESSIONS										
	SESSION A Chair: Anne-Marie Hutchinson, OBE, QC, Partner, Dawson Cornwell	SESSION B Chair: Sir Mathew Thorpe, formerly Head of International Family Justice, England	SESSION C Chair: Lilia Szarski. Clinical Supervisor and Trainer, Australia	SESSION D Chair: Pamela Scriven QC, 1 King's Bench Walk	SESSION E Chair: Professor Marielle Bruning, Leiden University						
Paper 1	Neelam Sarkaria, former Head of Criminal Justice Unit, Crown Prosecution Service, and Detective Chief Superintendent Gerry Campbell, Taskforce OCU Commander and Deputy Policing Lead for Forced Marriage, Honour Based Violence and Female Genital Mutilation Safeguarding Girls at Risk of FGM and other Harmful Traditional Practices	Dr. Lesley Allport, Lesley Allport Dispute Resolution (LADR), and Acting Chair of Professional Standards Committee of College of Mediators Justice – or Just Us? An Exploration of the Government Initiative to Encourage the Resolution of Disputes Outside the Court System	Denise Carter, OBE, Head of Mediation Services, International Family Law Group LLP, Covent Garden, London Is Mediation Treated as Second Class Justice?	Professor Peter de Cruz, Liverpool John Moore's University Parental Behaviour, Child Protection and the Removal of Children from their Families: Evaluating the Threshold for State Intervention in 21st Century Britain	Dr. Karin Carmit Yefet, University of Haifa Rethinking Fatherhood in Israel. Towards a new Child- Oriented Model						
Paper 2	Teertha Gupta QC, 4 Paper Buildings FGM and Forced Marriage – Legal Deterrents	His Honour Michael Horowitz QC, retired Circuit Court Judge The Inter-face between the Arbitration Act 1996 and the Institute of Family Law Arbitrators Financial Claims Scheme	Mediating Cross- Border Family Conflict: Enhancing Resolution Through Parenting Coordination Debra K. Carter, PhD, Clinical and Forensic Psychologist, National Cooperative	Professor Thalia Kruger, University of Antwerp, and Charlotte Mol, Legal Research Master's Student, University of Utrecht The Best Interests of Abducted Children: How Do Courts Know, Or Do They?	Professor Olga Khazova, Institute of State and Law, Moscow The Best Interests of the Child and Modernised Family						
Paper 3	Sulema Jahangir, Dawson Cornwell Stranded Spouses	Rachael Kelsey, SKO Family Law Specialists, Edinburgh, and Suzanne Kingston, Withers Arbitration: The next frontier in dispute resolution in family law: The use of arbitration in child and financial cases, a practical perspective from the UK	Parenting Center, Florida, USA Professor Douglas N. Frenkel, Morris Shuster Practice Professor of Law, University of Pennsylvania Law School	Dr. Maire Ni Shuilleabhain, University College Dublin Traversing Disciplinary Silos: Marriage, Private International Law and the ECtHR	Dr. Machteld Vonk, University of Leide Law School Children's Rights in Multi-Parent Families Developing a Child- Centred Approach to Family Life for the Future						

5.00	PLENARY SESSION						
	Chair: Judge Mary O'Dwyer, Family Court, Wellington, New Zealand						
5.10	Professor Judy Cashmore, Sydney Law School, and Dr. Nicola Ross, University of Newcastle Law School, Australia Adoption Reforms in Australia: A Comparative Look						
5.35	Professor Julia Sloth-Nielsen, University of Western Cape, South Africa Ending Child Marriage: Initiatives from Southern Africa						
6.00	END OF DAY						
6.45-8.	me reception 7 Bedford Row. All are welcome to attend. 30pm es are requested to wear their conference badges at the reception.						

Dress Code: Lounge suit or smart-casual dress.

Thursday 7th July 2016

9.00	PLENARY SESSION									
	Chair: The Honourable Chief Justice Diana Bryant AO, Family Court of Australia									
9.10	Professor Patrick Parkinson, School of Law, University of Sydney The Future of Marriage									
9.40	Associate Professor Lisa Young, Murdoch University, Western Australia The Need for Certainty in Australian Family Property Law									
10.10	Professor Linda Elrod, Richard S. Righter Distinguished Professor of Law and Director of the Washburn University School of Law, Children and Family Law Center, Topeka, Kansas, USA. The New Uniform Law on Family Law Arbitration									
10.40			he Children's Issues Ce Reforms on Children's Welfa	ntre, University of Otag are and Best Interests	o, New Zealand					
11.10	MORNING BREAK									
11.30	PARALLEL SESSIONS	5								
	SESSION A Chair: Colin Smith, Former National Chair of the UK Family Mediators Association	SESSION B Chair: Anne-Marie Hutchinson, OBE, QC, Partner, Dawson Cornwell	SESSION C Chair: Associate Professor Bruce Smyth, Australian National University	SESSION D Chair: Colin Rogerson, Solicitor, Dawson Cornwell	SESSION E Chair: Associate Professor Nicola Taylor, Director, The Children's Issues Centre, University of Otago, New Zealand					
Paper 1	Ursula Rolke, International Social Service, German Branch The German "Central Contact Point for Cross-Border Family Conflicts and Mediation"	David Williams QC, 4 Paper Buildings Habitual residence: states of mind – the relevance of adult intent and the child's state of mind	Professor Rachel Birnbaum, King's University College at the University of Western Ontario, Canada and Professor Nicolas Bala, Queen's University, Ontario, Canada Views of the Child Reports: Reports of Canadian Lawyers and Mental Health Professionals on Interviews with Children	Dr. Marjolein Van den Brink, Utrecht University Law School Legal Gender Identity and The Law of Parentage	Fiona MacKenzie, Principal MacKenzie Elvin, Barristers and Solicitors, Tauranga, New Zealand and PhD Candidate, University of Otago, New Zealand Feminism and Feminism and Feminist Theory as they relate to Motherhood and Family Law					
Paper 2	Professor Dr. Anna Nylund, University of Tromso, Norway <i>Does Settlement</i> <i>Trump the Best</i> <i>Interests of the Child?</i> <i>A Critical Analysis of</i> <i>Norwegian Child-</i> <i>Custody Mediation</i>	Edwin Freedman, JD. Attorney. Tel- Aviv, Israel Habitual Residence under the 1980 Hague Child Abduction Convention	Rachel Treloar, PhD Candidate, Simon Fraser University, Canada The Interrelationship of Money and Gender in Parents' Account of High-Conflict Post-Separation Disputes Involving Children: A Relational Autonomy Lens	Dr. Claire Fenton- Glynn, University of Cambridge <i>Revisiting Parenthood</i> <i>in the 21st Century</i>	Dr. Martha Hayes Sampson, University of Chester Considerations of Gender in Divorce Across Jurisdictions					
Paper 3	Lilia Szarski, Clinical Supervisor and Trainer, Victoria, Australia The Language of Children in Mediation of Family Law Disputes	Professor Betty de Hart, University of Amsterdam Normative Frames on Children, Family and Belonging in the Legal Regulations of International Parental Child Abduction	Martin Widrig, Research Assistant at Chair of Constitutional Law of Prof. Eva Maria Belser, University of Fribourg, Switzerland Fundamental Principles underlying Children's Human Rights and their implications for Family Law Policy	Dr. Ayelet Blecher- Prigat, Sha'arei Mishpat Law School, Israel Joint Parenthood as a Distinct Legal Category in Family Law	Mikiko Otani, Toranomon Law and Economic Offices, Tokyo The Mother-Child Relationship, and Gender in Japan					

	PLENARY SESSION									
	PLENARY SESSION									
	Chair: Mr. Justice Moylan, Judge of the Family Division of The High Court of England and Wales									
	Anne-Marie Hutchinson, OBE, QC, Partner, Dawson Cornwell FGM and Cutting an International Response									
2.40	Professor Liz Schneide	er, Brooklyn Law Schoo	ol, New York Integrating	Experiences of Intimate Vic	plence into Inequality					
3.10	AFTERNOON BREAK									
3.30	PARALLEL SESSIONS	;								
	SESSION A Chair: Ruth Kirby, 4 Paper BuildingsSESSION B Chair: Rachel 									
	Avril Cryan LL.M, Researcher, Ireland Legal Responses to Polygamy and the Challenges Ahead for Ireland	Dr. Ghislaine Lanteigne, Legal Researcher, Toronto, Canada Relocation in England and in Canada: The Work and Views of Mediators	Astrid Martalas, Psychologist, South Africa Dispute Resolution in South Africa: Facilitation Keeps Families Out of Court	Professor Dr. Marina Wellenhofer, Goethe University, Frankfurt am Main The Modernised Family and the Sperm Donor (From a German Perspective)	Kieran Walsh, University of Portsmouth Good For Democracy, Bad for Families? The Referendum as a Family Law Reform Mechanism					
	Hannah Camplin, Student Law Clinic, Westminster Law School The relationship between Student Law Clinics, Litigants in Person and family law dispute resolution in England and Wales	Megan Gollop, University of Otago, New Zealand Family Adjustment to the Outcome of a Relocation Dispute: Parent Perspectives	Kirsikka Salminen, LL.M. Doctoral Candidate, University of Helsinki, Finland Mediation and Child Related Disputes – Who Protects a Child's Rights in Mediation?	Assistant Professor Elena Falletti, Universita Carlo Catteneo-LICU, Castellanza, Italy Birth abroad by Contract: The International Law on Surrogacy	Associate Professor Lucinda Ferguson, University of Oxford A Peculiarly Family Law Model of Statutory Interpretation?					
	Judge Mary O'Dwyer, Family Court, Wellington, New Zealand Family Violence Cases: The Court's Approach in New Zealand	Zenobia Du Toit, Attorney, Miller Du Toit Cloete, Cape Town, South Africa Relocation in South Africa	Sandra Hitchcock, M.A., Mediator, South Africa Innovative Cross Border Divorce Mediation in a Global World: Joe and Jody. A Case Study	Barbara Connolly QC, 7 Bedford Row The Creation of the Modern Family – but at What Cost?	Zhao Ningning, Partner, Jincheng Tongda & Neal, Shanghai Solutions to Cross- Border Enforcement of Financial Issues and Child Arrangements in China					
5.00	PLENARY SESSION									
	Chair: Mr. Justice Moy	lan, Judge of the Famil	y Division of The High	Court of England and W	Vales					
5.10	Associate Professor B	ruce Smyth, Australian	National University The	e High Conflict Post-Divorc	e Share-Time Family					
5.35	END OF DAY									

Delegates must bring their invitations and photo ID with them to the House of Lords.

Dress Code: Lounge suit or smart-casual dress. Black tie is not required. (Men require jacket and tie, women smart casual, but no jeans, denim or similar).

Please see the conference webpage for full information about this event **www.famlawandpractice.com**

07 Culture, Dispute Resolution and the Modernised Family

Friday 8th July 2016

9.00	PLENARY SESSION									
	Chair: Henry Setright QC, 4 Paper Buildings									
9.10	Professor Marilyn Freeman, Co-Director International Centre for Family Law, Policy and Practice, and Principal Research Fellow Westminster Law School The Long-Term Effects of Abduction									
9.40		rman, Martin Lipton Pro		•	Law					
10.10	University, Ontario, C	f Justice Diana Bryant, anada ice on Art 13(b) of the Hag	·		ck Bala, Queen's					
10.40		ager, Legal Unit, Intern hild Abduction – Holistic A		Australia						
11.10	MORNING BREAK									
11.30	PARALLEL SESSIONS	5								
	SESSION A Chair: Associate Professor Lisa Young, Murdoch University, Australia	SESSION B Chair: Associate Professor Nicola Taylor, Director, The Children's Issues Centre, University of Otago, New Zealand	SESSION C Chair: Dr. Ann Wollner, International Social Services, Australia	SESSION D Chair: Liz Picker, Edmund Barton Chambers, Sydney	SESSION E Chair: HHJ Jane Probyn, Circuit Judge					
Paper 1	Professor Martha Fineman, Robert W. Woodruff Professor of Law, Emory Law, Atlanta, Georgia, USA Vulnerablity Theory	Sally Nicholes, Nicholes Family Lawyers, Australia and Tim North SC, Australia Who is a parent in the Australian Federation and do its laws concerning parentage and families in our modern world give rise to conflicting outcomes or fail to pay appropriate regard to each child's right to know his or her identity?	Ranjit Malhotra, Lawyer, Chandigarh, India Need for India to Sign the Hague Convention on Child Abduction	Dr. Lucy-Ann Buckley, National University of Ireland, Galway Prenuptial Agreements in Ireland: Balancing Fairness and Autonomy	Dr. Adiva Sifris, Monash University, Melbourne Who Ought To Be The Parents? The Recognition of Parentage of Children conceived through Commercial Surrogacy Arrangements					
Paper 2	Professor Eva Ryrstedt, Faculty of Law, University of Lund, Sweden Understanding the Needs of the Elderly; In the Context of the Theories of Vulnerability and Normative Patterns	Professor Federica Giardini, University of Padua, Italy <i>Are the Children All</i> <i>Equal Before the</i> <i>Law? The Italian Case</i> <i>in a Comparative</i> <i>Perspective</i>	Mr. Kaoru Magosaki, Director, Hague Convention Division, Consular Affairs Bureau, Ministry of Foreign Affairs, Japan Efforts and Challenges of Japan in the Implementation of the 1980 Hague Child Abduction Convention	Professor Nadia- Cerasela Anitei, Dunarea de Jos University, Romania Tradition, Reform and Harmonisation Trends in Matters of Matrimonial Agreement in Romanian Private International Law	Professor Hfefna Fridriksdottir University of Iceland Surrogacy in the Nordic Countries					

Paper 3	Professor Nancy Dowd, David H. Levin Chair in Family Law and Director, Center on Children and Families, Universi of Florida Levin College of Law A Case for Developmental Equality: The Intersection of Vulnerabilities Theor and Identities Theor in Children's Equality	ty Trinity Colleg Ireland Parent-Child Relationships ir Gender Recogn	ity Ussher ow, PhD didate in Law, ity College, and		Bedford Row Undertakings and international child abduction Man Nola Asso Office I Love But H You? Expe Spou Thein a Co Divo		Judge rie T. Jco-Nolasco, ging Partner, co and iate Law s, Philippines You, I Hate You, w Can I leave the Philippine ence on How es Terminate Marriage in htry Without e through logical city	Ra La Sib De Re of	. Ruth Zafran, dzyner School of w, Israel lings-Relationship serving Legal cognition: The Case 'Old' and 'New' milies
1.00	LUNCH								
2.00	PLENARY SESSIC	N							
	Chair: The Right H United Kingdom	lon the Baroness H	ale of Ric	hmond, Do	eputy Presic	lent of 1	The Supreme Co	ourt	of the
2.10		I niversity College, L ction of the High Cour				'S			
2.40	Professor Stepher	n Gilmore, King's Co	ollege Lor	ndon Famil	y Law and Le	gal Meth	nod: A Critical Pers	pect	ive
3.10	AFTERNOON BRI	EAK							
3.30	PARALLEL SESSI	ONS							
	SESSION A Chair: Professor Liz Kelly, CWASU, London Metropolitan University	SESSION B Chair: Sir Peter Singer, (Fmr) High Court Judge of the Family Division, England and Wales	SESSIO Chair: Marcus Mander QC, 4 Pa Building	Scott rson, aper	SESSION I Chair: Dr. Frances Bu Co-Directo Internation Centre for Law, Policy Practice	irton, or, nal Family	SESSION E Chair: Professo Marielle Bruning, Leide University		SESSION F Chair: The Hon Lord Brailsford, Judge of the Supreme Courts, Scotland
Paper 1	Assistant Professor Irem Caglar, Ozyegin University Law School, Turkey A Legal Analysis of "Beslemekik": A Type of Domestic Abuse in Turkey	DJ Kevin Ng, Family Justice Courts, Singapore Charlie and the Puddle: The Integration of Social Science and Law in the Family Justice Courts of Singapore	Laura Ca Researce and Leo Internat Law and Internati Organiss Univers Genoa, The Role Party Au in EU Privi Internati Law Inst Concern Family M	iturer, tional d sations, ity of Italy of itonomy vate ional ruments ing	Philip Mar LL.M, Judg (Retired) Jerusalem Family Cou Israel 'New' Famil Normative of Functional Principles	ge urt, ^{lies:}	Professor Marielle Bruning and Simona Florescu, PhD Candidate, Leiden Law School Enhancing the Role of Children in Proceedings Before the European Court Human Rights	of	The Honourable Chief Justice Diana Bryant AO, Family Court of Australia; Judge Laurence Ryan, Principal Family Court Judge, New Zealand Judge Judith Kreeger, Senior Circuit Judge, Florida, USA
Paper 2	Shiran Reichenberg, Advocate; PhD Candidate, Faculty of Law, Hebrew University, Jerusalem The Children that No-One Sees: Access to Justice for Young Girls – Exclusion From Youth Court	Associate Professor Maria Forsman, Umea Forum for Studies on Law and Society, Sweden Legal Representation for Child Abuse Victims in Sweden	Dr. Men Jonker J Dr. Chri Jeppen Boer, Ur Univers School What Co First, Ret Proceedi Conciliat Attempt	and istina sen de trecht sity Law omes urn ings or tion	Sarah Atki Teaching Fellow, University Portsmout Forced Pove and Politicis Marginalisa Raising Fam in the Irish A System	of th erty sed ation: nilies	Kartica van de Zon, LL.M, PhD Candidate Leiden Law School Access to Justice for Children in Foster Care	-,	<i>Re-Structuring Families: a Paradigm for the 21st Century</i>

Paper 3	Dr. Maddy Coy, Child and Woman Abuse Studies Unit, London Metropolitan University An Evaluation of a Programme for Albanian- speaking Women Experiencing Violence in London	Mr. Hassan Elhais, Senior Partner, Al Rowaad Advocates, Dubai Enforcement of Foreign Orders in the UAE	Stephen Cullen and Kelly Powers, Attorneys, Miles and Stockbridge, Washington DC, USA What You Need to do in the UK to win your Hague Case in the USA	Dr. Lea Mwambene, University of Western Cape What is The Future of Polygymy (Polygamy) in Africa?	Maria de Jong – de Kruijf, Lecturer and PhD Candidate, Leiden University The Participation of Children in Alternative Care Procedures and the Perceived Fairness of their Participation on Procedures Concerning a Placement in Secure Residential Care					
	PLENARY SESSIO	N								
5.00	Chair: Professor Mark Henaghan, University of Otago, New Zealand									
5.10	Philippe Lortie, First Secretary, The Permanent Bureau, The Hague Conference on Private International Law The Application of the 1996 Convention to Unaccompanied and Separated Children									
5.40	Closing address: F	Professor Marilyn Fi	reeman PhD, Co-Dir	ector, ICFLPP						
5.50	CLOSE OF CONFERENCE									
Conference Dinner at The Oxford and Cambridge Club, London. Address to be given by Sir James Munby, President of the Family Division of the High Court, London 7.30pm reception Dress Code: Lounge suit or smart-casual dress. Black tie is not required. (Men require jacket and tie, women smart casual, but no jeans, denim or similar). Please see the conference webpage for full information about this event www.famlawandpractice.com										



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1 Garden Court

Thanks are expressed to the following for their much appreciated support: The Westminster Law School Ross & Co Solicitors LLP Associate Professor Nicola Taylor, University of Otago Professor Stephen Gilmore, King's College London Gemma Noyce, King's College London



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