

# LAWGENRL 713

2019

## Special Topic: Selected Issues in Family Law

### Lecturer Bio

Professor Mark Henaghan was a professor at the University of Otago and was the Dean of the Faculty of Law for 19 years. Professor Henaghan is a Barrister and a Solicitor of the High Court of New Zealand and is a Fellow of the Royal Society of New Zealand. He specializes in all aspects of family law and is particularly interested in guardianship, the care of children, children's right relationship property, medical law, international family law, and the prevention of domestic violence and child abuse.

Professor Henaghan has written extensively on family law matters and he is the co-author of Family Law Policy in New Zealand (4<sup>th</sup> ed, LexisNexis, 2013) and joint author of Family Law in New Zealand (18<sup>th</sup> ed, LexisNexis, 2017), which are the leading New Zealand family law textbooks. Professor Henaghan is also the joint author of Relationship Property on Death (Thomson Brookers, 2004) which won the JF Northey prize for the best published law book in 2004 by legal academics in New Zealand. He is the sole author of Health Professionals and Trust: The Cure for Healthcare Law and Policy (Routledge, 2012) and Care of Children (LexisNexis, 2005). Professor Henaghan has also written more than 170 articles and book chapters on family law published in law journals and books around the world. His work has been extensively cited and across all levels of New Zealand judiciary. He also provides legal advice on family law matters to lawyers and Barristers from New Zealand and overseas on regular basis.

### Course outline

A selection of topics designed to consolidate and advance understanding of the theory and practice of family law. The topics covered will vary according to current legal developments, but are likely to include: law relating to cohabitation and marriage, the establishment of parenthood, and the relationship between parent and child, as well as the interrelationship between the state, the family and child protection and support and the financial and property implications of family breakup including state support for families. How the law allocates duties, rights and responsibilities in families, including extended family and whānua as well as how power in relationships is restrained will also be foci for the course.

### Syllabus

- Complex parenting disputes;
- Complex guardianship disputes;
- Solutions for family violence;
- Significant relationship property cases;
- Developments in maintenance cases;
- Reforming family law;
- Adoption and surrogacy.

## Objectives

The chief objective of the course is to provide students with an introduction to a range of contemporary *issues* that are relevant to family law and policy.

## Learning Outcomes

On completion of this course students should be able to:

- Appreciate the importance of family as a subject for regulation and governance;
- Understand the key (historical) principles of English law on which many other jurisdictions based their family law;
- Understand the key legal principles governing the management of family law in New Zealand;
- Recognise and understand the main principles of selected comparative domestic family law regimes.
- Comment critically on the law and policy relevant to specific family law issues.

## Assessment

100% research essay of 12,500 words.

## Essay

Each student is required to submit a research essay of no more than 12,500 words including an abstract/synopsis of 500 words. The essay is to be original work, relying on secondary and primary sources. It **MUST** be the work of the enrolled student. Another person, other than the enrolled student, **MUST NOT** write the essay nor do the research on behalf of the enrolled student. Plagiarism is not permitted and in that regard each student should read the University's plagiarism policy and adhere to it. All students will be expected to sign a plagiarism declaration when submitting their essays. Students must also use proper legal citations and include a reading list at the end of their type-written essay. The essay should be comprised of properly crafted English sentences. (Note form is unacceptable.) The use of sub-headings is encouraged and footnotes rather than Harvard style in-text referencing are to be used.

Descriptive essays are not encouraged. Instead students are expected to engage with relevant legal issues by: critiquing the law; developing proposals for reform; examining the operation of law and policy in practice; and/or providing a conceptual analysis of the law, for example.

## Essays must be submitted to the Faculty of Law, by 12 noon Thursday 7<sup>th</sup> June 2019

Extensions will not be granted lightly (only on sickness and compassionate grounds) and must be requested formally through the Postgraduate Manager.

## Class Participation/Presentation.

Each student in the class will be given the opportunity to give a 20-minute presentation on the purpose of and ideas in their 100% research paper and receive feedback from myself and the class.

## Criteria & Marking:

Students will be individually assessed on the quality of their contributions with reference to the following criteria:

- the extent to which the student has identified the important and relevant issues;
- the clarity of argument;
- the depth and thoroughness of understanding of the seminar material;
- the strength and clarity of the arguments presented;
- the overall lucidity of the contribution;
- the extent to which issues are placed in their wider context;
- the extent to which the student has displayed a grasp of the doctrinal and normative issues;
- the analysis and synthesis of material and;
- the ability to draw worthwhile conclusions.

### **Reading Materials**

Reading materials will be contained in the Casebook/Study Guide. Students may also be asked to access additional materials via the internet or in the library.

### **Teaching Method**

The course will be taught over five days commencing on a Wednesday and concluding at the end of the following Tuesday. Classes will be interactive and hopefully, very friendly. It will, however, be necessary for students to do the pre-reading for the course so that they get the most out of the materials under discussion.

Classes will commence at 9am and run till 4.30pm. Morning tea will be around 10.30am (approx. 20 minutes). We will also have a short break in the afternoon.

### **Course Details**

<b>Semester</b>	One
<b>Study mode</b>	Semester long
<b>Dates</b>	5 <sup>th</sup> March – 4 <sup>th</sup> June
<b>Time</b>	5-8 pm
<b>Location</b>	Room 340, 1-11 Short Street
<b>Value</b>	30 Points

### **Contact Details**

Law Student Centre

Level 2, 1-11 Short St

[postgradlaw@auckland.ac.nz](mailto:postgradlaw@auckland.ac.nz)