

# The Borrowed Voice: Children's Participation in Family Law Proceedings

by  
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Ms Cordelia Yeung graduated from Durham University with an LLB in 2014 and the University of Hong Kong with an LLM (Distinction) in 2016. In 2018, she was called to the Bar in Hong Kong and awarded the Middle Temple Society Advocacy Scholarship. In the following year, she joined Alan Leong, S.C.'s Chambers.

*"How can we ensure that the voice of the child is central to the family court process? It needs to be heard clearly and early on!"* - Sir Andrew McFarlane, the President of the Family Division of the High Court of Justice in England and Wales

Article 12 of the United Nations Convention on the Rights of the Child enshrines the child's right to be heard. As a signatory to the Convention, Hong Kong must fully protect this right, which includes encouraging the child's participation in family law. Yet, two key questions remain: "To what extent should a child's voice be heard?", and "Does the current legal framework sufficiently safeguard the child's right to be heard?" The answers to these questions may lie in the Children Proceedings (Parental Responsibility) Bill of 2015, which was introduced to implement the recommendations made by the Law Reform Commission of Hong Kong in its 2005 Report on Child Custody and Access. The Bill advocated for a more child-focused approach and a greater scope for eliciting the child's voice in family disputes.

This course provides an overview of the various methods used to ascertain the child's voice in private family law proceedings. Methods of direct participation include the separate representation of the child and judicial interviews in which judges speak to children in person. These methods are contrasted with traditional methods such as reports by social welfare officers, psychiatrists and psychologists. This course will draw lessons from the experiences in New Zealand and England and Wales.

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## The course will cover the following:

- Why listen to the child in family law proceedings?
- What are the potential pitfalls of listening to the child?
- What are the traditional methods and methods of direct participation used to ascertain the child's wishes and feelings? What are their respective advantages and disadvantages?
- What is the legal framework surrounding the separate representation of the child in Hong Kong, New Zealand, and England and Wales?
- How do the separate representation of the child and judicial interviews work in practice in Hong Kong, New Zealand, and England and Wales?
- What is the way forward for children's participation in Hong Kong?

Scan to Calendar



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|--------|--|--------------------|--|
| Code:  | <b>EVT000000286</b>  | Level:             | <b>Intermediate</b>                      |
| Date:  | <b>24 September 2019 (Tuesday)<br/>(Amended)</b>   | Language:          | <b>English</b>                           |
| Time:  | <b>09:30 - 12:45 (Amended)</b><br>(Reception starts at 09:00)  | Accreditation(s):  | <b>LSHK 3.0 CPD Points</b>               |
| Venue: | <b>Kornerstone Institute</b><br>15/F, Hip Shing Hong Centre<br>55 Des Voeux Road Central<br>Central, Hong Kong | Request for Rerun: | <b>Please Contact Us<br/>for Details</b> |



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