

The ISFL Family Letter

March 2003

Published by the International Society of Family Law by Prof. Margaret F. Brinig, Editor, the Family Letter: Newsletter of the ISFL, College of Law, University of Iowa, Boyd Law Building, Iowa City, IA 52245 (319) 335-6811 FAX (319) 335-9098 E-mail margaret-brinig@uiowa.edu

MESSAGE OF THE PRESIDENT:

REPORT FROM THE CONVENORS PROFESSORS LINDA NIELSEN, COPENHAGEN, AND AND PETER LØDRUP, OSLO.

I. General.

1. The Council of The International Society of Family Law decided in 2000 to hold its 11th International Conference in Copenhagen and Oslo. The topic of the conference was "Human Rights and Family Law" with subsections:

- "The Significance of International Conventions regarding Family Life"
- "Family Life and State Intervention"
- "The Right to family Life - Family Reunification"
- "Human Rights and the Equality Within the Family"
- "Children's Rights - International Conventions"
- " Family Rights and Biotechnology

2. The Conference took place from August 2 until August 7. Transportation from Copenhagen to Oslo took place during the night between August 4 and 5 on the 1500 passengers liner "Pearl of Scandinavia".

3. The venue in Copenhagen was the Main Building, University of Copenhagen and in Oslo The Libraray Building at Blindern, University of Oslo.

4. Conference fee was DKK 4000 (appr. \$ 533) for members and DKK 4500 for non-members. The fee included reception August 2nd, lunch and dinner at the Tivoli Restaurant Nimb August 3rd, the boat ticket with buffet and breakfast (value appr. \$ 180), sightseeing and lunch in Oslo August 5, lunch and dinner August 6, lunch and reception in Oslo City Hall August 7.

Free tickets to and from the conference venue and the hotell area was offered.

Free copying and IT facilities were offered.

In the main auditorium there were simultanous translations English/French and French/English.

2. Participants and Speakers.

The conference was opened by Professor and Rector of the University of Copenhagen Linda Nielsen. In Oslo the conference was welcomed by the Minister of Children and Family Affairs Laila Dāvøy.

Two hundred seventy-six participants from 45 countries were registered participants. There were five main speakers and 119 participants presented papers and held introductions between 15 and 25 minutes.

Eleven papers were presented at a poster sssion.

A Handbook with the final program, abstracts of the papers and the names and addresses of the participants was distributed. Some participants registered after the handbook was printed.

Due to generous grants from NORAD and the Ministry of Foreign Affairs, the convenors were able to support financially 15 participants from mainly Africa and Asia.

3. Financial matters.

The conference was financed by conference fees and sponsors.

4. Publication of a selection of the conference papers.

About 50 of the papers will be published in a separate book (bound). The selection is based upon the quality of the papers, geographical considerations and a thematic balance. The book

will be of about 900 pages. Free copies will be sent all members of the ISFL and the non-member participants whose papers are published.

Linda Nielsen

Peter Lødrup

in your contact details, so that we can be sure of keeping our membership database up to date.

REPORT OF THE SECRETARY-GENERAL:

The Executive Council of the Society met in Paris in February 2003 and discussed a large number of items. Of particular note was the planning of several regional conferences of the Society which will take place on three continents during 2003 - the regular North American conference to be held in June in Portland, Oregon, the first ever conference of the Society to be held in China, in July in Beijing, and two conferences in Europe in the autumn - at Tossa de Mar, Catalonia, Spain in October, and Lyon, France in November. This range and scale of conference activity appears to demonstrate very clearly the current vigour of the Society and the enthusiasm of its members. The Council also discussed the outcomes of the past two world conferences of the Society - the book of the Brisbane conference proceedings, to be published by Hart Publishing, Oxford, UK, is due to appear imminently, and preparations are well in hand for the publication of papers from the Copenhagen/Oslo conference last summer. The Council congratulated the convenors on their efforts in bringing these conferences to successful conclusions, and it also received a presentation from its immediate past President, Prof Lynn Wardle on the arrangements he is making as convenor of the 2005 conference to be held in Salt Lake City, Utah, USA.

As ever, the Council is keen to encourage family law scholars to take advantage of these sorts of academic activity. In a previous newsletter, I gave details of the Council's decision to send, with the generous support of its publisher, Jordan Publishing, complimentary copies of the International Survey of Family Law to law schools that would otherwise be unable to bear the cost of buying the volume or meeting the subscription for a Faculty member to join the Society. Thanks to the support of Tilburg University, our Treasurer, Prof Paul Vlaardingerbroek, is able to send some copies to additional law schools and would welcome members' suggestions for institutions that should be included. Please email him directly at p.vlaardingerbroek@uvt.nl.

Finally, may I repeat my regular request that you ensure that you notify me of any changes

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REPORT OF THE TREASURER:

REPORT OF THE TREASURER:

Dear colleague,

Herewith I send you the final result from the financial year 2002. As you can see we did not have a good financial result because of the decline of membership.

Many members have paid their subscription at my request in December 2002. However, I noticed that many members have moved without sending me their new address. Please send me your full address and preferably also your fax number and email address. We try to keep the membership list updated and with your help we will succeed in that. If you change your address or if you want to be deleted as member, please send me a message as soon as possible. If you know interested persons who want to become a member, I can send you the new subscription form.

Soon I will send reminders to those members who have not yet paid their dues. If you might doubt about whether you paid or not, please write or mail me (p.vlaardingerbroek@uvt.nl). Since 1st January 2002, the dues have increased and we now also have the possibility to pay for 5 years. Many members choose this opportunity, which will save the Society costs. I hope the Society is able to keep the amount of € 33,000,- (the Euro is almost an equivalent to the US dollar) as a minimum amount in a reserve fund for 'dark' years.

Best regards, Paul Vl.

Total account December 31, 2001

sponsoring a Regional Conference in Beijing, China, on July 21-24, 2003. Wu Chang Zhen, Professor Xia Yinlan, and Professor Yang Quinho, from the China University of Political Science and Law in Beijing are collaborating with Professor Lynn D. Wardle of the ISFL and Brigham Young University in planning and hosting the conference. Chinese family law professors, lawyers, and government officials will be participating in the conference. There will be translation services. We invite interested academics and professionals (including judges and other government officials) to submit proposals to present papers at the conference, or to just register to attend the conference.

1. Conference Theme: "Divorce: Causes and Consequences." (Specific subjects may include comparative divorce, legal principles, rules, procedures, practices, issues, and problems in divorce regulation and administration, and the causes and effects of divorce.)
2. The conference meetings, meals and lodging are in the State Guest Hotel, a five-star hotel in Beijing.
3. Lodging: All participants must make their own hotel reservations, pay for their own lodging. A
5. The registration fee for all non-Chinese participants including all presenters will be about 462US\$, This consists of two main expenses: (a) The general registration fees is 282US\$ which covers site and other expenses including the paper book (each participant will get one papers collection before the conference), meeting facility, equipment, copying, supplies, conference meals, field trips and sightseeing, transportation. (b) The translation fee for translating all the papers from Chinese to English or from English to Chinese, simultaneous interpreters, rent for the equipment of simultaneous interpretation, etc., is 180US\$. So, the total registration fee of one participant will be 462US\$, not including the lodging fee. Accompanying persons will pay a fee of about 125 US\$ to cover the evening meals/ banquet and the field trip and sightseeing trip.
6. The conference registration fee would include lunch and/or dinner on all conference days. The hotel registration fee would include breakfast every day following a night in the hotel.
7. Professor Lynn D. Wardle is the co-ordinator for the non-Chinese participants. My contact information is -- address: 518 JRCEB, Brigham Young University, Provo, UT 84602; tele (801) 422-2617; fax 422-0391; Email:

block of rooms has been set aside at the State Guest Hotel, see <http://www.statguesthotel.com/>>. The rate is US\$70 for a standard room per night including breakfast or US\$80 for a superior standard room per night with breakfast. To make reservations contact:

Mr. Henry Jiu, Senior Sales Manager
State Guest Hotel
Fuchengmenwai Road, Xicheng District,
Beijing 10037
P.R.China

Tel:+86 10 6800 5588 ex.8781,
Fax:+86 10 6800 1774, or Email:
<henryjiu@hotmail.com>

4. Conference schedule: The conference meetings will be pm Monday and Tuesday (July 21 & 22). On Wednesday, conference participants will be taken on a one-day field trip to visit a Chinese Family Court, a law firm or legal service center for women, the Great Hall of the People, and a university (law school) - as available. Thursday will be for historical and cultural sight-seeing, and the hosts will arrange for some optional tours (to the Forbidden City, and to the Great Wall).

<lynn_wardle@byu.edu> or
<wardle@lawgate.byu.edu>.

8. Participants will need to get visas to enter China for the conference.

We invite scholars and professionals interested in presenting papers at this conference to submit a one or two paragraph description of their proposed paper. They should also provide the following information: Their Name, Title or Position, University or Institution where employed, post address, telephone, fax, and email, and a one-paragraph (100-word) mini-resume. The paper proposal (with contact information and mini-resume) should be submitted to Professor Lynn D. Wardle by email (preferably) at <lynn_wardle@byu.edu> or by fax or post to the contact information above. Paper proposals must be received no later than April 15, 2003.

The final papers that are accepted for presentation should be no more than 12-pages, single-spaced, including endnotes (not footnotes).

For further information or registration details, contact Professor Lynn D. Wardle (contact information above).

European Regional Conference ISFL, 2003

The Role of Self-Determination in the Modernisation of Family Law in Europe, to be held in Tossa de Mar (Catalonia, Spain), October 9 and 10, 2003

Tossa de Mar is a small village on the Spanish Costa Brava, which is 100 Km north of Barcelona and approx. 100 Km south of the French border. Closest airports: Barcelona airport and also Girona-Costa Brava airport (much smaller, with less traffic, but very cheap flights).

For those participants who want to arrive earlier, the organisation will offer them opportunity of staying in Barcelona on October 8th, with a guided tour around the city, bed and breakfast in a traditional hotel in Barcelona for one night and transfer to Tossa de Mar by bus around 9.00 AM on October 9th.

The Hotel in Tossa de Mar is a four star hotel located close to Mar Menuda beach and directly overlooking the Tossa bay. Approx. \$75 bed and half-board per person (drinks not included).

The meetings will take place in Tossa de Mar and the closing session will be held at the University of Girona (only 40 KM from Tossa de Mar). After the closing session a Catalan dinner will be served in a typical restaurant on the way back to the hotel.

Organised: International Society of Family Law.

In cooperation, as co-organisers, with: Observatori de Dret Privat de Catalunya: This is an institution created in 2000 by the Catalan Ministry of Justice and Interior which aims at promoting the

The theme will allow participants to discuss a wide range of current topics in family law. International comparative approaches to topics are encouraged but not required. The Conference focuses more on a European perspective but approaches from other countries and cultures are **strongly** encouraged.

Suggested topics include:

- a) Divorce (based on agreement or unilateral divorce) and agreements, in connection with divorce, on children and economic matters.
- b) Agreements before or during the marriage on property issues and alimony after divorce.
- c) Agreements between unmarried cohabitants on their personal and economic conditions during or after the cohabitation.
- d) Agreements between parents, neither married nor cohabiting, on children (concerning parental responsibility, contact and maintenance).
- e) Other current issues regarding to the role of self-determination in family law.

Please, send a **one-page proposal** in English to:

study of Private Law in order to improve Catalan Private Law legislation. The Catalan Codification Commission, which is currently drafting the Catalan Civil Code (First Book passed by the Catalan Parliament in December 2002), is part of the Observatory.

European Law Academy (ERA/ELA) (Trier): The ELA is a Centre for continuing legal education founded in 1992 which is acting as a bridge between the centres of European legal decisions located in Brussels and Strasbourg and European practitioners.

University of Girona: Its research team The European Private Law Research Group (currently 4 senior researchers and 8 junior researchers), directed by Prof. Miquel Martín-Casals, Vice-president of the ISFL, has been organising national and international conferences for the last twenty years. More information is available at the following website address:

<http://civil.udg.es/isfl/EuropeanRegionalConference2003/index.htm>

CALL FOR PAPERS

The conference is open to both members and non-members of the ISFL and participants are invited to submit proposals to present papers at the conference.

Deadline for Proposals: June 15, 2003

Notification of acceptance: July 1, 2003
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Prof. Miquel Martín-Casals Facultat de Dret Universitat de Girona Campus de Montilivi 17071 GIRONA Spain

E-mail: papers@isfl.udg.es

Please provide also the following information: name, title or position, university or institution, telephone, fax or email.

Final papers that are accepted for presentation should be no more than 18 pages, single-spaced.

"Child abductions across international boundaries" University Lyon 3, Jean Moulin, 20/21 November 2003

Frequently, the different drama following the separation of couples are picked up by current developments, when children become the stakes and the victims of the dispute between their father and mother. The

international dimension of the dispute make the issue more complicated when the borders are used by parents as a weapon, even if they think acting for the children interest.

To fight against this curse, several international instruments from various source and scope appeared. Two of them are specifically devoted to this question : the Hague Convention of October, 25th 1980 on the Civil Aspects of International Child Abduction, and the European convention of May, 20th 1980 on recognition and enforcement of decisions concerning custody of children and on restoration of custody of children.

This two instruments seek to protect the right of custody by providing a procedure allowing a prompt return of the children in his usual residence country, and the protection of the right of access, which is the consequence of the right of custody. These conventions were signed in 1980. They entered into force in France in 1983.

Following the report "Familial conflict, children abduction and judicial cooperation in Europe", made by the Family law research centre (University Jean Moulin Lyon 3) on the request of the French Ministry of Justice and

The speech will be made in French and in English (translation modalities are currently studied).

These works will be published.

Contact

Hugues FULCHIRON, Centre de droit de la famille Faculte de droit, Universite Jean Moulin, Lyon 3

Annual Meeting of the Research Committee on the Sociology of Law, to be held at St Anne's College, Oxford on 18-20 July 2003. The theme is Diversity and the Role of Law. There are a number of streams on family law, family policy, gender and genetics. Any member interested should contact

the European Union, this conference will serve three purposes:

- To draw up an assessment of these 20 years of enforcement of the Hague and Luxembourg conventions in France and in the other States
- To analyse the link between the Hague and the Luxembourg conventions with the general statutes took by the European Union and the European Council
- To formulate some suggestions to improve the fight against the children abductions and the failure to respect the right of access.

This international conference will bring together researchers, academics, European Union, European Council and Hague Conference on Private International Law representatives, responsible people of the Central authorities, judges, lawyers, social workers and association members. A wide part of the conference will allow debates and "workshop", especially for the French and foreign professionals charged to solve these issues.

Mavis.Maclean@socres.ox.ac.uk.

Texas Rural Legal Aid, along with a partner in Mexico, Centro de Estudios Fronterizos y Promocion de Derechos Humanos, and the local Mexican Consulate, is hosting a conference in May 2003 to promote discussion about family law and family violence in the Texas-Mexico region. I am sending you (the Secretary-Treasurer) our project proposal and a list of themes and topics for presentations and panel discussions. I would be most appreciative if you would look both over and perhaps you or one of your colleagues would be interested in speaking to one of these issues at our conference. Contact:

Claudette Amaris Pulido
Bi-National Project Coordinator

Texas Rural Legal Aid
316 South Closner
Edinburg, Texas 78539

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Toll-free: (800) 369-0437
(956) 383-4688 Fax

RECENT PUBLICATIONS OF NOTE BY ISFL

MEMBERS:

(Compiled by Associate Editor Laurence C. Nolan, Professor of Law, Howard University School of Law, 2900 Van Ness St., N.W., Washington, D.C. 20008, tel. (202)806-8064, fax - 8428 lnolan@law.howard.edu)

1. Family Law in General: History; Theories; Overviews

Margaret F. Brinig, Empirical Work in Family
Patrick Parkinson, "Child Protection, Permanency Planning And Children's Right To Family Life" International Journal of Law, Policy and the Family, 2003, in press.

Robin Fretwell Wilson, "A Review of From Partners to Parents: The Second Revolution in Family Law (Columbia University Press, 2000) by June Carbone," 35 Family Law Quarterly 833 (2002).

Robin Fretwell Wilson, "Fractured Families, Fragile Children: The Sexual Vulnerability of Girls in the Aftermath of Divorce," 14 Child and Family Law Quarterly 1 (2002).

Barbara Bennett Woodhouse (with Annie G. Steinberg & Alyssa Burrell Cowan), "Child-Centered, Vertically Structured, and Interdisciplinary - An Integrative Approach to Children's Policy, Practice, and Research," 40 Family Court Review 116 (2002).

Barbara Bennett Woodhouse, "Youthful Indiscretions: Culture, Class, Status, and the Passage to Adulthood, 51 DePaul Law Review 743 (2002).

Barbara Bennett Woodhouse, Making Poor Mothers Fungible: The Privatization of Foster Care in Child Care and Inequality: Re-Thinking Carework for Children and Youth (Routledge Press 2002)

Jennifer Wriggins, "Interspousal Tort Immunity and Insurance 'family member exclusions':

Law, 2002 University of Illinois Law Review 1083.

June Carbone, "Is the Gender Divide Unbridgeable? The Implications for Social Equality," 5 Iowa Journal of Gender, Race and Justice 31 (2001).

Olga Cvejic Jancic, "Cloning in the Modern World - A Human Right or Not Yet?," Juridical Life (No. 9/2002).

Nigel Lowe, "The Family Law Act 1986 - A Critiques," Family Law Journal, 39-60, (200).
Nigel Lowe (with Gillian Douglas), "Annual Review of International Family Law," International Survey of Family Law (2002 Ed), 1-20.

Peter McEleavy, "The Brussels II Regulation: How the European Community has Moved into Family Law," 2002 International & Comparative Law Quarterly, pp. 883 - 908.

Shared Assumptions, Relational and Liberal Feminist Challenges, 17 Wisconsin Women's Law Journal 251 (2002).

2. Before/Creation of Spousal or Quasi-Spousal Relations

Harry D. Krause & David D. Meyer, "What Family For the 21st Century?," The American Journal of Comparative Law, Vol. L (Supp. 2002).

3. Before/Creation of Parent-Child or Similar Relations

Margaret F. Brinig & Steven L. Nock, "How Much Does Legal Status Matter? Adoptions by Kin Caregivers," 36 Family Law Quarterly 449 (2002).

Nigel Lowe (with Mervyn Murch, Kay Bader, Margaret Borkowski, Rosalie Copner, Cathy Lises and Jenny Shearman), The Plan for the Child-Adoption or Long-Term Fostering?, (BAAF, London, 2001).

4. Spousal Relations in the Ongoing Family

Patrick Parkinson, "Quantifying the Homemaker Contribution in Family Property Law" *Federal Law Review*, 2003, in press

5. Parent-Child Relations in the Ongoing Family or Similar Relations

Nigel Lowe (with Richard White and Paul Carr), The Children Act in Practice, 3rd ed),

(Butterworths, London, 2002).

Robin Fretwell Wilson, "The Cradle of Abuse: Evaluating the Danger Posed by a Sexually Predatory Parent to a Victim's Siblings," 51 *Emory Law Journal* 241 (2002).

Margaret F. Brinig, "'Money Can't Buy Me Love': A Contrast Between Damages in Family Law and Contract," 27 *Journal of Corporation Law* 567 (2002).

June Carbone, "The Futility of Coherence: The ALI Principles for Family Dissolution, Compensatory Spousal Payments," Symposium on the ALI, 4 *J. of Law and Family Studies* 43 (2002).

Patrick Parkinson, "Quantifying the Homemaker Contribution in Family Property Law" *Federal Law Review*, 2003, in press

7. Termination/Post-Relations of Parents and Children

Nigel Lowe, "Article 5(3) of the Draft EU Regulation on Parental Responsibility - Dealing with Child Abduction," *International Family Law Journal* 36-41 (2002).

Nigel Lowe, "The 1996 Hague Convention on the Protection of Children - a Fresh Appraisal," 14 *Child and Family Law Quarterly* 191 (2002).

Patrick Parkinson, "Child Protection, Permanency Planning And Children's Right To Family Life" *International Journal of Law, Policy and the Family*, 2003, in press.

Other Publications Notes:

Professor Lowe, Sarah Armstrong and Anest Mathias' work with the Permanent Bureau of the Hague Conference, entitled, "A Statistical Analysis of Applications made in 1999 under the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction," is now complete and is published in two volumes, the Global Report (published in English, French and Spanish) and the National Reports and is available at <http://www.hcch.net/e/conventions/reports28e.html>.

Professor Lowe, Sarah Armstrong, Anest Mathias with Marie Navarro's work on good practice in handling Hague Abduction

6. Termination/Post-Relations of Spouses & Quasi-Spouses

Applications for the International Centre for Missing and Exploited Children is also now complete and comprises "The Good Practice Report" (by Lowe and Armstrong) available in English, French, German and Spanish and a series of eight country reports on Australia, Canada, France, Germany, Ireland, Mexico, the United Kingdom and the United States. They are all published by the National Center for Missing and Exploited Children (NCMEC) and are also available on their website.

NOTE: The Newsletter will publish notices of recent publications dealing with family law topics if the following information—Name of author, title of article or chapter, title of book or journal in which it is published, the volume and pages, the year of publication (and if the title of the article, chapter and/or book or journal is not in English a translation of the same into English - so that the entry can be placed in the appropriate category)—is sent to Prof. Laurence C. Nolan, Howard University School of Law, 2900 Van Ness Street, N.W., Washington, DC 20008; 202-806-8428 (fax); lnolan@law.howard.edu (e-mail).

PERSONAL NOTICES:

Prof. Antonello Miranda writes that he was awarded a Visiting Senior Research Fellowship on Family Law for the three years beginning in 2003 by the Institute of Advanced Legal Studies of the University of London.