



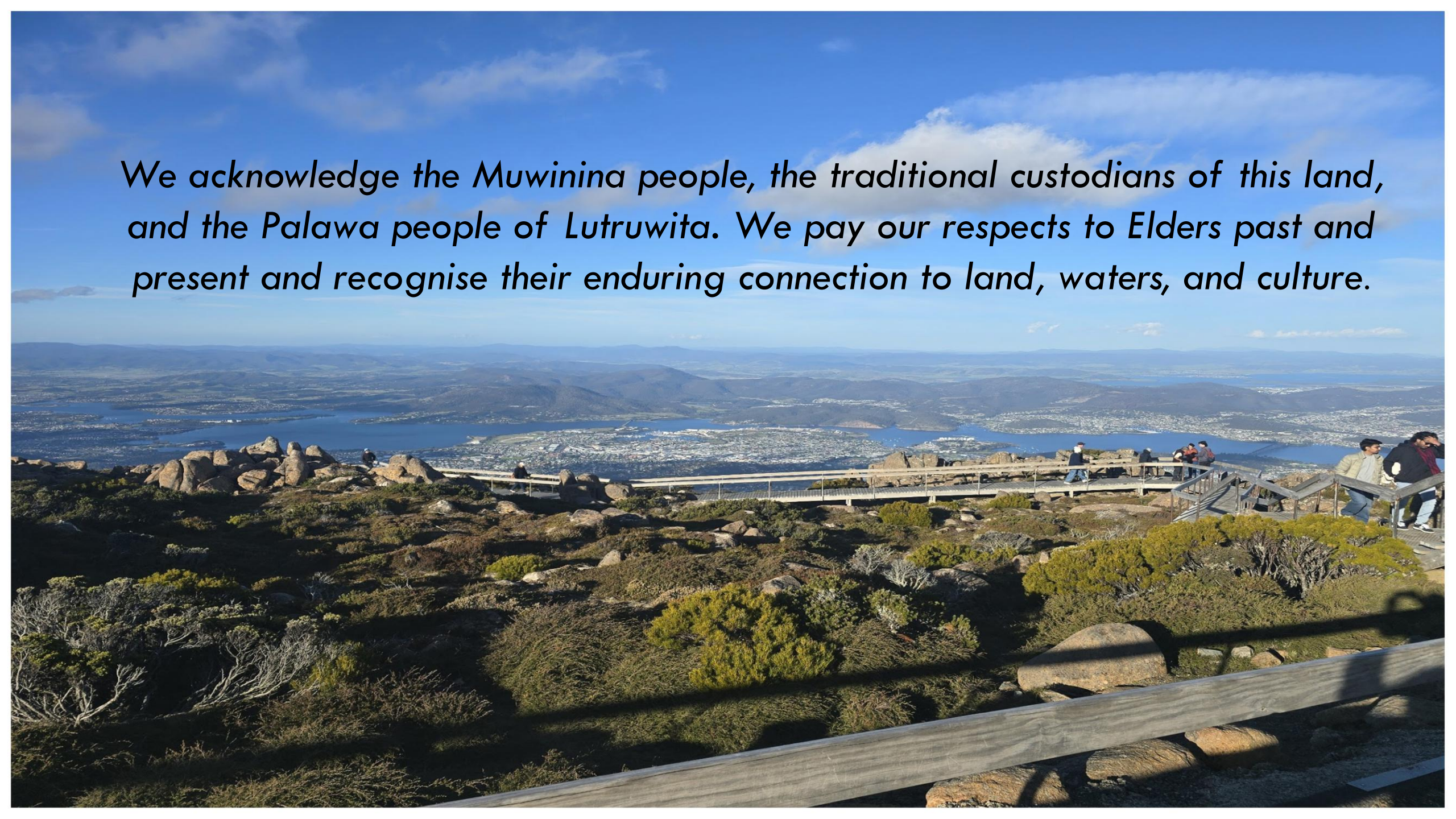
THERAPEUTIC JURISPRUDENCE IN ACTION: WORKING WITH TRAUMATISED CLIENTS IN THE FAMILY COURT

Presenters:

Mr Justin Graham

Dr Veronica Tone-Graham

We acknowledge the Muwinina people, the traditional custodians of this land, and the Palawa people of Lutruwita. We pay our respects to Elders past and present and recognise their enduring connection to land, waters, and culture.



WHAT IS THERAPEUTIC JURISPRUDENCE?

“A **multidisciplinary** school of legal theory and practice that examines the **therapeutic and anti-therapeutic** properties of law, policy, and legal institutions, favouring outcomes that **advance human dignity and psychological well-being.**”

- Founders David Wexler and Bruce Winick (1987)

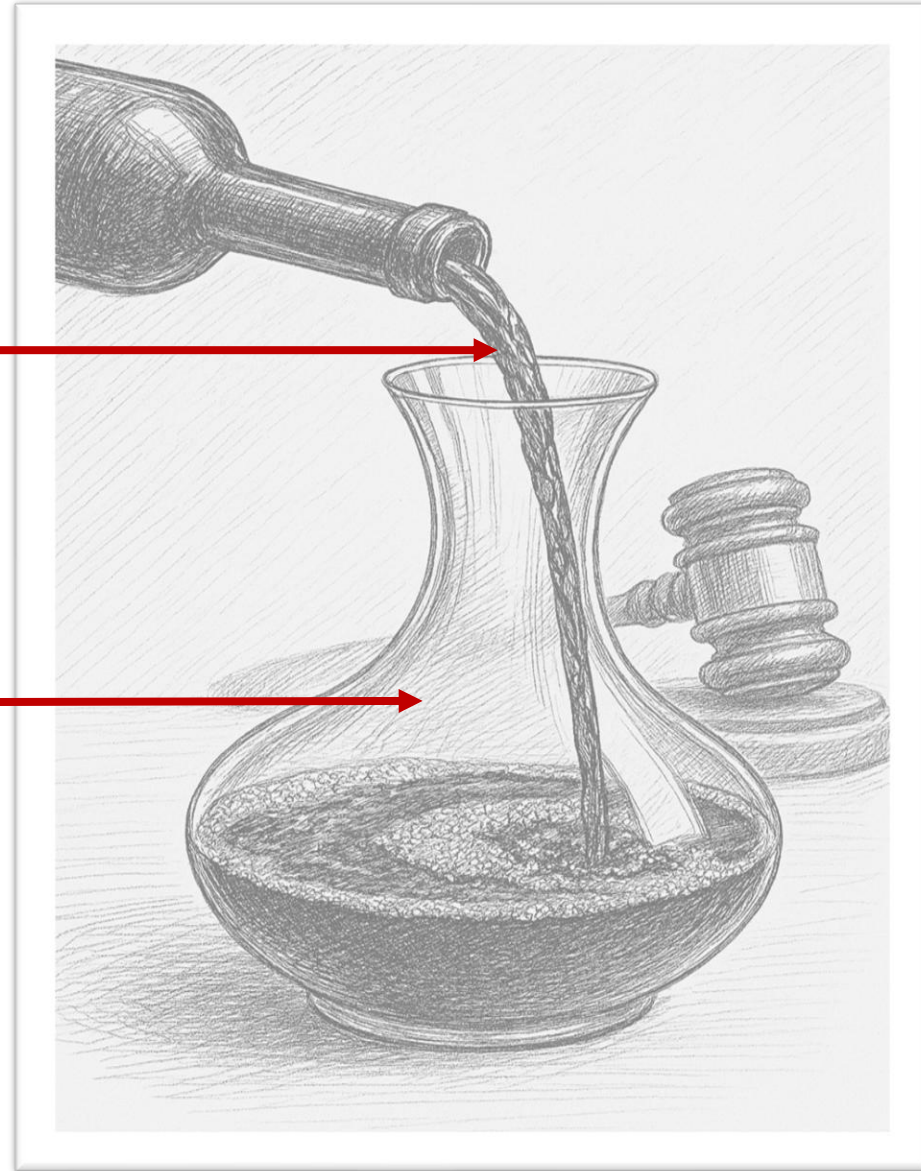
Along with other movements, TJ aims to “**ameliorate the harshness of legal processes** and achieve more satisfactory outcomes”

- Warren Brookbanks (2015)

THERAPEUTIC JURISPRUDENCE: WINE AND VESSEL ANALOGY

Liquid: Substance of practice
(values, approaches, skills)

Vessel: Family Courts; Rules,
Procedures, Systems. If they do not
operate in a manner that is
therapeutic, without compromising
the law



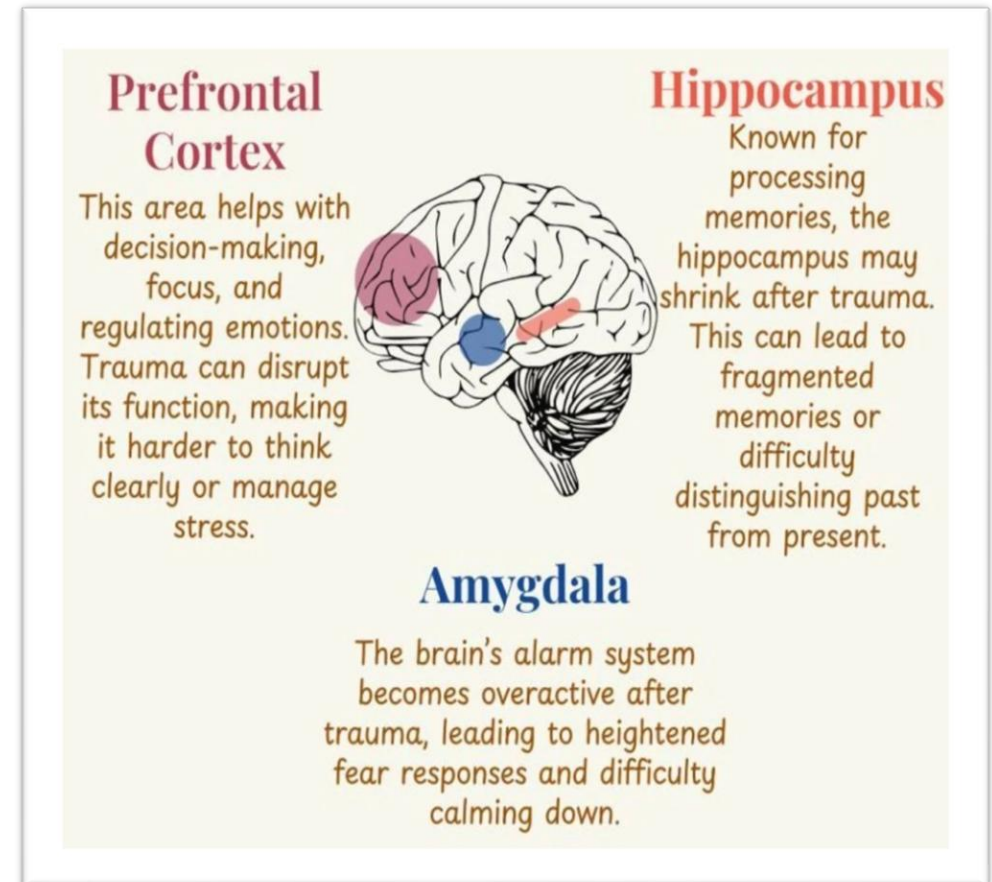
PSYCHOLOGY IN THE FAMILY COURT

Trauma affects the way clients can engage with Family Court proceedings, by

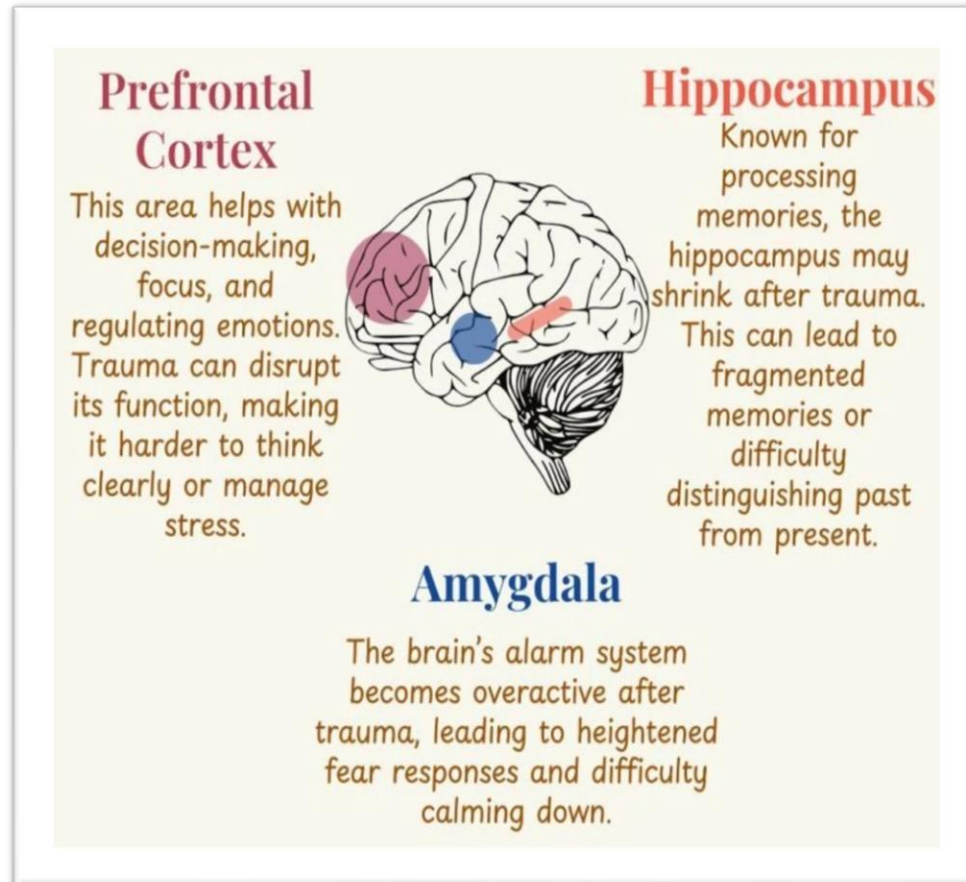
- Disrupting attention
- Compromising memory recall
- Impacting executive functioning
- Creating distrust and social difficulties

These create difficulty with

- instructing/developing relationship with lawyer
- Withstanding stressful Court proceedings
 - Cross Examination
 - Settlement Conferences
- Absorbing Information and following directions



FROM THE OUTSIDE



- Freeze / Fight / Flight
- Combative when overwhelmed
- Uncooperative
- Avoidant/evasive

ENTRY TO FAMILY LAW

Kawhia, New Zealand

Marae – attend for tangi (funeral) and birthays (21st, 60th) and Pokai (Maori Queen)

Mother – Maori / Scottish

Father – Irish

Accounting, NZ Army, Family Law



MEET HOANA

New client Hoana

Maori grandmother

Mother of children serving a sentence

OT case / OT have a Custody Order for the children

OT found an alternative whanau (family) placement



THE INITIAL MEETING

Admin day walk ins

Initial connection about iwi affiliations

Discuss why Hoana has come in today

Discuss pathways forward and Court Orders sought

Allocate homework for each of us to complete

FIRST MEETING TAKEAWAYS

Whanaungatanga - relationship development and investment

Manaakitanga – showing respect for the people that we represent and for their stories

Hope, but managed given litigation risk in OT cases

THE AFFIDAVIT EVIDENCE

Hoana essentially puts her trust in her counsel to present her case to the Judge

Hoana fully disclosed everything at the outset

But some people take time to disclose a trauma history to their lawyer

But we can may see some red flags....

REFER FOR THERAPY OR SUPPORT

Referrals to a psychologist or counsellor for therapy or a report

Go along for first session, support them if requested

I may be the first person they have disclosed something to since it happened

May also walk them to the local Manukau Police Station

Contact local Marae, or even call up their home Marae



SETTLEMENT MEETINGS

Attempting to resolve matters in a constructive way

Brief Hoana for different options and issues

No agreement

Some client's need support, to stay the course

THE DEFENDED HEARING

The client needs to be full briefed and ready for court

It will be tough, but just like our conversations in the office

Give the Judge those 3 big things: the truth, the truth and the truth

Protective measures

CASES ALWAYS CHANGE

Further report of abuse against the children's new caregivers

OT now drop 2 children to Hoana

Five months later, a further report of abuse is made for the other children

OT then drop the other 2 children to Hoana from that other placement

THE UPDATE

A further 4 years have passed, with Hoana having the mokos care

OT hold no further care and protection concerns

OT Orders discharged

POST SCRIPT

The text message:

4.31 am Wednesday 03 December 2025 (6.31 am NZ time)

I've finally done it, discharged OT, I want to thanku for being there for me in the beginning. I never ever thought I could honestly say... I consider you as a friend forever, you made me feel worth it, your guidance was simple, and positive, I remember feeling like shit and you helped me overcome these feelings... so thank you Justin.

I'm a homeowner. I'm working. I'm a nana who has discharged OT. I'm a survivor of Meth. I love my life.