



OÑATI INTERNATIONAL INSTITUTE
FOR THE SOCIOLOGY OF LAW

—
OÑATIKO LEGE-SOZIOLOGIAKO
NAZIOARTEKO ERAKUNDEA

—
INSTITUTO INTERNACIONAL
DE SOCIOLOGÍA JURÍDICA DE OÑATI

VIRTUAL WORKSHOP ON: “Access to Family Justice and Legal Incapacity”

Convenor:
Mavis Maclean, University of Oxford

9 – 10 June 2022
All times are in Central European Time (CET)

Thursday 9 June 2022

- 10.00 **Welcome by Leire Kortabarria** – A note on publications
- Welcome and Introduction from Mavis Maclean and Cheryl Morris:** the Aims and Scope of this meeting
- 10.30 – 11.45 **Part 1. Parents and Children**
- Sarah Castle** (Official Solicitor)): Representing parents who lack legal capacity in the family justice system in England and Wales
- Julietta Marotta and Laura Noemi Lora** Developments in Argentina on the Understanding of the child as a subject of procedural rights
- 11 45 – 12.00 Break
- 12.00 – 13.30 **Part 2. Recent Reform and New Legislation: country reports**
- Spain: **Teresa Piconto Novales, Elena Lauroba Lacasa and Encarna Roca Trias:** New legislation on disability in Spain
- 13.30 – 15.00 Lunch break
- 15.00 – 16.30 **Part 2. Recent reform (continued)**
- France: **Benoit Bastard** Preliminary reflections on the situation in France
- Bulgaria: **Velina Todorova** Bulgarian legal capacity reforms: ignorance, neglect, compromise and fear
- Turkey: **Verda Irtis** Considering people without Legal Capacity in Turkey: initial findings and further questions
- 16.30 – 17.00 Break

Thursday 9 June 2022 (continuation)

17.00 – 18.30

Part 3. Key professionals

Lucy Series Who decides? the submerged politics of the Mental Capacity Act 2005. Substitute decision makers in England and Wales

Bregje Dijksterhuis The role of the Guardian on legal incapacity in the Netherlands

Jacek Kurczewski Assuming tutelage over refugees informally

Online drinks reception

Friday 10 June 2022

10.00 – 11.30

Part 4. Access to justice

Belinda Fehlberg and **Richard Ingleby** Incapacity in Australian Family Law: Access to family justice in Australia for adults and children who lack mental capacity

Masha Antokolskaia Towards reshaping Dutch law for older people in the Netherlands

11.30

Break

12.00

Part 5. Roundtable discussion of 3 vignettes illustrating key issues emerging concerning access to justice for children, the elderly and the disabled who lack mental capacity

13.00

THANKS and CLOSE