

Pathfinder and the Sunflowers

Rachel Chan: Hello and welcome to Forty Two Talks, the podcast which takes a deep dive into the legal world, led by experienced members of 42BR barristers. I'm Rachel Chan, a member of the Family Team at 42BR, and I'm delighted to be joined by Estella Newbold-Brown, partner of Amphlett Lissimore, today to discuss 'Pathfinder' and her new book, *Isla and Quinn the Sunflowers*.

So, Estella, would you like to introduce yourself?

Estella Newbold-Brown: Thank you very much. I'm Estella Newbold-Brown and I am a family law solicitor. I'm also a partner and head of the family law department at Amphlett Lissimore solicitors.

RC: So, lovely to meet you and I'm absolutely excited to be discussing your book today, but I suppose we should be a bit serious and talk some law.

Pathfinder, A view from the President's Chambers July 2024, goes into this. It describes it as a new approach to private law cases and was developed and proposed in 2021. It was piloted over the past two years in North Wales and Dorset and has now been rolled out in Birmingham and the Cardiff area around April/May time of this year.

And the purpose really is not, apparently, to see if the model works, but is to learn what has to be done to operate it in bigger court centres. So those who don't know, Pathfinder is a problem solving court. It's very much about getting the children's wishes and feelings at a very early stage and CAFCASS filing what's known as a child impact report.

And, on that, the court will be able to understand what the issues are at an early stage. Because currently we have the application form and a CAFCASS safeguarding letter, and the application form.

ENB: If you have it in time!

RC: Quite, and the application form and then magistrates and judges have to navigate through what might be the issues that surface later on. So, getting the children's wishes and feelings early on, what do you think about that Estella?

ENB: I think it's really great, and I think it cuts through a lot of the backlogs that we have and delays because when you reach the FHDRA stage, you're hopeful that you have the safeguarding letter and if you don't, no orders can be made. And then you have to wait further down the line for perhaps a Section 7 report to be ordered and CAFCASS currently have a delay, I think it's over 24 weeks, in some cases 36 weeks. And if children are spoken to at an early stage, I think it's just really helpful for all the parties and also the court, but it has to be done in the right way. Also there can be other issues in cases such as parental alienation and potentially the child being influenced by another parent. So the age of that child needs to be taken into consideration and how much weight is given to what a child says in the kind of usual way that you would deal with that.

RC: Yeah, and obviously there's issues with parties where domestic abuse has been raised. But of course that is flagged up at an early stage and that is taken into consideration. And for those who don't know, FHDRA is known as the First Hearing Dispute Resolution Appointment. And that's the first hearing that's listed after the application is made after the **MIAM**, which is the...

ENB: Mediation Information Assessment Meeting.

RC: Thank you. Lots of acronyms in family law. Interestingly though, having children's wishes and feelings at an early stage is not new. I remember the good old days where children were brought to court. Do you remember that?

ENB: I do remember that. I haven't experienced it myself in practice, but I do remember that, but you just, you know, yeah, a judge speaking directly with a child sometimes in some cases, but yeah, it's a bit scary for the child. Poor child being brought into a court building.

RC: I remember, in fact, Brentford: Brentford gets a shout out. They actually had a place where they used, it was near the old Age Concern building. And the parent who had the child in their care at the time would bring the child, or bring the children along and they would speak to CAFCASS away from the court building, in a little room, whilst the parents waited.

The waiting area was set up so that there were screens blocking the parents from each other whilst the children were in. And interestingly, that was a really useful exercise. So, your clients could be saying to you "Yeah, my children don't want to see their father. They refuse to see their father." Then CAFCASS comes out and says, "No, I've spoken to the children, they'd like to see their father, they'd like to do it on Saturdays so that they can get to their activities on Friday afternoons..."

and it made a lot of headway. So this concept of getting the children's views isn't new, but I wonder why there's suddenly this revisiting of it in this particular way?

ENB: Because I think it's due to all of the backlogs and they have had to come up with an idea of perhaps kind of front loading the work so everything is done right from the outset and right at the beginning to stop there being delays because, ultimately, for a child to have to wait a year/year and a half for the court to make a decision isn't great, and if there is a parent that isn't having contact with that child because of allegations, whether they're founded or not founded, that time of a year/year and a half, is impacting the relationship of the child and their parent, and if they're very young, that actually can be incredibly damaging for the child.

RC: Quite, and in fact the president says that in his view and also I think because so many parents are now litigants in person, the process can take a very long time. And children's views over time do change and after say, four months/five months of not seeing a parent, their views become more entrenched. So whereas they may be more likely or wanting to see their father or mother in the earlier stages of proceedings, by the time you get to week 52/ 60/100, their views may have very much changed, and bearing in mind that they may have been, inadvertently influenced into believing something or their views being such that they don't want to see that parent anymore. So yes, it's important to get their views fairly early on.

So that's great. So, talking about children's wishes and feelings. So, Estella, you've written a book.

ENB: I have.

RC: This beautiful book called Isla and Quinn, The Sunflowers. And it's illustrated by Carol?

ENB: Yeah, Caroles.

RC: Caroles?

ENB: Yeah, Barbosa.

RC: And how did you find her?

ENB: The illustrations are amazing, aren't they? On LinkedIn, actually. She popped up as an illustrator, and she is based in Cuba. I think it is Cuba. And then we spoke

via LinkedIn. And I told her about... So Isla and Quinn the Sunflowers is my second book, and when I approached her it was about the first book I'd written, the story of the little penguin. And that story resonated with her because actually it was kind of similar to how her and her wife met, and I just thought it was amazing that we had a very similar story, and I just gave her free reign to illustrate the books as she wishes. And we've written, I've written three books and she's illustrated all three. Yeah, and she's incredible.

RC: Very lovely. Thanks for sharing those books with us. What inspired you to write *The Sunflowers* in particular?

ENB: So when I wrote *The Sunflowers*, that was the second book, and the first book took some time to find an illustrator and learn how I needed to kind of edit it. And once I had done that, I actually really, really enjoyed it.

And I found kind of writing the books and editing them an escapism from work and quite therapeutic. But I also wanted to write some books for my children, and almost like leave a legacy and bring people into the books from my life. But also write about really important topics that I think children should be educated on.

And the reason for the sunflowers is because I am a teenager of divorce. I'm also a mum, and I'm also a divorce lawyer, so I thought I could pull in on all of those skills and write a book that would help children and also help clients.

So the idea behind this book is that parents would read it to their children if they're little, up to kind of the age of 6-ish, when children can start learning to read for themselves independently. And then children can read it themselves from six up to about ten. And the idea is that, you know, separation is quite a hard topic for parents to speak to their children about. But once the children have read this book, there are questions at the end that you can just raise with your children when you're driving them to ballet, to football, and they're in the back of the car and you can just chat to them. And the idea is that you just help children deal with their emotions.

RC: Yeah. So how did the idea of questions at the end of the book, what, what, what prompted that?

ENB: So my favourite time with my twins is story time at night before they go to bed. And we've got like a little section in the room, we've got all the books laid out and a little reading cushion to sit on.

And I have actually noticed of all the books I've read, they're just the books and that's it, you close it. And there was one in particular that dealt with feelings and it asked questions at the end. And I just thought it was incredible because it was really, really good. And I would read the questions to the twins and they would answer, they'd get really engaged.

And I just thought books need more questions at the end, especially when it's about difficult topics. Because once you know the story and it's been read to you or you have read it, those questions can be asked or raised at any time. And separation isn't something that you just tell your children, you know, mommy and daddy or mommy and mommy, daddy and daddy are separating. They need constant reassurance and they will need to constantly talk about, or not, perhaps not constantly, but they will need to talk about it more than once. So the idea of the questions is to give parents questions to ask their children and they can discuss it freely and openly.

RC: One of the things that I really liked when I read the book was the idea that one parent got one pot of sunflower. I don't want to give the plot away and the other pot goes to the other parent and I thought that was ingenious. What was the inspiration behind that? Why a pot of sunflower?

ENB: So, in my books, I want to draw in things from my family. So Tilly the dog is actually my sister's dog, Tilly. We don't have a dog, but they know Tilly. And sunflowers are my favourite flowers. And I think that they're just really, really positive. There's such a positive, and it's a positive metaphor in the book. Jenny's parents have separated, but throughout the book you have these vibrant sunflowers. And I also wanted something to represent each parent of Jenny's.

So the idea, and it's not a spoiler alert, I don't mind, is that there are two sunflower pots and one represents each parent. So when she misses them, they look at, she looks at each pot and it's at the sunflower as it grows. And I just, I came up with that idea actually, and I was like, but how do I develop this idea?

And then that, that came with the idea that when the parent is then missing Jenny, she gives the plant pot to the parent to make, you know, so they can look at the sunflower and not miss Jenny. So I just thought it tied in really nicely.

Rachel Chan: I absolutely agree. I think it's a really lovely touch. Now, is there anything else in the pipeline? I was thinking, having looked at your three books, you've got one about Penguin, who finds their true love. You've got Isla and Quinn, another adventure about grandparents. Something I know children do struggle

with is when their parents' divorce or separate, moving into a new home or moving between homes and changes with their lifestyle.

So instead of a big three bed house or four bed house, they're in a two bed flat or daddy's on the sofa whilst they're in the bedroom. Is there any plans, perhaps? Or have I just given you an idea to write a book?

ENB: There wasn't a plan, but there now might be one...

I do have two more books in the pipeline. At the moment, it's just trying to find the time to write them, because I'm incredibly busy at work. And I, you know, work comes first really. And then when I have time, I can, you know, write more books. And over Christmas when I, when I get some peace at some stage, which is hard with, four year old twins, I can try and write my next book.

And the commute to work actually was really helpful for writing these books, which I don't have at the moment. That's how I wrote the first book, but I used to commute to Harrow and it used to take two hours, so over that commuting stage I would write that book.

But there is an Isla and Quinn series, so there's one with my dad, Poppy, and the kind of, there's a message behind those as well, because Isla and Quinn have same sex parents. And I don't want that to be the main topic and the main objective of the book but it's a really nice kind of side topic. So I want to continue the Isla and Quinn stories talking about different topics but also having the theme of same sex parents as just being, you know, a normal part of everyday books.

I want to write a book about sustainability involving bees because I'm really passionate about bees. I want to do a beekeeping course. And bees are really, really important for us and I think we need to take more care about, you know, nature. And I'm going to also write a, so with that book I'm going to involve my mum, so Grandma Sue, because she needs to be involved, I've already involved Poppy.

And the fifth book I want to write is about Isla and Quinn and their friend who's a boy that wears a dress, because I'm really passionate about the transgender community and I really think it's important to educate children when they're very young to be accepting of everyone and my way to do that is in a very subtle way with a boy wearing a dress and Isla and Quinn wearing dresses and there being a

big parade. And I just think it's a nice thing to do because I do really love drag queens as well.

But I, I will look at writing a book about two homes and how I can incorporate that into Isla and Quinn's life, probably a friend of theirs is going through that and how they help them, but also bringing something else really positive, like a sunflower metaphor, to help their friend get through that time. So I think that's a very good idea. Thank you.

RC: Oh, I'm going to be taking a cut.

ENB: You can name a character.

RC: Oh, wow. That'd be, that'd be ace, I'll let you know. So children are really honest reviewers. Have you had any feedback? Other than from your own children about these books?

ENB: Yeah, no I won't tell you Isla and Quinn's feedback...

No, they love the books, but I have been into their nurseries, I've been into local libraries, I've been into local schools, and I have read my book and actually the feedback is really positive.

One of my friends who actually works with me now said that my penguin book is like one of her go to books for her son. He actually asked for it a couple of weeks ago and I was really surprised. It came out of the blue, she just told me, I wasn't fishing for any information. And she told me that it's a firm favorite.

And also the *Isla and Quinn* book, the feedback about that actually is that it can help children deal with their emotions. So not necessarily about their parents separating, it can help children just deal with their feelings. So because it references Jenny saying about a feeling in her tummy, that can kind of help children with anxiety or if they're starting like a new school and they feel a bit uncertain. So the feedback about that book is that it's really, really, really helpful for children's emotions.

RC: So Estella, where can we get your lovely books from?

ENB: So you can find them on Amazon and there will be links to them in the bio.

RC: Great, well thank you very much for tuning in to Forty Two Talks. We hope you enjoyed the podcast. To listen to other episodes, follow us on Spotify, Apple Podcasts, or wherever else you get your podcasts.