

The Relationship Rights Of Children James G Dwyer

The Oxford Handbook of Children and the Law - James G. Dwyer 2020

The Oxford Handbook of Children and the Law presents cutting-edge scholarship on a broad range of topics covering the life course of humans from before birth to adulthood, by leading scholars in law, medicine, social work, sociology, education, and philosophy, and by practitioners in law and medicine. An international collection of authors presents and analyzes the law and science pertaining to reproduction; prenatal life (including fetal exposure to toxic substances and abortion); parentage (including biology-based rights,

background checks on birth parents, adoption, the status of gamete donors, and surrogacy); infant development and vulnerability; child maltreatment (including corporal punishment and religious defences to abuse and neglect); child protection policy and systems; foster care; child custody disputes between parents or between parents and other caregivers; schooling (including financing, resegregation, religious expression in public schools, at-risk students, special education, regulation of private schools, and homeschooling); delinquency; minimum-age laws; and child advocacy. Most chapters follow a format wherein they first describe the most

debated or dynamic issues in each topical area, then explain in depth the law and/or science pertaining to the author's particular focus, and finally offer arguments and recommendations as to law and policy in that area. The normative component aims to advance discussions and debates in vital areas of contemporary child welfare law and policy. The Handbook is an essential resource for scholars and professionals interested in the intersection of children and the law.

The Best Interests of the Child in Healthcare - Sarah Elliston 2007-11-06

Topical and compelling, this volume provides an excellent re-evaluation of the 'best interests' test in the healthcare arena; the ways in which it has developed, the inherent difficulties in its use and its interpretation in legal cases concerning the medical care of children. Comprehensively covering both the English and Scottish position within the context of the European Convention of human Rights and the UN Convention on the

Rights of the Child, the author examines a wide range of healthcare situations, from the commonly occurring to the unusual, offering a detailed analysis of legislation, case law, cases and their implications. It includes discussions on: the extent to which a child's body can be examined, operated on and affected by medicines, devices or procedures intended to bring about medical change the appropriate scope of parental choice and authority and at what stage of their development children should be allowed to make their own decisions the response to situations where the interests of children may be in conflict - the cases of conjoined twins or the donation of organs to siblings. This work is a key resource for postgraduates and researchers working and studying in the fields of law, healthcare and medicine.

What is Parenthood? - Linda C. McClain
2013-01-01

Extraordinary changes in patterns of family

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life—and family law—have dramatically altered the boundaries of parenthood and opened up numerous questions and debates. What is parenthood and why does it matter? How should society define, regulate, and support it? Is parenthood separable from marriage—or couplehood—when society seeks to foster children’s well-being? What is the better model of parenthood from the perspective of child outcomes? Intense disagreements over the definition and future of marriage often rest upon conflicting convictions about parenthood. What Is Parenthood? asks bold and direct questions about parenthood in contemporary society, and it brings together a stellar interdisciplinary group of scholars with widely varying perspectives to investigate them. Editors Linda C. McClain and Daniel Cere facilitate a dynamic conversation between scholars from several disciplines about competing models of parenthood and a sweeping array of topics, including single parenthood, adoption, donor-

created families, gay and lesbian parents, transnational parenthood, parent-child attachment, and gender difference and parenthood.

Routledge Handbook of Family Law and Policy - John Eekelaar 2014-05-09

Changes in family structures, demographics, social attitudes and economic policies over the last sixty years have had a large impact on family lives and correspondingly on family law. This book provides global perspectives on the policy challenges facing family law and policy round the world. The chapters apply legal, sociological, demographic and social work research to explore the most significant issues that have been commanding the attention of family law policy-makers in recent years. Featuring contributions from a range of renowned global experts, the book draws on multiple jurisdictions and offers comparative analysis across a range of countries. The book addresses a range of issues including: the role of

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the state in supporting families and protecting the vulnerable children's rights and parental authority sexual orientation and gender in family law the status of marriage and other forms of adult relationships divorce and separation and their consequences the relationship between civil law and the law of minority groups assisted conception movement of family members between jurisdictions This advanced level reference work will be essential reading for students, researchers and scholars of family law and social policy as well as policy makers in the field.

Homeschooling - James G. Dwyer 2019-04-15
In Homeschooling: The History and Philosophy of a Controversial Practice, James G. Dwyer and Shawn F. Peters examine homeschooling's history, its methods, and the fundamental questions at the root of the heated debate over whether and how the state should oversee and regulate it. The authors trace the evolution of homeschooling and the law relating to it from

before America's founding to the present day. In the process they analyze the many arguments made for and against it, and set them in the context of larger questions about school and education. They then tackle the question of regulation, and they do so within a rigorous moral framework, one that is constructed from a clear-eyed assessment of what rights and duties children, parents, and the state each possess. Viewing the question through that lens allows Dwyer and Peters to even-handedly evaluate the competing arguments and ultimately generate policy prescriptions. Homeschooling is the definitive study of a vexed question, one that ultimately affects all citizens, regardless of their educational background.

The Contested Place of Religion in Family Law - Robin Fretwell Wilson 2018-05-31

Examines clashes over religious liberty spanning the life cycle of families - from birth to death.

Religious Schools v. Children's Rights - James G. Dwyer 2018-08-06

Despair over the reported inadequacies of public education leads many people to consider religious schools as an alternative. James G. Dwyer demonstrates, however, that religious schooling is almost completely unregulated and that common pedagogical practices in fundamentalist Christian and Catholic schools may be damaging to children. He presents evidence of excessive restriction of children's basic liberties, stifling of intellectual development, the instilling of dogmatic and intolerant attitudes, as well as the infliction of psychological and emotional harms, including excessive guilt and repression and, especially among girls, diminished self-esteem. Courts, legal and political theorists, and the public typically argue that families and religious communities are entitled to raise their children as they see fit and that the state must remain neutral on religious matters. Dwyer proposes an alternative framework for state policy regarding religious schooling and other child-rearing

practices, urging that the focus always be on what is best, from a secular perspective, for the affected children. He argues that the children who attend religious schools have a right to adequate state regulation and oversight of their education. States are obligated to ensure that such schools do not engage in harmful practices and that they provide their students with the training necessary for pursuit of a broad range of careers and for full citizenship in a pluralistic, democratic society.

Decisional Privacy and the Rights of the Child -
Georgina Dimopoulos 2022-10-14

Decisional privacy gives individuals the freedom to act and make decisions about how they live their lives, without unjustifiable interference from other individuals or the state. This book advances a theory of a child's right to decisional privacy. It draws on the framework of the United Nations Convention on the Rights of the Child and extends the work of respected children's rights scholars to address a significant gap in

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understanding the interconnections between privacy, family law and children's rights. It contextualises the theory through a case study: judicial proceedings concerning medical treatment for children experiencing gender dysphoria. This work argues that recognising a substantive right to decisional privacy for children requires procedural rights that facilitate children's meaningful participation in decision-making about their best interests. It also argues that, as courts have increasingly encroached upon decision-making regarding children's medical treatment, they have denied the decisional privacy rights of transgender and gender diverse children. This book will benefit researchers, students, judicial officers and practitioners in various jurisdictions worldwide grappling with the tensions between children's rights, parental responsibilities and state duties in relation to children's best interests, and with the challenge of better enabling and listening to children's voices in decision-making processes.

Families Under Construction - Susan Frelich
Appleton 2021-01-31

This book is designed for law school seminars and courses, including first-year electives, as well as advanced undergraduate courses in legal studies or other departments. *Families Under Construction: Parentage, Adoption, and Assisted Reproduction, Second Edition*, provides an in-depth exploration of the fascinating and controversial issues emerging out of biotechnology and society's changing understanding of family identity. The authors combine solid treatment of the law and carefully crafted additional content to provoke inquiry and fuel class discussion, using a multidisciplinary presentation of legal authorities, policy perspectives, critical analysis, and cultural contexts. Coverage includes the impact of marriage equality, increasing departures from traditional family arrangements, and modern approaches to adoption, as well as infertility treatments, collaborative reproductive

arrangements, and reproductive tourism. New to the Second Edition: A new Part I on parentage, parental responsibilities, and parental authority, tracing the evolution from traditional doctrine to contemporary approaches and emphasizing the policy of keeping dependency private The addition of principal cases on wrongful adoption, challenges to sealed adoption records, and intercountry adoption Restructured chapters on assisted reproduction reflecting consequential changes in the legal landscape Professors and students will benefit from: Thorough coverage of significant cases, statutes, and regulations, including law reform efforts and recognition of law's silence on some topics Opportunities for comparative analysis of law and policy, from "then" to "now" and among various states and nations, with examination of jurisdiction, choice of law, and enforcement An approach that questions core concepts, such as parentage, by highlighting the role of the state in the construction of family and the influence of

assumptions about gender, race, sexualities, marriage, class, and dependency Inclusive materials, such as narratives as well as summaries of popular books and films, which explore the interaction of law and life Consideration of professional responsibility, including the often challenging role of lawyers in adoptions and reproductive collaborations A mix of classic and leading-edge cases Notes and Questions that provide background and illuminate salient themes Thought-provoking Problems that prompt consideration of new issues Inserts presenting "Depictions in Popular Culture" of the situations at the center of the cases

The Relationship Rights of Children - James G. Dwyer 2006-04-17

This book presents a sustained theoretical analysis of what rights children should possess in connection with state decision making about their personal relationships which the state does in numerous aspects of family law, including

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paternity, adoption, custody and visitation, termination of parental rights, and grandparent visitation. It examines the nature and normative foundation of adults' rights in connection with relationships among themselves and then assesses the extent to which the moral principles underlying adults' rights apply also to children. It concludes that the law should ascribe to children rights equivalent (though not identical) to those which adults enjoy, and this would require substantial changes in the way the legal system treats children, including a reformation of the rules for establishing legal parent-child relationships at birth and of the rules for deciding whether to end a parent-child relationship.

Liberal Child Welfare Policy and its Destruction of Black Lives - James G. Dwyer
2018-06-14

How can we end the inter-generational cycle of poverty and dysfunction in the US's urban ghettos? This ground-breaking and controversial

book is the first to provide a child-centered perspective on the subject by combining a wealth of social science information with sophisticated normative analysis to support novel reforms—to child protection law and practice, family law, and zoning— that would quickly end that cycle. The rub is that the reforms needed would entail further suffering and loss of liberty for adults in these communities, and liberal advocacy organizations and academics are so adult-centered in their sympathies and thinking that they reflexively oppose any such measures. Liberals have instead promoted one ineffectual parent-focused program after another, in an ideologically-driven quest for the magic pill that can save both adults and children in these communities at the same time. This 'insider critique' of liberal child welfare policy reveals a dilemma that liberals have yet to face squarely: there is an ineradicable conflict of interests between many young children and their parents, especially in

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areas of concentrated poverty, and one must choose sides. It is a must read for legal academics, political scientists, urban policy experts, as well as professionals working in social work, law, education, urban planning, legislative offices, and administrative agencies.

Determining Legal Parentage - Yehezkel Margalit 2019-04-25

Offering intentional parenthood as the most appropriate, flexible and just normative doctrine for resolving the various dilemmas that have surfaced in the modern era.

The Constitutional Parent - Jeffrey Shulman 2014-07-01

In this bold and timely work, law professor Jeffrey Shulman argues that the United States Constitution does not protect a fundamental right to parent. Based on a rigorous reconsideration of the historical record, Shulman challenges the notion, held by academics and the general public alike, that parental rights have a long-standing legal

pedigree. What is deeply rooted in our legal tradition and social conscience, Shulman demonstrates, is the idea that the state entrusts parents with custody of the child, and it does so only as long as parents meet their fiduciary duty to serve the developmental needs of the child. Shulman's illuminating account of American legal history is of more than academic interest. If once again we treat parenting as a delegated responsibility—as a sacred trust, not a sacred right—we will not all reach the same legal prescriptions, but we might be more willing to consider how time-honored principles of family law can effectively accommodate the evolving interests of parent, child, and state.

Family Law in a Changing America - Douglas NeJaime 2020-09-15

Family Law in a Changing America is a new casebook that highlights law and family patterns as they are now, not as they were decades ago. By focusing on key changes in family life, the casebook attends to rising equality and

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inequality within and among families. The law, formally at least, accords more equality and autonomy than ever before, having repudiated hierarchies based on race, gender, and sexuality. Yet, as our society has grown more economically unequal, so too have family patterns diverged—with marriage and marital child-rearing becoming a mark of privilege. A number of developments—mass incarceration, the privatization of care, and reproductive technologies—have also contributed to disparities based on race, class, and gender. The casebook reflects the law’s continuing emphasis on marriage, but also treats nonmarital families as central. Rather than privilege the marital heterosexual family, the casebook organizes the presentation of the law around 1) adult relationships and 2) parent-child relationships. Professors and students will benefit from: Text that includes dramatic changes in family patterns in contemporary society, including: declining marriage rates, with differential rates

based on race and class; increasing rates of nonmarital cohabitation and nonmarital parenting; the use of assisted reproduction and its challenge to biological understandings of parentage; tensions between women’s increasing education and employment and the perseverance of the gendered division of labor in families; the inclusion of same-sex couples in marriage and parenthood An approach that decenters the marital heterosexual family and instead is structured around the general topics of adult relationships and parent-child relationships Focus on the scope of family law, including extensive coverage of crucial sites of family regulation, such as the child welfare system, that are traditionally neglected Emphasis on multiple modes of legal interpretation (common law, constitutional, statutory) and multiple actors in the legal system (judges, legislators, lawyers, experts, social workers) Practical problems and exercises, often based on actual cases or events, that illuminate

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the gaps, tensions, and implications of existing doctrine; some of the problems include postscripts explaining how the issue was resolved by a court or legislature An approach that draws on more recent cases and cutting-edge issues and that includes extensive coverage of assisted reproduction (including IVF, surrogacy, and gamete donation), parentage (including intentional parenthood, functional parenthood, and multi-parent arrangements), adoption, child welfare, and family support *A Constitutional Birthright* - James G. Dwyer 2014

State parentage laws, dictating who a newborn child's first legal parents will be, have been the subject of constitutional challenges in several U.S. Supreme Court and many lower court decisions. All of those decisions, however, have focused on constitutional rights of adults (especially unwed biological fathers) who wish to become, or to avoid becoming, legal parents. Neither courts nor legal scholars have

considered whether the children have any constitutional rights that constrain legislatures and courts in deciding which adults will be their legal parents. If a state enacted a parentage law that said, for example, that any child born to a birth mother who already had two children would be placed in a parentchild relationship at birth with applicants for adoption rather than with the birth mother, would that infringe on any constitutional right of the child? Or would the birth mother be the only person with standing to challenge the law? Such a law would be purely hypothetical in the U.S. (though not far from reality in some other parts of the world). But the actual current parentage laws in the United States, which confer legal parent status in almost all instances on biological parents, with no regard for fitness, also have a seriously adverse affect on a subset of children - specifically, children whose birth parents are manifestly unfit to raise children, as evidenced by serious child maltreatment histories, criminal

records, substance abuse, mental illness, and/or imprisonment. This Article is the first to consider whether states violate a constitutional right of some children when their parentage laws consign the children to legal relationships with, and into the custody of, adults whom the state knows to be unfit. It identifies opportunities for children's advocates to advance constitutional challenges to state parentage laws as applied to newborn offspring of adults unfit to parent, and it presents a robust legal theory to underwrite such challenges.

Vouchers within Reason - James G. Dwyer
2018-10-18

Observing the storm of recent debates around school vouchers, James G. Dwyer concludes that the welfare of children has been routinely subordinated to the interests and supposed rights of various groups of adults—parents, teachers, taxpayers, and advocates for ideological causes. Dwyer argues that a truly child-centered approach to education reform

would yield dramatically different conclusions regarding the morality and constitutionality of government initiatives to improve public and private schooling in America. Dwyer makes the case that state funding of religious and other private schools is not only permissible, but mandatory, as a moral and constitutional right of the children already in private schools. In *Vouchers within Reason*, he also demonstrates the necessity of attaching to that funding robust standards for the content and nature of instruction and for treatment of students. These are just the sort of regulatory strings that most current supporters of vouchers fear. In the author's view, vouchers represent an opportunity for states to accomplish what they have been unable to do in the past—namely, to bring academic accountability to religious schools, many of which fail to provide a good secular education. He sees voucher programs that are now in place as morally irresponsible and clearly unconstitutional, however, because

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they require almost nothing of recipient schools in return for the funding. This book reorients the hot topic of universal school vouchers in a new and vital direction that may change the minds of scholars, educators, and policymakers alike.

Family Law - James Dwyer 2014-12-09

Family Law emphasizes the issues and skills most relevant to domestic relations practice. The text employs a novel and dramatic organization with three substantive units that compare the legal treatment of the parent-child relationship vs. adult intimate relationships at stages of formation, regulation, and dissolution. In keeping with the modern reorientation of the field, Family Law reflects the transition "From Partners to Parents" beginning with the creation of parent-child relationship rather than marriage. Its geographical breadth delivers more comparative materials than other texts, using examples from a variety of cultures to provoke "why don't we do this?" considerations. Each student-friendly chapter and section begins

with a clear summary of current law that orients the reader before examining legal texts in detail. This structure invites theoretical critique only after a solid foundation is laid. Statutes are core to the text which gives proper emphasis to the vital skill of statutory interpretation in today's practice. Up-to-date material provides more recent cases than any other textbook. With an empirical emphasis, Family Law draws from the significant literature in sociology, psychology, anthropology and other fields so that legal analysis is grounded in real-life application. Focused questions direct students to the heart of the analysis, often using headings before questions to alert readers to the type of analysis required, for example: statutory interpretation, policy, client counseling, and moral theory. Features: Novel organization three substantive units compares legal treatment of parent-child relationship vs. adult intimate relationships considers stages of formation, regulation, and dissolution Reflects modern reorientation of the

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field in keeping with transition "From Partners to Parents" starts with creation of parent-child relationship rather than marriage Geographical breadth much more comparative material than current texts examples from other cultures lead to "why don't we do this?" considerations Student-friendly organization each chapter and section begins with clear summary of current law orients students before examining legal texts invites theoretical critique after foundation is laid Statutes at the core proper emphasis on the vital skill of statutory interpretation Up-to-date more recent cases than any other textbook Empirical emphasis draws from sociology, psychology, anthropology, and other fields grounds legal analysis in real world application Focused questions direct students to the heart of the analysis use headings to alert students as to the type of analysis required (e.g., statutory interpretation, policy, client counseling, moral theory)

Custody and Divorce - Roman Espejo

the-relationship-rights-of-children-james-g-dwyer

2013-06-11

The end of your parent's relationship is tremendously difficult, no matter how respectfully it was handled between partners. This collection of essays sensitively tackles various issues relating to a teen's rights when faced with divorce and custody. Essays examine the rights related to religious affiliation post-divorce, influence on custody and visitation decisions, and teens' rights in addressing the court on their own behalf. Personal narratives are included, making the legal discussion more meaningful.

Review Journal of Political Philosophy, Volume 9 - J. Jeremy Wisniewski 2013-01-16

This journal has been discontinued. Any issues are available to purchase separately.

Moral Status and Human Life - James G. Dwyer 2010-10-21

Are children of equal, lesser, or perhaps even greater moral importance than adults? This work of applied moral philosophy develops a

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comprehensive account of how adults as moral agents ascribe moral status to beings - ourselves and others - and on the basis of that account identifies multiple criteria for having moral status. It argues that proper application of those criteria should lead us to treat children as of greater moral importance than adults. This

conclusion presents a basis for critiquing existing social practices, many of which implicitly presuppose that children occupy an inferior status, and for suggesting how government policy, law, and social life might be different if it reflected an assumption that children are actually of superior status.

The Relationship Rights Of Children James G Dwyer:

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