

Children The Modern Law Legal Practice Course Resource

This re-titled new edition of Public Health Practice and the School-age Population has been updated and expanded to include children of all ages. Following radical changes in public health provision, Public Health for Children, Second Edition examines the implications for children and young adults as well as for those who provide care, prevention, Hearing the Voices of Children provides a fresh perspective on social policy. At the heart of the book is the emergence of 'children's voices' and the implications of this for social policy. The authors argue that children's voices should be heard much more strongly in the process of policy formation at all levels. Although there is growing support for this idea, it is not without opposition, and the authors themselves make many critical points about the current attempts to put it into practice. The book is divided into four main themes: hearing children's voices; discourses of childhood; children and services; and resources for children. Childhood experts from the UK, Scandinavia, Germany and Australia, examine how assumptions and models about childhood and discuss ways in which children's voices might become more influential in shaping policy. There are many obstacles to overcome, but the contributors to this volume show that children's participation is possible, and needed, if services are to be improved. This book is essential reading for students and academics in the field of

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childhood studies, sociology, social policy and education. It will also be of interest to practitioners in the social, child and youth services.

One of the aims of the United Nations Convention on the Rights of the Child is to accord due recognition to the fact that 'the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth'. However, a question mark hangs over the extent to which 'special safeguards and care' can negatively impact on the rights of the child and result in discrimination against the child in the guise of 'his physical and mental immaturity'. This volume explores the extent to which children's rights are secured at the national level; and the reasons why children's rights have or have not been recognised and secured by various states at the level of domestic law. It also explores the difficulties inherent in the accordance of rights to children in order to ascertain whether they do in fact derive from the particular nature of children or whether they mask a reluctance of states to fulfil their domestic and international rights obligations to children, and whether such reluctance constitutes 'discrimination against children'. The volume thus explores the theoretical and legal underpinnings of gender and race discrimination, at both the domestic and international level, and examines the extent to which these may be applied to the area of children's rights.

A comprehensive study of elements of child law in the Commonwealth Caribbean. It covers legitimacy, status of children legislation, parental rights, maintenance, family

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provision and succession to property, custody, adoption and care and protection issues.

Groups seeking legal equality often take a victory as the end of the line. Once judgment is granted or a law is passed, coalitions disband and life goes on in a new state of equality. Policy makers too may assume that a troublesome file is now closed. This collection arises from the urgent sense that law reforms driven by equality call for fresh lines of inquiry. In unintended ways, reforms may harm their intended beneficiaries. They may also worsen the disadvantage of other groups. Committed to tackling these important issues beyond the boundaries that often confine legal scholarship, this book pursues an interdisciplinary consideration of efforts to advance equality, as it explores the developments, challenges, and consequences that arise from law reforms aiming to deliver equality in the areas of sexuality, kinship, and family relations. With an international array of contributors, *After Legal Equality: Family, Sex, Kinship* will be an invaluable resource for those with interests in this area.

First published in 1998, this volume responds to child-prostitution being recognised as a major social problem in modern capitalist Taiwan. It is defined, both legally and socially, as a problem of 'sexual transactions involving children and juveniles', thus the issue of child maltreatment is submerged under other concerns. However, the main concern of this book is the protection of children from maltreatment, so related socio-legal measures will be examined by this parameter. During the social campaigns against child prostitution, structural

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problems such as police corruption, male sexual perversion, socio-economic inequality, and the maladjustment of aboriginal people in the modern Taiwanese society are subjugated to increasing criticism. Nevertheless, efforts to encounter any of them have had very limited accomplishment. This book intends to show that the functions of law in the prevention and treatment of the social problem of child prostitution cannot work as intended if those structural problems are not properly tackled. Suggestions are also made to address the need to reconceptualise the problem in the analytical framework of child maltreatment and to recommend the direction for reformation of policy and practice.

Kelsen, Hans. *Pure Theory of Law*. Translation from the Second German Edition by Max Knight. Berkeley: University of California Press, 1967. x, 356pp. Reprinted 2002 by The Lawbook Exchange, Ltd. ISBN 1-58477-206-9. Cloth. New. \$95. * The second revised and enlarged edition, being a completely revised version of the first edition which was published in 1934. Kelsen [1881-1973], was the author of more than forty works on law and legal philosophy, and is best known for this title and *General Theory of Law and State*. He was also the author of the Austrian Democratic Constitution, which was published in 1920, abolished during the Nazi regime, restored in 1945, and in force today. Walker calls Kelsen "possibly the most influential jurist of the twentieth century." Walker, *Oxford Companion to Law* 699.

Reprint of the original, first published in 1869.

Written for students of criminal justice, Comparative

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Criminal Justice Systems: Global and Local Perspectives examines the nature of crime and justice in varying countries and cultures in North America, Europe, Asia, Africa, and Latin America. Using a topical approach, it compares different systems of crime and justice in terms of their differences from, and similarities to, the laws and institutions of modern criminal justice, focusing on the United States as a standard of comparison. By examining different criminal justice systems in terms of their local peculiarities and understanding their change and continuity, readers will gain a well-rounded international perspective of the world's varying systems of criminal justice. Key Features: -Explores the rise of modern criminology and the criminal justice system in the nineteenth century. It is critical for students to understand the history of modern systems to fully comprehend the varying nature of today's main legal systems, focusing on the United States as a standard of comparison. -Employs a topical approach to examine the criminal justice systems in varying countries in Europe, Asia, Africa, and Latin America, including comparative views on law enforcement, judicial systems, corrections, due process of law, and search and seizures. -Includes discussions on comparative processes of criminalization and decriminalization on such issues as domestic violence, child abuse, homosexuality, and sexual harassment. -Discusses new global crimes and their impact on modern and traditional criminal justice systems, including human smuggling, global sex trade, global illegal drug trade, illegal trafficking of conventional military weapons, money laundering, cybercrime, and

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global terrorism. -Discussion questions ensure that student's grasp the core theoretical concepts.

Following the implementation of the Human Rights Act 1998, awareness has increased that we live in a rights-based culture and that children constitute an important group of rights holders. Now in its third edition, *Children's Rights and the Developing Law* explores the way developing law and policies in England and Wales are simultaneously promoting and undermining the rights of children. It reflects on how far these developments take account of children's interests, using current research on children's needs as a template against which to assess their effectiveness and considering a broad range of topics, including medical law, education and youth justice. A critical approach is maintained throughout, particularly when assessing the extent to which the concept of children's rights is being acknowledged by the courts and policy makers and the degree to which the UK fulfils its obligations under, for example, the UN Convention on the Rights of the Child.

Intestate Succession is the second volume in the *Comparative Succession Law* series which examines the principles of succession law from a comparative and historical perspective. This volume discusses the rules which apply where a person dies either without leaving a valid will, or leaving a will which fails to dispose of all of the person's assets. Among the questions considered are the following: What is the nature of the rules for the disposal of the deceased's assets? Are they mechanical or is there an element of discretion? Are particular types of property dealt with in particular ways? Is there

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entitlement to individual assets (as opposed to money)? Do the rules operate in a parentelic system or a system of some other kind? Are spouses treated more favourably than children? What provision is made for extra-marital children, for adopted children, for step-children? Does cohabitation give rise to entitlement? How are same-sex couples treated? Broader questions also arise of a historical and comparative nature. Where, for example, do the rules in intestate succession come from in particular legal systems? Have they been influenced by the rules in other countries? How are the rules explained and how are they justified? To what extent have they changed over time? What are the long-term trends? And finally, are the rules satisfactory, and is there pressure for their reform? As in the first volume, this book will focus on Europe and on countries which have been influenced by the European experience such as Australia, New Zealand, South Africa, the United States of America, Quebec, and the countries of Latin America. Further chapters are devoted to Islamic Law and Nordic law. Opening with a discussion on Roman law and concluding with an assessment of the overall development of the law in the countries surveyed, this book will provide a wider reflection on the nature and purpose of the law of intestate succession.

Children: The Modern Law is well-established as the leading textbook dealing comprehensively with the law and policy relating to children. This fourth edition has been extensively revised and updated to take account of significant legislative, case-law and other developments including: * Greater recognition being given to social

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parents, especially same-sex parents, and the Human Fertilisation and Embryology Act 2008 * The Family Justice Review 2011 and the Government Response 2012 * Birth registration and the Welfare Reform Act 2009 * Leading authorities in public law on uncertain perpetrators * The Narey Report on adoption and case-law on post-adoption contact * The important decision in *K v K* on relocation in shared care cases Children: The Modern Law is an authoritative study of the legal position of children in our society, and is essential reading for students of child law, family law and social work.

Fully updated by Stephen Gilmore and Lisa Glennon, the 4th edition of Hayes and Williams' Family Law provides comprehensive, critical and case-focused discussion of the key legislation and debates affecting adults and children. The book takes a critical approach to the subject and includes 'talking points' throughout each chapter which highlight areas of debate or controversy and help students develop their own ideas and analysis of the law. Review questions at the end of each chapter allow students the opportunity to reflect and apply their knowledge and offer the ideal preparation for exams and assessments. Cases are at the heart of family law and this textbook offers unrivalled case detail, with comprehensive summaries of key cases throughout the text to ensure students understand the development of family law legislation through the courts. Further case discussion is fully incorporated throughout the text to demonstrate complex points of law and offer a useful starting point for further research and debate. The text also includes a range of further features to support

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students studying the subject for the first time, including legislation extracts, contextual chapter introductions, and further reading advice, alongside a clear and engaging writing style.

This book of essays by legal scholars from the United Kingdom, Eire, Israel and Palestine explores the extent to which the recognition of the concept of children's rights is affected by adherence to religious, cultural and ethnic traditions. The aim is twofold: first, to illuminate the interface between internationally-agreed norms of conduct regarding children and national and cultural determination to preserve traditional approaches; and secondly, to reflect upon the conflicts within societies between different cultural and religious groups in their attempts to determine whether 'liberal/secular' or 'conservative/religious' norms predominate in attitudes to children's upbringing. This is the first collection of papers covering and comparing the UK and Israeli/Palestinian jurisdictions. The particular blends of social, religious and cultural diversity in both regions, mingled with the political factors operating as well, render these jurisdictions of special interest as case-studies in the reception of 'western/liberal' norms and values. Moreover, Israel and Palestine, despite their manifestly different cultures as compared with Britain, have been influenced by the colonial legacy of the common law, rendering this particular east-west comparison of special interest.

Drawing on a three-year multidisciplinary study of the children of divorced parents, the authors, leading academics in their fields, present a much-needed guide

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to working with children who are experiencing parental separation. Providing an in-depth picture of the effect of divorce on children both during and after the proceedings, the topics discussed include: how parents break the news of divorce to children and how this makes them feel; where children get their ideas about divorce from; how parent-child relationships change after separation; ways in which children adapt and cope with divorce.

An invaluable resource for all social workers in practice with children and families, this book examines key issues such as child protection, family support, care planning, adoption and case preparation for court. With illustrative case studies throughout, the text is divided into two sections: " Part 1 explores the legal context of social work practice with children, examining how international human rights standards are absorbed within domestic law. " Part 2 explores the application of the law, policies and systems to individual case work, illustrating rights-based thinking in practice. Accessible to those without a background in law, the book highlights links between social work standards and legal values and rules. With promotion of the rights of children and families a measure of professional competence and legal obligation, the book helps readers satisfy social work standards and use their knowledge of the law to improve their practice. The book is vital reading for all levels of social work student, including those undertaking the post-qualifying award in child care, as well as being an indispensable resource for practitioners working with children and families. Jane Williams is a lecturer in law at

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the University of Swansea. She specialises in social work law, and children's rights. Other publications include *Children and Citizenship* (SAGE, 2007), co-edited with Antonella Invernizzi.

In recent years there has been a flourishing body of work on the Law of Treaties, crucial for all fields within international law. However, scholarship on modern treaty law falls into two distinct strands which have not previously been effectively synthesized. One concerns the investigation of concepts which are fundamental to or inherent in the law of treaties generally - such as consent, object and purpose, breach of obligation and provisional application - while the other focuses upon the application of treaties and of treaty law in particular substantive (e.g. human rights, international humanitarian law, investment protection, environmental regulation) or institutional contexts (including the Security Council, the World Health Organization, the International Labour Organization and the World Trade Organization). This volume represents the culmination of a series of collaborative explorations by leading experts into the operation, development and effectiveness of the modern law of treaties, as viewed through these contrasting perspectives.

This book examines the rights of the child using the global framework of the United Nations International Convention on the Rights of the Child 1989. Analysing both public and private international legal aspects, this cross-disciplinary text promotes a holistic understanding of the ongoing development of child law, children's rights and the protection of the child. In-depth analyses

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of the following topic areas are included: Childhood in the digital age; Child labour; International parental child abduction; Inter-country adoption; Sexual exploitation; Children and armed conflict; and Indigenous children. These topics are contextualised with further chapters on the concept of childhood and children's rights, the international legal framework in which the Convention operates and a substantive chapter on the Convention itself. This fourth edition has been updated and revised, including a new chapter dealing with issues arising from childhood in the age of unprecedented digital technological advancements; a crucial issue for childhood experiences in modern times. This edition also includes new case studies, recent legal developments in the field of international child law, and inclusion of broader scholarship to capture diverse views on international law and child law. The aim of this book is to provide the reader with an accessible, informed, critical and scholarly account of the international law framework relating to children. Drawing on a range of legal and other disciplines, this book remains a valuable resource for those in the course of study and research in this area. The high profile cases of Charlie Gard, Alfie Evans, and Tafida Raqeeb raised the questions as to why the state intrudes into the exercise of parental responsibility concerning the medical treatment of children and why parents may not be permitted to decide what is in the best interests of their child. This book answers these questions. It argues for a reframing of the law concerned with the medical treatment of children to one which better protects the welfare of the individual child, within the

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context of family relationships recognising the duties which professionals have to care for the child and that the welfare of children is a matter of public interest, protected through the intervention of the state. This book undertakes a rigorous critical analysis of the case law concerned with the provision of medical treatment to children since the first reported cases over forty years ago. It argues that understanding of the cases only as disputes over the best interests of the child, and judicial resolution thereof, fails to recognise professional duties and public responsibilities for the welfare and protection of children that exist alongside parental responsibilities and which justify public, or state, intervention into family life and parental decision-making. Whilst the principles and approach of the court established in the early cases endure, the nature and balance of these responsibilities to children in their care need to be understood in the changing social, legal, and political context in which they are exercised and enforced by the court. The book will be a valuable resource for academics, students, and practitioners of Medical Law, Healthcare Law, Family Law, Social Work, Medicine, Nursing, and Bioethics. Exploring the rules that apply when a person dies without leaving a valid will, 'Intestate Succession' delivers a comparative and historical review of the relevant law in Europe and beyond, including an analysis of legal development, justifications, and reform.

Provides comprehensive coverage of family law relating to both children and adults. This book also analyses the key principles of the law in a context that is informed by the theories and realities of contemporary society. It is

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intended for students who develop a fascination with this area of law.

By exploring such diverse issues as the management of child abuse, legal reforms following sex abuse enquiries, moral explanations for the actions of child murderers, the impossible task faced by social workers and the limitations of children's rights campaigns, Michael King examines the revolutionary ideas of the social theorist, Niklas Luhmann. He demonstrates how Luhmann's theory of autopoietic systems compels readers to re-examine exactly what they mean by society. Questioning the relationship between personal morality and political will, it challenges the assumption that changing society is merely a matter of changing attitudes and highlights the pitfalls associated with formulating social reform.

This book argues that the legal understanding of 'family' in the UK continues to be underpinned by the idealised image of the 'nuclear family', premised upon the traditional, gendered roles of 'father as breadwinner' and 'mother as homemaker'. This examination of the law's model of the 'family' has been prompted by the substantial reforms that have taken place in family law in recent decades, and the significant evolution in social attitudes and familial practices that has occurred in parallel. Throughout the book, the influence of the nuclear family is noted in several different contexts: various specific legal definitions of 'family', the legal regulation of adult, conjugal relationships, the attribution of legal parenthood and the construction of the role of the 'parent' within the law. Ultimately, this book argues that while these reforms have resulted in additional categories of relationship coming to be situated within the nuclear family model, there has not, as yet, been any fundamental alteration of the underpinning concept of the nuclear family itself. This book concludes by

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considering the possibilities offered beyond the 'nuclear family'; exploring the reconceptualising of the legal understanding of 'family' around alternative and potentially 'radical' models of 'family'.

"This book is a foundational inter-disciplinary volume on children's rights that is relevant to scholars, practitioners, and students with interests in children's rights, human rights, family law, and related topics. With contributions from leading scholars and practitioners in the field of children's rights, this book provides both in-depth analysis of children's rights as a discipline, and maps the critical issues for advancing children's rights today and in the future"--

The third edition of this work on family law, comprising text, cases and materials, provides not only an explication of legal principle but also explores, primarily from a feminist perspective, some of the assumptions about, and constructions of, gender, sexual orientation, class and culture that underlie the law. It examines the ideology of the family and, in particular, the role of the law in contributing to and reproducing that ideology. Structured around the themes of equality, welfare, and family privacy, the book aims to offer the benefits of a textbook while also giving students a wide-ranging set of materials for classroom discussion. As well as providing a firm grounding in family law, the text sets the law in its social and historical context and encourages a critical approach by students to the subject. It provides an ideal introduction to family law for undergraduates, but will be equally helpful for postgraduate students of family law for whom it provides a challenging selection of materials set within a theoretical framework rich in ideas and arguments. Review of the second edition: 'Diduck and Kaganas examine legal developments to shed light on society, principally by investigating the ways in which family law constructs and regulates family life and responsibilities. Theirs is an

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important and ambitious book that aims ultimately at a feminist restatement of family law. [T]he [book] is written and referenced in such depth that it is a useful resource for legal as well as social science researchers at all levels, whether looking for theoretical inspiration or drawing up a literature review. The range of diverse sources that Diduck and Kaganas draw on is impressive: they seem to have included every bit of material that helps feminists make sense of family law. There is a well-pitched selection of further reading of such material at the end of each chapter. What's more, they undersell themselves by describing their book as "Text, Cases and Materials", because they have woven by far the largest proportion of the cases and materials into the text.' Helen Reece, Times Higher Education, May 2007. Reviews of first edition: 'A stimulating work which attempts to situate family law in its social, historical and political context. Its appeal should not be confined to family law students, as its commitment to a critical and analytical approach offers insights and ideas with broader significance.' Mary Childs, Child and Family Law Quarterly, September 2002 'The arguments are provocative, the analysis is stimulating and the materials amassed strongly support the authors' aim to question the "axiomatic status of what is traditionally designated as the family".' Fiona E Raitt, Infant and Child Development, September 2002 'It is not often that one can say of a textbook in Law that it "makes interesting reading" with quite the enthusiasm that can be expressed for this text. This new publication offers something that few textbooks seem to offer - a book you CAN open up virtually anywhere and find an interesting piece on almost any aspect of the broad family law spectrum.' Penny Booth, The Law Teacher, September 2002 'All the major themes in feminist and constructionist perspectives in family law are presented together with a wealth of readings and extensive references.

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As a teaching manual, it is excellent - a coherent feminist perspective across the entire range of family law' Marty Slaughter, Feminist Legal Studies, July 2003

The Modern Family: Relationships and the Law explains in a concise and clear fashion the law as it relates to 'the family' and the relationship between its different members. The definition of 'the family' has changed enormously over the past generation with the enactment of ground breaking legislation which has redefined our legal understanding of what constitutes 'a family.' For example, the Marriage Act 2015 which recognises full legal marriage between two persons of the same sex redefining the traditional definition of marriage; the Children and Family Relationships Act 2015 gives full legal recognition to children born as a result of IVF and their parents, who may not be the biological parents; the Gender Recognition Act 2015 allows transgendered persons to register their preferred gender and recognises a marriage of a transgendered person subsequent to their change of gender. Furthermore, the law recognises persons who live as a couple, with or without children, who are not married. The Modern Family: Relationships and the Law explains the rights and obligations of the modern Irish family. Issues such as taxation, children, relationship breakdown, rights of cohabitants, succession, IVF and court procedures are all addressed. A useful 'Frequently Asked Questions' is also included. This accessible book will be of great interest to members of the public seeking information on family-related legal matters as well as for solicitors, barristers and other legal professionals.

This book presents an interdisciplinary exploration of the nature of parenthood and its various manifestations in contemporary society.

This book examines how child protection law has been shaped by the transition to late modernity and how it copes

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with the ever-changing concept of risk. The book traces the evolution of the contemporary child protection system through historical changes, assessing the factors that have influenced the development of legal responses to abuse over a 130-year period. It does so by focussing on the Republic of Ireland where child protection has become emblematic of wider social change. The work draws on a wide range of primary and secondary sources including legislation, case law and official and media reports of child protection inquiries. It also utilises insights developed through an extensive examination of parliamentary debates on child protection matters. These materials are assessed through the lens of critical discourse analysis to explore the relationship between law, social policy and social theory as they effect child protection. While the book utilises primarily Irish sources, this multidisciplinary approach ensures the argument has international applicability. The book will be a valuable resource for all those with an interest in the development of child protection law. Deirdre Dwyer examines how a court can decide when to accept an expert's opinion, focusing on English civil justice.

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draws upon best contemporary practice throughout the UK and further afield. This innovative text harnesses new design parameters in enquiry-based/problem-based learning, providing up-to-date information on a wide range of topics. In an exciting addition each chapter offers readers additional material on an Evolve website. Full Microsoft PowerPoint presentations augment the written chapters and provide extra information that includes case studies, moving image, photographs and text. Each chapter offers readers additional material on an Evolve website. Full Microsoft PowerPoint presentations augment the written chapters and provide extra information that includes case studies, moving image, photographs and text. Aims, objectives, learning outcomes, a summary box in each chapter and key points assist learning and understanding Professional conversation boxes enliven the text on the page and make it more interesting to dip into Suggestions for seminar discussion topics to help teachers Case studies help to relate theory to practice Prompts to promote reflective practice Activity boxes/suggested visits Evidence based practice boxes which highlight key research studies, annotated bibliographies including details of web-sites and full contemporary references to the evidence base Resource lists including recommended web-site addresses This volume brings together some of the best journal articles of the last twenty years which deal with various aspects of the relationship between parents and children. Adopting an interdisciplinary and comparative approach, the book reproduces articles from a variety of journals in law and the social sciences. The book is divided into eight parts dealing, respectively, with becoming a parent; the status and obligations of parenthood; issues of upbringing; adolescence; child support; parental separation, divorce and children; child abuse and state intervention; social parenthood and adoption. The volume includes a substantial introduction by the editor.

