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FAILURE TO FLOURISH

HOW LAW UNDERMINES
FAMILY RELATIONSHIPS



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Failure To Flourish How Law Undermines Family Relationships

Jonathan Todres, Shani M. King



Failure To Flourish How Law Undermines Family Relationships:

Failure to Flourish Clare Huntington, 2014-05-20 Exploring the connection between families and inequality *Failure to Flourish How Law Undermines Family Relationships* argues that the legal regulation of families stands fundamentally at odds with the needs of families Strong stable positive relationships are essential for both individuals and society to flourish but from transportation policy to the criminal justice system and from divorce rules to the child welfare system the legal system makes it harder for parents to provide children with these kinds of relationships exacerbating the growing inequality in America *Failure to Flourish* contends that we must re orient the legal system to help families avoid crises and when conflicts arise intervene in a manner that heals relationships To understand how wrong our family law system has gone and what we need to repair it *Failure to Flourish* takes us from ancient Greece to cutting edge psychological research and from the chaotic corridors of local family courts to a quiet revolution under way in how services are provided to families in need Incorporating the latest insights of positive psychology and social science research the book sets forth a new more emotionally intelligent vision for a legal system that not only resolves conflict but actively encourages the healthy relationships that are at the core of a stable society *Caring for Families in Court* Barbara A. Babb, Judith D.

Moran, 2019-01-15 In many US courts and internationally family law cases constitute almost half of the trial caseload These matters include child abuse and neglect and juvenile delinquency as well as divorce custody paternity and other traditional family law issues In this book the authors argue that reforms to the family justice system are necessary to enable it to assist families and children effectively The authors propose an approach that envisions the family court as a care center by blending existing theories surrounding court reform in family law with an ethic of care and narrative practice Building on conceptual procedural and structural reforms of the past several decades the authors define the concept of a unified family court created along interdisciplinary lines a paradigm that is particularly well suited to inform the work of family courts These prior reforms have contributed to enhancing the family justice system as courts now can shape comprehensive outcomes designed to improve the lives of families and children by taking into account both their legal and non legal needs In doing so courts can utilize each family s story as a foundation to fashion a resolution of their unique issues In the book the authors aim to strengthen a court s problem solving capabilities by discussing how incorporating an ethic of care and appreciating the family narrative can add to the court s effectiveness in responding to families and children Creating the court as a care center the authors conclude should lie at the heart of how a family justice system operates The authors are well known figures in the area and have been involved in family court reform on both a US national and an international scale for many years **The Cambridge Companion to Comparative Family Law** Shazia Choudhry, Jonathan

Herring, 2019-01-31 Offers a comprehensive overview of the key issues facing family law globally and explores how different countries have tackled them *Grandparents and the Law* Samantha M Davey, Jaime Lindsey, 2023-05-18 Should

grandparents have rights in relation to their grandchildren If so what should the content of those rights be both procedurally and substantively And what is the appropriate role of the law in providing solutions to problems arising in the context of grandparents rights This book considers these questions from both a public and a private law perspective and analyses the human rights implications for parties such as children parents and grandparents It also explores the topic of grandparents rights in the context of the European Convention on Human Rights and the United Nations Convention on the Rights of the Child as well as in other jurisdictions such as Iran France and Nepal The book argues that grandparents rights have so far received insufficient acknowledgement and consequently that relationships between grandparents and grandchildren have received insufficient protection However it is crucial that the protection of grandparents rights is balanced with the rights of parents and the rights and welfare of children the book considers how best to achieve this for example in disputes on child arrangements i e residence and contact child protection matters and in adoption cases The book is of particular interest to all academics seeking a clear framework for the protection of grandparents rights in private and public law proceedings

Law, Reason, and Emotion M. N. S. Sellers, 2017-12-28 This book examines the role and importance of reason and emotion in justice and the law Eight lawyers and philosophers of law consider law s basis in the universal human need for society our innate sense of justice and many other powerful inclinations and emotions including the desire for fairness and even for law itself Human beings are deeply social creatures inspired by social and other emotions which can ennoble support or undermine the law Law gains legitimacy and effectiveness when reason recognizes and embraces human emotions for the benefit of society as a whole This volume explores the power and purposes of reason and emotion in the law

Family Law Jonathan Herring, 2019 This best selling textbook is loved by students and lecturers alike Offering exceptional coverage of all key family law principles this book also explores the theories debates and ethical dilemmas which underpin the subject ensuring you have the knowledge required to critique the existing law and evaluate reform options

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 **The Oxford Handbook of Fiduciary Law** Evan J.

Criddle, Paul B. Miller, Robert H. Sitkoff, 2019 The Oxford Handbook of Fiduciary Law provides a comprehensive overview of fiduciary law explaining how fiduciary principles operate across diverse substantive fields and legal systems Unparalleled in its breadth and depth of coverage the Handbook represents an invaluable resource for practitioners policymakers scholars and students of this essential field of law *The Cambridge Companion to Gender and the Law* Stéphanie Hennette

Vauchez, Ruth Rubio-Marín, 2023-01-26 To what extent is the legal subject gendered Using illustrative examples from a range of jurisdictions and thematically organised chapters this volume offers a comprehensive consideration of this question With a systematic accessible approach it argues that law and gender work to co produce the legal subject Cumulatively the volume s chapters provide a systematic evaluation of the key facets of the legal subject the corporeal the functional and the communal

Exploring aspects of the legal subject from the ways in which it is sexed and sexualised to its national and familial dimensions this volume develops a complete account of the various processes through which legal orders produce gendered subjects Across its chapters each theoretically ambitious in its own right this volume outlines how the law not only acts on the social world but genders it

Family Life, Family Law, and Family Justice Marsha Garrison, 2022-10-28 Family Life Family Law and Family Justice Tying the Knot combines history social science and legal analysis to chart the evolution and interdependence of family life and family law portray current trends in family life explain the pressing policy challenges these trends have produced and analyze the changes in family law that are essential to meeting these challenges The challenges are large and pressing Across the industrialized West nonmarital birth relational stress multi partner fertility and relationship dissolution have increased producing a dramatic rise in single parenthood poverty and childhood risk This concentration of familial and economic risk accelerates socioeconomic inequality and retards intergenerational mobility Although the divide is most pronounced in the United States the same patterns now affect families throughout the Western world Across the European Union there are 9.2 million lone parents and just under half of their families live in poverty Tying the Knot demonstrates how today's family patterns are deeply rooted in long standing class based differences in family life and explains why these class based differences have accelerated It explains how the values that guide family law development inevitably reflect the world in which families live and develops a new family law capable of meeting the needs of twenty first century families The book will be of considerable interest to family specialists from a number of fields including law demography economics history political science public health social policy and sociology

LGBTQ Divorce and Relationship Dissolution Abbie E. Goldberg, Adam P. Romero, 2019 LGBTQ Divorce and Relationship Dissolution Psychological and Legal Perspectives and Implications for Practice brings together social science and legal perspectives to examine the timely topic of relationship dissolution and divorce among sexual and gender minorities

Divorced from Reality Jane C. Murphy, Jana B. Singer, 2015-06-26 Over the past thirty years there has been a dramatic shift in the way the legal system approaches and resolves family disputes Traditionally family law dispute resolution was based on an adversary system two parties and their advocates stood before a judge who determined which party was at fault in a divorce and who would be awarded the rights in a custody dispute Now many family courts are opting for a problem solving model in which courts attempt to resolve both legal and non legal issues At the same time American families have changed dramatically Divorce rates have leveled off and begun to drop while the number of children born and raised outside of marriage has increased sharply Fathers are more likely to seek an active role in their children's lives While this enhanced paternal involvement benefits children it also increases the likelihood of disputes between parents As a result the families who seek legal dispute resolution have become more diverse and their legal situations more complex In Divorced from Reality Jane C Murphy and Jana B Singer argue that the current problem solving model fails to address the realities of today's families The authors

suggest that while today's dispute resolution regime may represent an improvement over its more adversary predecessor it is built largely around the model of a divorcing nuclear family with lawyers representing all parties a model that fits poorly with the realities of today's disputing families To serve the families it is meant to help the legal system must adapt and reshape itself

The Oxford Handbook of Children and the Law, 2020-02-07 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

Harvard Law Review: Volume 128, Number 7 - May 2015 Harvard Law Review, 2015-05-10 The Harvard Law Review May 2015 is offered in a digital edition Contents include Article The Normalization of Foreign Relations Law by Ganesh Sitaraman and Ingrid Wuerth Book Review The Family in Context by Maxine Eichner Note Forgive and Forget Bankruptcy Reform in the Context of For Profit Colleges In addition the issue features student commentary on Recent Cases and policy positions including such subjects as retroactive prosecution of conspiracy to commit war crimes at Guantanamo holding a legislature in contempt for unconstitutional funding of education bullying and criminal harassment law first amendment implications of high school suppression of violent speech using statistics to prove False Claims Act liability first amendment problems of a requirement that sex offenders provide internet identifiers to police BIA ruling that Guatemalan woman fleeing domestic violence meets asylum threshold and FDA regulation on nutritional information under the Affordable Care Act Finally the issue features several summaries of Recent Publications The Harvard Law Review is a student run organization whose primary purpose is to publish a journal of legal scholarship The Review comes out monthly from November through June and has roughly 2400 pages per volume The organization is formally independent of the Harvard Law School Student editors make all editorial and organizational decisions This issue of the Review is May 2015 the seventh issue of academic year 2014

2015 Volume 128 The digital edition features active Contents linked notes and proper ebook and Bluebook formatting

Forensic Social Work, Second Edition Tina Maschi, George Stuart Leibowitz, 2017-07-26 This extensively revised edition reviews the latest research and practices in forensic social work Readers learn to integrate socio legal knowledge when working with diverse populations in a variety of settings Noted interdisciplinary contributors review the most common forensic issues encountered in the field to better prepare readers to deal with the resulting financial psychological emotional and legal ramifications Using a human rights and social justice approach the book demonstrates the use of a forensic lens when working with individuals families organizations and communities that struggle with social justice issues Each chapter features objectives competencies Voices From the Field a conclusion exercises and additional resources The book is ideal for MSW and BSW courses in forensic social work as well as forensic legal courses taught in criminal justice and psychology Practitioners working in a variety of settings who must have a working knowledge of forensic social work will also appreciate this comprehensive overview of the field Key Features Highlights working with various populations such as minorities immigrants veterans the elderly LGBTQ individuals people with disabilities substance abusers trauma survivors and more Reviews the field s conceptual and historical foundation and pertinent laws to better prepare readers for professional practice Part I Introduces the most common forensic issues encountered when working in various settings including health care social and protective services the child welfare system the criminal justice system school systems immigration services addiction treatment facilities and more Part II Provides a wealth of practical guidance via case studies and interviewing assessment and intervention tips Voices From the Field written by seasoned practitioners introduce common situations readers are likely to encounter New to this Edition Highlights the 2015 Council on Social Work Education s CSWE Policies and Accreditation Standards throughout the text Greatly expanded coverage from 26 to 33 chapters with more information on health care housing employment the juvenile and criminal justice system adult protective services and the dynamics of oppression New Part III dedicated to

Harvard Law Review: Volume 128, Number 8 - June 2015 Harvard Law Review, 2015-06-10 The Harvard Law Review June 2015 is offered in a digital edition Contents include Article Active Avoidance The Modern Supreme Court and Legal Change by Neal Kumar Katyal and Thomas P Schmidt Article The Invention of Low Value Speech by Genevieve Lakier Book Review Crown and Constitution by Tara Helfman Note Causation in Environmental Law Lessons from Toxic Torts In addition the issue features extensive student commentary on Recent Cases and policy positions including such subjects as corporate board of directors duties in mergers under the Revlon doctrine the propriety of a Delaware corporation s bylaws designating a non Delaware exclusive forum availability of habeas corpus review for sentencing error as to career offender enhancement whether remand orders can be vacated under Federal Rule of Civil Procedure 60 b 3 whether housing providers can delay review of reasonable accommodations under fair housing law by requesting extraneous information and as to immigration law analysis of the opinion by the Office of Legal Counsel endorsing

President Obama's Executive Order on deferred action for parental accountability Finally the issue features summaries of Recent Publications as well as a detailed and cumulative Index for all eight issues of Volume 128 The Harvard Law Review is a student run organization whose primary purpose is to publish a journal of legal scholarship The Review comes out monthly from November through June and has roughly 2300 pages per volume The organization is formally independent of the Harvard Law School Student editors make all editorial and organizational decisions This issue of the Review is June 2015 the eighth and final issue of academic year 2014 2015 Volume 128 This quality digital edition from Quid Pro Books features active Contents linked notes active URLs in notes and proper ebook and Bluebook formatting

The Oxford Handbook of Children's Rights Law Jonathan Todres, Shani M. King, 2020 This book is a foundational interdisciplinary volume on children's rights that is relevant to scholars practitioners and students with an interest in children's rights human rights family law and related topics With contributions from leading experts 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

A Restorative Approach to Family Violence Joan Pennell, 2022-07-08 A Restorative Approach to Family Violence looks back at an early and successful demonstration of a family and culturally based model to stop severe family violence This conferencing model called family group decision making was applied by three diverse Canadian communities Inuit rural and urban to the benefit of child and adult family members Narrative inquiry identifies how engaging the family and relatives resets the narrative from misrecognition to recognition of their competence and caring Family violence poses some of the most long term and controversial questions in restorative justice Should we use a restorative approach to stop gendered and intergenerational harm Or will bringing together those who have been harmed those causing harm and their supporters only incite more violence Underlying these questions is a profound distrust of families and their cultural networks This distrust has stalled turning away from carceral interventions that particularly harm minoritized communities Moving forward in time the volume identifies blocks to trusting families and their cultural networks and means of circumventing these blocks The book offers a theory of feminist kin making to comprehend the restorative process and gives practical guidance to restorative participants practitioners policy makers and researchers

The Emotional Dynamics of Law and Legal Discourse Heather Conway, John Stannard, 2016-12-15 In his seminal work Emotional Intelligence Daniel Goleman suggests that the common view of human intelligence is far too narrow and that emotions play a much greater role in thought decision making and individual success than is commonly acknowledged The importance of emotion to human experience cannot be denied yet the relationship between law and emotion is one that has largely been ignored until recent years However the last two decades have seen a rapidly expanding interest among scholars of all disciplines into the way in which law and the emotions interact including the law's response to emotion and the extent to which emotions pervade the practice of the law In The Emotional Dynamics of Law and Legal Discourse a group of leading scholars from both sides of the Atlantic explore these

issues across key areas of private law public law criminal justice and dispute resolution illustrating how emotion infuses all areas of legal thought The collection argues for a more positive view of the role of emotion in the context of legal discourse and demonstrates ways in which the law could in the words of Goleman become more emotionally intelligent

Implementing Article 3 of the United Nations Convention on the Rights of the Child Elaine E. Sutherland, Lesley-Anne Barnes Macfarlane, 2016-12-22 Offers expert comparative analysis of the child's best interests within the context of Article 3 of the UNCRC

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