

Children, Social Science and Law

International Fathers Rights Foundation

Competing Interests

Children's, Parents and States

The competing interests of children's, Parents and States rights complicate many circumstances faced by children from receiving welfare assistance to custody determination. Those championing children's advocacy, from their perspective, argue that children should be guaranteed essentials that adults take for granted. This is not always the case. Guaranteed essentials stressed are financial assistance, legal assistance, and the right to participate in decisions central to their lifestyle and wellbeing. However, to illustrate advocacy that is appropriate for rights commensurate with children's development capabilities. Tracing societal and governmental changes relevant to understanding children's rights in our nation provide a history of diverging advocacy movements, i.e. children's rights to self-determination, rights to basic health and safety. Providing services of child and adolescent self-determination and protecting rights in

juvenile justice, medical, educational and family context. Analysis of whether a child understands of the law and their rights and of children's competence to make legally relevant decisions. Now the consequences to children of being in termination situations illustrate the precarious balance between situations illustrate the precarious balance between the risks and benefits associated with prompt versus protected termination proceedings and between the states goals for protecting children. For example the competing interest of parents, children and the state that is necessarily at stake when parental rights must be terminated to free children for adoption when a situation in which maltreatment drives the process of parental rights termination.

The US Advisory Board on Child Abuse and Neglect (1990 -1991)



This is a federally funded think tank, provides a practical blueprint for future research on children's rights and for social action on behalf of children. Mismatches between children's developmentally determined cognitive and socio-emotional capabilities are often the first thing needing addressed before self-advocating being supported. Social science is already frequently represented in adjudications surrounding divorces, custody and adoptions.

Unique family Law Issues

Family change often involves new custody arrangements for children in various family reorganization alternatives and sees how a careful consideration of these factors is necessary for effective child custody plans. The mismatch social science evidence and legal assumptions concerning gay and lesbian parenting. The vivid example of the mismatch underscores the growing importance of the topic reevaluation of the state, social science and children services and supports. For example, The Virginia State Supreme Court ruling denying lesbian mother custody of her biological child because of her sexual orientation (Bottoms vs. Bottoms 1995). Standing in direct contrast, discrediting assumptions that gay and lesbian parents are unfit (Patterson, 1992, 1995), now with detailed examination of law, policy and science related to lesbian and gay parenting will educate policy makers and speaks much needed now research in this even growing.

The detailed examination of law, policy and science related to lesbian and gay parenting will educate policy makers and research in this field. However this theme is one of optimism for new research that will advance our understanding of the ways in

which law influences children's lives. In conclusion, action on behalf of children must be taken by both social scientists and policy makers. Social scientist must use psychological theory and ecologically valued methods to test important legal assumptions. The support in theory, law and policy must converge to address current issues and communicate current needs to meet children's needs and continued development and successful ways. The new century presents unprecedented opportunities for research and policy changes needed for our children's lives well into the future we as parents, policy makers and lawmakers.

Questions for conversation:

- A. *What are children's rights, their capabilities, and responsibilities from parents?*
- B. *What are children and family changes that need addressed for changes now and in the future?*
- C. *What are the current law and policies relating to children?*
- D. *How do these laws and policies accommodate or fail children's special needs and rights?*
- E. *How can social science research used to test assumptions and relevant laws and assumptions?*
- F. *What challenges are faced in the 21st century as our society continues its struggle to accommodate children's concerns within our legal system?*
- G. *What should future research and policy goals be?*