

Lawyers And Mediators The Brave New World Of Services For Separating Families

Children's Voices, Family Disputes and Child-Inclusive Mediation

Anne Barlow 2024-05-28 ePDF and ePUB available open access under CC-BY-NC-ND licence. Recent legislative changes in England and Wales have eroded children's ability to exercise their article 12 UNCRC rights to information, consultation and representation when parents separate. However, children's voices may be heard through child-inclusive mediation (CIM). Considered from a children's rights perspective, this book provides a critical socio-legal account of CIM practice. It draws on in-depth interviews with relationship professionals, mediators, parents and children, to consider the experiences, risks and benefits of CIM. It investigates obstacles to greater uptake of CIM and its role in improving children's wellbeing and agency. Exploring the culture and practice changes necessary for a more routine application of CIM, the book demonstrates how reconceptualising CIM through a children's rights framework could help to address barriers and improve outcomes for children.

Family and Succession Law in England and Wales Rebecca Probert 2024-01-18 Derived from the renowned multi-volume International Encyclopaedia of Laws, this concise exposition and analysis of the essential elements of law with regard to family relations, marital property, and succession to estates in England and Wales covers the legal rules and customs pertaining to the intertwined civic status of persons, the family, and property. After an informative general introduction, the book proceeds to an in-depth discussion of the sources and instruments of family and succession law, the authorities that adjudicate and administer the laws, and issues surrounding the person as a legal entity and the legal disposition of property among family members. Such matters as nationality, domicile, and residence; marriage, divorce, and cohabitation; adoption and guardianship; succession and inter vivos arrangements; and the acquisition and administration of estates are all treated to a degree of depth that will prove useful in nearly any situation likely to arise in legal practice. The book is primarily designed to assist lawyers who find themselves having to apply rules of international private law or otherwise handling cases connected with England and Wales. It will also be of great value to students and practitioners as a quick guide and easy-to-use practical resource in the field, and especially to academicians and researchers engaged in comparative studies by providing the necessary, basic material of family and succession law.

The Sharia Inquiry, Religious Practice and Muslim Family Law in Britain

Samia Bano 2023-02-01 In February 2018, the 'Independent Review on Sharia Law in England and Wales' was published, headed by Professor Mona Siddiqui. The review focused on whether sharia law is being misused or applied in a way that is incompatible with the domestic law in England and Wales, and, in particular, whether there were discriminatory practices against women who use sharia councils. It came about after years of concerns raised by academics, lawyers and women's activists. This timely collection of essays from experts, scholars and legal practitioners provides a critique and evaluation of the Inquiry findings as a starting point for analysis and debate on current British Muslim family law practices in the matters of marriage and divorce. At the heart of the collection lie key questions of state action and legal reform of religious practices that may operate 'outside the sphere of law and legal relations' but also in conjunction with state law mechanisms and processes. This cutting-edge book is a must read for those with an interest in Islamic law, family law, sociology of religion, human rights, multiculturalism, politics, anthropology of law and gender studies.

Philosophical Foundations of Children's and Family Law Elizabeth Brake

2018 This collection is the first of its kind to examine the ethical foundations of family law. Topics include the value of marriage, the scope of parental control rights, the protection of children's interests, and the role of religious freedom in the legal attitude to family relationships.

Family Law Rob George 2023-07-13 An unrivalled collection, placing key judgments and expert commentary at your fingertips. Family Law: Text, Cases, and Materials presents everything the undergraduate student needs in one volume. The authors offer a detailed and authoritative exposition of family law, illustrated by materials carefully selected from a wide range of sources. Key features - Combines a wide range of cases and materials with insightful explanation, commentary and analysis, creating a complete resource for students of family law -

Features authoritative author commentary which engages with a range of theoretical and critical perspectives - Accompanying online resources provide regular updates on recent developments in family law, further reading suggestions, questions, and additional legal coverage - Also available as an e-book with functionality, navigation features, and links that offer extra learning support New to this edition - Developments including the Domestic Abuse Act 2021, Divorce, Dissolution and Separation Act 2020, and the advent of mixed-sex civil partnership - Consideration of the Law Commission's proposed reform of weddings law, particularly in relation to non-qualifying ceremonies - A revised analysis of the Gillick competence and children's autonomy rights in light of recent case law - Updated case law, including HM Attorney General v Akhter and Khan [2020], Guest v Guest [2022], Bell v Tavistock and Portman NHS Trust [2021], and Re H-W (Care Proceedings) [2022] Digital formats and resources The fifth edition is available for students and institutions to purchase in a variety of formats, and is supported by online resources. - The e-book offers a mobile experience and convenient access along with functionality tools, navigation features and links that offer extra learning support: www.oxfordtextbooks.co.uk/ebooks - The online resources that support the book include regular updates on the law, further reading suggestions, and questions for students to consider.

Obligation and Commitment in Family Law Gillian Douglas

2018-04-19 A tension lies at the heart of family law. Expressed in the language of rights and duties, it seeks to impose enforceable obligations on individuals linked to each other by ties that are usually regarded as based on love or blood. Taking a contextual approach that draws on history, sociology and social policy as well as law and legal theory, this book examines the concept of obligation as it has been developed in family law and the difficulties the law has had in translating it from a theoretical and ideological concept into the basis of enforceable actions and duties. Increasingly, the idea of commitment has been offered as the key organising principle for the recognition of family relationships, often as a means of rebutting claims that family ties are becoming attenuated, but the meaning and scope of this concept have not been explored. The book traces how the notion of commitment is understood and how far it has come to be used as a rationale for imposing the core legal obligations which underpin care and caring within families.

African Migration, Human Rights and Literature Fareda Banda

2020-12-24 This innovative book looks at the topic of migration through the prism of law and literature. The author uses a rich mix of novels, short stories, literary realism, human rights and comparative literature to explore the experiences of African migrants and asylum seekers. The book is divided into two. Part one is conceptual and focuses on art activism and the myriad ways in which people have sought to 'write justice.' Using Mazrui's diasporas of slavery and colonialism, it then considers histories of migration across the centuries before honing in on the recent anti-migration policies of western states. Achiume is used to show how these histories of imposition and exploitation create a bond which bestows on Africans a "status as co-sovereigns of the First World through citizenship." The many fictional examples of the schemes used to gain entry are set against the formal legal processes. Attention is paid to life post-arrival which for asylum seekers may include periods in detention. The impact of the increased hostility of receiving states is examined in light of their human rights obligations. Consideration is paid to how Africans navigate their post-migration lives which includes reconciling themselves to status fracture-taking on jobs for which they are over-qualified, while simultaneously dealing with the resentment borne of status threat on the part of the citizenry. Part two moves from the general to consider the intersections of gender and status focusing on women, LGBTI individuals and children. Focusing on their human rights and the fictional literature, chapter four looks at women who have been trafficked as well as domestic workers and hotel maids while chapter five is on LGBTI people whose legal and literary stories are only now being told. The final substantive chapter considers the experiences of children who may arrive as unaccompanied minors. Using a mixture of poetry and first person accounts, the chapter examines the post-arrival lives of children, some of whom may be citizens but who are continually made to feel like outsiders. The conclusion follows, starting with two stories about walls by Hadero and Lanchester which are used to illustrate the themes discussed in the book. Few African lawyers write about literature and few books and articles in Western law and literature

look at books by or about Africans, so a book that engages with both is long overdue. This book provides fascinating reading for academics, students of law, literature, gender and migration studies, and indeed the general public.

Fifty Years of the Divorce Reform Act 1969 Joanna Miles 2022-02-24 The enactment of the Divorce Reform Act 1969 was a landmark moment in family law. Coming into force in 1971, it had a significant impact on legal practice and was followed by a dramatic increase in divorce rates, reflecting changes in social attitudes. This new interdisciplinary collection explores the background to the 1969 Act and its influence on law and society. Bringing together scholars from law, sociology, history, demography, and film and literature, it reflects on the changes to divorce law and practice over the past 50 years, and the changing impact of divorce on different people in society, particularly women. As such, it offers a 'biography' of this important piece of legislation, moving from its conception and birth, through its reception and development, to its imminent demise. Looking to the future, and to the new law introduced by the Divorce, Dissolution and Separation Act 2020, this collection suggests ways for evaluating what makes a 'good' divorce law. This brilliant collection gives insight not only into this crucial piece of legislation, but also into a key period of societal change.

Lawyers and Mediators Mavis Maclean 2016 Family legal services and the state -- The marketisation of the legal profession -- What solicitors are doing -- The organisation and aims of mediation in England and Wales -- The practice of family mediators I : non-lawyers -- The practice of family mediators II : legally trained mediators -- Towards an integrated service?

Bromley's Family Law Nigel Lowe 2021 'Bromley's Family Law' is a well-established and popular textbook with students and practitioners alike. This edition has been updated to take into account recent developments in family law.

Access to Justice in Rural Communities Daniel Newman 2023-05-04 This book offers insight on access to justice from rural areas in internationally comparable contexts to highlight the diversity of experiences within, and across rural areas globally. It looks at the fundamental questions for people's lives raised by the issue of access to justice as well as the rule of law. It highlights a range of social, geographic and cultural issues which impact the way rural communities experience the justice system throughout the world with chapters on Australia, Canada, England, Ireland, Kenya, Northern Ireland, South Africa, Syria, Turkey, the USA and Wales. Each chapter explores three questions: 1. How do people experience the institutions of justice in rural areas and how does this rural experience differ to an urban experience? 2. What impact have changes in policy had on the justice system in rural areas, and have rural and urban areas been affected in different ways? 3. What impact does the law have on people's lives in rural areas and what would rural communities like to be better understood about their experience of the justice system? By bringing in the voices and experiences of those who are often ignored or side-lined by justice systems, this book will set out an agenda for ensuring social justice in legal systems with a focus on protecting marginalised groups.

Obligation and Commitment in Family Law Gillian Douglas 2018-04-19 A tension lies at the heart of family law. Expressed in the language of rights and duties, it seeks to impose enforceable obligations on individuals linked to each other by ties that are usually regarded as based on love or blood. Taking a contextual approach that draws on history, sociology and social policy as well as law and legal theory, this book examines the concept of obligation as it has been developed in family law and the difficulties the law has had in translating it from a theoretical and ideological concept into the basis of enforceable actions and duties. Increasingly, the idea of commitment has been offered as the key organising principle for the recognition of family relationships, often as a means of rebutting claims that family ties are becoming attenuated, but the meaning and scope of this concept have not been explored. The book traces how the notion of commitment is understood and how far it has come to be used as a rationale for imposing the core legal obligations which underpin care and caring within families.

Grandparents and the Law Samantha M Davey 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.

Delivering Dispute Resolution Christopher Hodges 2019-10-17 This book reviews the techniques, mechanisms and architectures of the way disputes are processed in England and Wales. Adopting a comparative approach, it evaluates the current state of the main different types of dispute resolution systems, including business, consumer, personal injury, family, property, employment and claims against the state. It provides a holistic overview of the whole system and suggests both systemic and detailed reforms. Examining dispute resolution pathways from users' perspectives, the book highlights options such as ombudsmen, regulators, tribunals and courts as well as mediation and other ADR and ODR approaches. It maps numerous sectoral developments to see if learning might be spread to other sectors. Several recurrent themes arise, including the diversification in the use of techniques; adoption of digital, online and artificial technology; cost and funding constraints; the emergence of new intermediaries; the need to focus accessibility arrangements for people and businesses that need help with their problems; and identifying effective ways for achieving behavioural change. This timely study analyses the shift from adversarial legalism to softer means of resolving social problems, and points to a major opportunity to devise an imaginative and holistic strategic vision for the jurisdiction. This title is included in Bloomsbury Professional's International Arbitration online service.

Family Law in Britain and America in the New Century John Eekelaar 2016-08-29 In Family Law in Britain and America in the New Century: Essays in Honor of Sanford N. Katz nineteen leading family law scholars in the US and Britain pay tribute to Sanford Katz, Darald and Juliet Libby Millennium Professor Emeritus and Professor of Law, Boston College Law School by giving a critical account of developments in family law in their jurisdictions since 2000. Areas covered include the institution of marriage, financial and property issues, parents and children, the state and children, access to justice, and international issues as well as an overview by the Editor. The volume will provide a stimulating and accessible account of the state and current direction of travel of family law in those countries.

Family Lawyers John Eekelaar 2000-08 This book examines the world of family solicitors and will allow a balanced assessment of the role and of the place of the law in this aspect of life.

Mapping Paths to Family Justice Anne Barlow 2017-03-07 The family justice system in England and Wales has undergone radical change over the past 20 years. A significant part of this shifting landscape has been an increasing emphasis on settling private family disputes out of court, which has been embraced by policy-makers, judges and practitioners alike and is promoted as an unqualified good. Mapping Paths to Family Justice: Resolving Family Disputes in Neoliberal Times examines the experiences of people taking part in out-of-court family dispute resolution in England and Wales. It addresses questions such as how participants' experiences match up to the ideal; how recent changes to the legal system have affected people's ability to access out-of-court dispute resolution; and what kind of outcomes are achieved in family dispute resolution. This book is the first study systematically to compare different forms of family dispute resolution. It explores people's experiences of solicitor negotiations, mediation and collaborative law empirically by analyzing findings from a nationally representative survey, individual in-depth interviews with parties and practitioners, and recorded family dispute resolution processes. It considers these in the context of ongoing neoliberal reforms to the family justice system, drawing out conclusions and implications for policy and practice.

Legal Aid in Crisis Moore, Sarah 2017-04-12 Originally introduced as a form of social welfare with near-universal eligibility, legal aid in the UK is now framed as a benefit external to the legal system and understood in primarily economic terms. This book is the first to evaluate the recent reforms of UK legal aid from a social policy perspective and assess their

impact on family law courts and advocacy. Written by experts in the field, it focuses on the rise in people representing their own legal case and argues that the reforms effectively 'delawyerise' disputes, producing a more inquisitorial justice system and impacting the litigants, court system, staff and process. Arguing for a more holistic concept of the reforms, the book will be of relevance to students, academics, policy-makers, judges, campaigners and social workers, not just in England and Wales, but in other jurisdictions instituting cuts to their legal aid budgets, such as Australia, Scotland, France, and the Netherlands.

The Oxford Handbook of Family Policy Over the Life Course Mary Daly 2023 Drawing on a multidisciplinary group of experts from many countries, this Handbook is intended to be a reference work that provides students and scholars in policy-related disciplines a wide-ranging perspective on the diverse ways that family policies respond to modern issues and trends over the life course. The Handbook is divided into two main parts. The first part offers a panoramic introduction to the setting and issues which contemporary family policies have been designed to address. The second part and main body of the volume is organized around four benchmark periods that encompass the main stages of the family life cycle and social policies that are called into play during these stages.

Advising in Austerity Samuel Kirwan 2016-12-14 Available Open Access under CC-BY-NC licence. In a world dominated by austerity politics and policies, Advising in austerity provides a lively and thought-provoking account of the conditions, consequences and challenges of advice work in the UK, presenting a rare and rich view of the world of advice giving. Based on original research it examines how advisors negotiate the private troubles of those who come to Citizens Advice Bureaux (CAB) and construct ways forward. Exploring how advisors are trained, the strong contributor team reflect on the challenges facing Citizens Advice Bureaux in the future, where austerity will ensure that the need for advice services increase, while funding for such services declines.

Minority Religions under Irish Law Kathryn O'Sullivan 2019-05-07 Minority Religions under Irish Law focuses the spotlight specifically on the legal protections afforded in Ireland to minority religions, generally, and to the Muslim community, in particular. Although predominantly focused on the Irish context, the book also boasts contributions from leading international academics, considering questions of broader global importance such as how to create an inclusive environment for minority religions and how to regulate religious tribunals best. Reflecting on issues as diverse as the right to education, marriage recognition, Islamic finance and employment equality, *Minority Religions under Irish Law* provides a comprehensive and fresh look at the legal space occupied by many rapidly growing minority religions in Ireland, with a special focus on the Muslim community.

Parental Guidance, State Responsibility and Evolving Capacities Claire Fenton-Glynn 2021-10-05 This book arises out of a CRC Implementation Project colloquium on Article 5 of the UN Convention on the Rights of the Child. Article 5 protects the responsibilities, rights and duties of parents or others to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of his/her rights. In this interdisciplinary collection, leading international scholars address the interplay of parental guidance, state responsibility and child autonomy within a wide range of fields, from gender identity to criminal justice. The chapters provide fascinating insights into the vital but enigmatic role of Article 5.

Family Law and Personal Life John Eekelaar 2017-09-29 Developments in the law, scholarship, and research since 2006 form a substantial part of the second edition of this book which sets the governance of personal relationships in the context of the exercise of social and personal power. Its central argument is that this power is counterbalanced by the presence of individual rights. This entails an analysis of the nature and deployment of rights, including human rights, and children's rights. Against that background, the book examines the values of friendship, truth, respect, and responsibility, and how the values of individualism co-exist with those of the community in an open society. It argues that central to these values is respecting the role of intimacy in personal relationships. In doing this, a variety of issues are examined, including the legal regulation of married and unmarried relationships, same-sex marriage, state supervision over the inception and exercise of parenthood (including surrogacy and assisted reproductive technology), the role of fault and responsibility in divorce law, children's rights and welfare, religion and family rights, the rights of separated partners regarding property and of separated parents regarding their children,

and how states should respond to cultural diversity.

Lawyers in 21st-Century Societies Richard L Abel 2022-05-05 This book presents an invaluable collection of essays by eminent scholars from a wide variety of disciplines on the main issues currently confronting legal professions across the world. It does this through a comparative analysis of the data provided by the reports on 46 countries in its companion volume: *Lawyers in 21st-Century Societies: Vol. 1: National Reports* (Hart 2020). Together these volumes build on the seminal collection *Lawyers in Society* (Abel and Lewis 1988a; 1988b; 1989). The period since 1988 has seen an acceleration and intensification of the global socio-economic, cultural and political developments that in the 1980s were challenging traditional professional forms. Together with the striking transformation of the world order as a result of the fall of the Soviet bloc, neo-liberalism, globalisation, the financialisation of capitalism, technological innovations, and the changing demography of lawyers, these developments underscored the need for a new, comparative exploration of the legal professional field. This volume deepens the insights in volume 1, with chapters on legal professions in Africa, Latin America, the Islamic world, emerging economies, and former communist regimes. It also addresses theoretical questions, including the sociology of lawyers and other professions (medicine, accountancy), state production, the rule of law, regional bodies, large law firms, access to justice, technology, casualisation, cause lawyering, diversity (gender, race, and masculinity), corruption, ethics regulation, and legal education. Together with volume 1, it will inform and challenge conceptions of the contemporary profession, and stimulate and support further research.

Domestic Abuse, Victims and the Law Mandy Burton 2022-08-05 The gap between what the law and legal processes deliver for victims of domestic abuse and what they actually need has, in some instances, arguably widened. This book provides the reader with a thorough understanding of the remedies available to victims in the civil, family and criminal law. It contends that expectations of the legal remedies have increased as the number and scope of remedies has proliferated. It further examines how legal responses to domestic abuse have evolved over the past decade and explores how the victim's rights narrative and associated litigation, which has become prevalent in legal discourse and criminal justice reforms, has shifted expectations and impacted domestic abuse policy and law. The book presents a valuable addition to the literature in drawing on a discourse familiar to those with an interest in human rights, demonstrating its impact on a substantive area of law of great significance to both family and criminal lawyers and anyone with an interest in domestic abuse and legal responses.

Vulnerabilities, Care and Family Law Julie Wallbank 2013-11-26 While in the past family life was characterised as a "haven from the harsh realities of life", it is now recognised as a site of vulnerabilities and a place where care work can go unacknowledged and be a source of social and economic hardship. This book addresses the strong relationships that exist between vulnerability and care and dependency in particular contexts, where family law and social policy have a contribution to make. A fundamental premise of this collection is that vulnerability needs to be analysed in a way that gets at the heart of the differential power relationships that exist in society, particularly in respect of access to family justice, including effective social policy and law targeted at the specific needs of families in mutually dependent caring relationships. It is therefore crucial to critically examine the various approaches taken by policy makers and law reformers in order to understand the range of ways that some families, and some family members, may be rendered more vulnerable than others. The first book of its kind to provide an intersectional approach to this subject, *Vulnerabilities, Care and Family Law* will be of interest to students and practitioners of social policy and family law.

Access to Justice Ellie Palmer 2016-01-28 Building on a series of ESRC funded seminars, this edited collection of expert papers by academics and practitioners is concerned with access to civil and administrative justice in constitutional democracies, where, for the past decade governments have reassessed their priorities for funding legal services: embracing 'new technologies' that reconfigure the delivery and very concept of legal services; cutting legal aid budgets; and introducing putative cost-cutting measures for the administration of courts, tribunals and established systems for the delivery of legal advice and assistance. Without underplaying the future potential of technological innovation, or the need for a fair and rational system for the prioritisation and funding of legal services, the book questions whether the absolutist approach to the dictates of austerity and the promise of new technologies that have

driven the Coalition Government's policy, can be squared with obligations to protect the fundamental right of access to justice, in the unwritten constitution of the United Kingdom.

Lawyers and Mediators Mavis Maclean 2016-02-25 Do lawyers make matters worse, or do they provide information, advice and support which can help to prevent disputes arising or manage them when they do? Do mediators enable parties to communicate and reach agreements tailor-made to their needs? Or working outside the legal framework, do they find it difficult to protect weaker parties and access expert advice? What happens when lawyers become mediators? This book will describe the structure of service provision and the day-to-day work of lawyers, mediators, and lawyer mediators, drawing on empirical work carried out between 2013 and 2015 immediately after the recent changes to the management of divorce and separation within the family justice system. The reduction in legal aided help in 2013 and the failure of mediation to fill the gap in 2014-15 have given rise to a difficult debate. This book aims to provide an account of some of the practical effects of these policies through a description of the daily work of practitioners in the sector. It raises the question of whether we need to choose between traditional legal services and the new processes of private ordering or whether intermediate positions might be possible.

Ombudsmen and ADR Naomi Creutzfeldt 2018-05-02 How do ordinary people experience and make sense of the informal justice system? Drawing on original data with British and German users of Ombudsmen— an important institution of informal justice, Naomi Creutzfeldt offers a nuanced comparative answer to this question. In so doing, she takes current debates on procedural justice and legal consciousness forward. This book explores consciousness around 'alternatives' to formal legality and asks how situated assumptions about law and fairness guide people's understandings of the informal justice system. Creutzfeldt shows that the everyday relationship that people have with the informal justice system is shaped by their experiences and expectations of the formal legal system and its agents. This book is an innovative theoretical and empirical statement about the future prospects for informal justice in Europe.

Supporting Children when Parents Separate Mervyn Murch 2018-07-04 After years of research and reflection on the work of the interdisciplinary family justice system Mervyn Murch offers a fresh approach to supporting the thousands of children every year who experience a complex form of bereavement following parental separation and divorce. This stressful family change, combined with the loss of support due to austerity cuts, can damage their education, well-being, mental health and long-term life chances. Murch argues for early preventative intervention which responds to children's worries when they first present them, without waiting until things have gone badly wrong. His radical proposals for reform involve a much more coordinated and joined up approach by schools, the Children and Family Court Advisory and Support Service, and Child and Adolescent Mental Health Services. This book encourages practitioners and academics to look outside their professional silos and to see the world through the eyes of children in crisis to enable services to offer direct support in a manner and at a time when it is most needed.

Family Law Reform Now Charlotte Bendall 2024-11-14 This collection provides a snapshot of big ideas in family law reform. The book asks: if you could change one part of family law, what would it be? This deceptively simple question is answered by 10 family law experts and debated within the volume by expert respondents. The book puts the proposal first, forcing authors (and their respondents) to critically engage with what family law should look like, and where the development of law is needed to address the changing landscape of family life. Cultural and religious plurality, the use of technology, and changes in societal attitudes have all had an impact on the continuing evolution of families. As a consequence, the law has some complex challenges to address in its attempt to regulate familial diversity. This book is an invaluable resource for scholars of family law, practitioners, policymakers, or anyone more broadly interested in family law reform, and serves as a companion to Hart Publishing's landmark Criminal Law Reform Now.

Litigants in Person and the Family Justice System Jessica Mant 2022-11-17 This book is about those who represent themselves as Litigants in Person in the family justice system. It calls for a refocusing of the debate about the historical challenges associated with Litigants in Person as well as the role they should play within the family justice system in England and Wales. Drawing together interviews with Litigants in Person and decades of research into self-representation from across

multiple jurisdictions, this book provides an account of the family justice system through the eyes of its users. It employs an innovative socio-legal framework comprising feminist theory, a Bourdieusian theory of class, vulnerability theory, and actor-network theory to explore the journey that Litigants in Person take through the legal, cultural and social context of the family court. It provides fresh insight into the diverse challenges that people face within this process and how these relate to wider pressures within the family justice system. It argues that there are important lessons to be learned from Litigants in Person. By understanding how and why people come to the point of self-representing, and the kinds of experiences they have when they do, the book advocates the importance of forging a more positive and effective relationship between Litigants in Person and the family justice system.

Rethinking Family Mediation Rachael Blakey 2025-02-26 Over several decades, policies have made mediation a key part of the English and Welsh family justice system. As the process faces increasing demand from a diverse and complex client base, some argue for a return to a fully funded court system. However, this dominant view overlooks the longstanding problems with the court process, as well as the potential value of mediation. This book, based on original research, highlights the evolving role of mediators who assist families without legal support. By doing so, it reveals a contemporary vision of family justice that addresses some of the challenges in today's landscape.

After the Act Mavis Maclean 2019-04-18 After the Act describes the aftermath of the recent removal under LASPO of public funding from legal services in family matters other than in defined cases such as child protection and domestic abuse. Through analysis of the policy context, interviews with key players, observation of services provided by lawyers, students, lay support workers and the advice sector, the authors outline the work being done and the skills being used in a range of settings. The book raises questions not only about access to family justice, but about the role of law in family matters in an increasingly post-legal society. Fragmentation of the market in the new services offering information, initial advice, online or alternative dispute resolution – but rarely ongoing casework – raises questions about where costs fall and how quality can be assured. Many of these services are forms of private ordering, where outcomes are hard to assess. If neither the state nor the individual can afford full legal services where the best interests of any child involved are of paramount importance, and lawyers negotiate to make best use of the resources available, perhaps it is time to consider using lawyers differently, with lay support, to solve problems before they become disputes.

Fortin's Children's Rights and the Developing Law Rachel E. Taylor 2024-02-29 The notion that children constitute an important group of rights holders has gained increasing acceptance both domestically and internationally. Nevertheless, this rhetorical commitment to children's rights is not necessarily realised in practice. Now in its fourth edition, Fortin's Children's Rights and the Developing Law explores the extent to which law and policy in England promotes or undermines the rights of children. Fully revised and updated, this textbook uses current research on child development and welfare to reflect on the extent to which the law fulfils children's rights in a wide range of areas, including medical law, education and child poverty. These developments are measured against the domestic law and the UK's international obligations under, for example, the United Nations Convention on the Rights of the Child.

What Is a Family Justice System For? Mavis Maclean 2022-08-25 Does a justice system have a welfare function? If so, where does the boundary lie between justice and welfare, and where can the necessary resources and expertise be found? In a time of austerity, medical emergency, and limited public funding, this book explores the role of the family justice system and asks whether it has a function beyond decision-making in dispute resolution. Might a family justice system even help to prevent or minimise conflict as well as resolving dispute when it arises? The book is divided into 4 parts, with contributions from 22 legal scholars working across Europe, Australia, Argentina and Canada. - Part 1 looks at what constitutes a family justice system in different jurisdictions, and how a welfare element is included in the legal framework. - Part 2 looks at those engaged with a family justice system as professionals and users, and explores how far private ordering is encouraged in different countries. - Part 3 looks at new ways of working within a family justice system and raises the question of whether the move towards privatisation derives from the intrinsic value of individual autonomy and acceptance of responsibility in family disputes, or whether it is also a response to the increasing burden on the state of providing a welfare-minded family justice system. - Part 4 explores recent major

changes of direction for the family justice systems of Australia, Argentina, Turkey, Spain, and Germany.

Family Law Joanna Miles 2019 Placing key judgments and expert commentary at your fingertips, Family Law: Text, Cases, and Materials presents everything the undergraduate student needs in one volume. Drawing on their extensive experience, the authors offer a detailed and authoritative exposition of family law illustrated by materials carefully selected from a wide range of sources. The book has two principal aims: to provide readers with a thorough understanding of the law relating to the family, and to stimulate critical reflection on that law. Readers are encouraged to consider how and why the law has developed as it has, what policies it is seeking to pursue, whether it achieves the right balance between the rights and interests of individual family members and the wider public interest, and how it operates in practice. Online Resources The text is supported by substantial online resources, which features regular updates on the law, further reading suggestions, and revision questions to accompany each chapter.

Legal-Lay Discourse and Procedural Justice in Family and County Courts

Tatiana Grieshofer 2024-04-30 Focusing on adversarial legal settings, this Element explores discursive practices in court proceedings which often involve unrepresented parties – private family proceedings and small claims cases. Such proceedings present the main caseload of county and family courts, but pose immense challenges when it comes to legal-lay communication. Drawing on court observations, alongside textual and interview data, the Element pursues three aims: (1) developing the methodological and theoretical framework for exploring discursive practices in legal settings; (2) establishing the link between legal-lay discourse and procedural justice; (3) presenting and contextualising linguistic phenomena as an inherent part of court research and practice. The Element illustrates how linguistic input can contribute to procedural changes and court reforms across different adversarial and non-adversarial legal settings. The exploration of discursive practices embedded in court processes and procedures consolidates and advances the existing court research conducted within the fields of socio-legal studies and forensic linguistics. This title is also available as Open Access on Cambridge Core.

Digital Family Justice Mavis Maclean 2019-12-12 The editors' earlier book Delivering Family Justice in the 21st Century (2016) described a period of turbulence in family justice arising from financial austerity. Governments across the world have sought to reduce public spending on private quarrels by promoting mediation (ADR) and by beginning to look at digital justice (ODR) as alternatives to courts and lawyers. But this book describes how mediation has failed to take the place of courts and lawyers, even where public funding for legal help has been removed. Instead ODR has developed rapidly, led by the Dutch Rechtswijzer. The authors question the speed of this development, and stress the need for careful evaluation of how far these services can meet the needs of divorcing families. In this book, experts from Canada, Australia, Turkey, Spain, Germany, France, Poland, Scotland, and England and Wales explore how ADR has fallen behind, and how we have learned from the rise and fall of ODR in the Rechtswijzer about what digital justice can and cannot achieve. Managing procedure and process? Yes. Dispute resolution? Not yet. The authors end by raising broader questions about the role of a family justice system: is it dispute resolution? Or dispute prevention, management, and above all legal protection of the vulnerable? This title is included in Bloomsbury Professional's International Arbitration online service.

Leading Works on the Legal Profession Daniel Newman 2023-07-28 This collection provides an innovative and engaging way of assessing the development of legal profession scholarship and its potential future development by presenting an analysis of the 'leading works' of the discipline. The book was written by prominent and emerging international scholars in the field, with each contributor having been invited to select and analyse a work which has for them shed light on what the legal profession is and what it does. The chapters explore the effect that the chosen work has had upon legal profession scholarship as a whole, both within particular jurisdictions and internationally. Contributors also reflect upon the likely implications of the leading work on the future study of and application to the legal profession. They relate the works to recent and contemporary developments in law and access to justice, such as the rise of technology, impact of the Covid-19 pandemic, and issues of funding, to highlight the interpretative value of such scholarship. Presenting an overview and introduction to the field of legal profession research, the collection will be required reading for researchers looking to study any aspect of the legal profession. It will

also prove compelling for a wide variety of access to justice and justice system research projects. The book will also appeal to scholars interested in legal ethics.

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