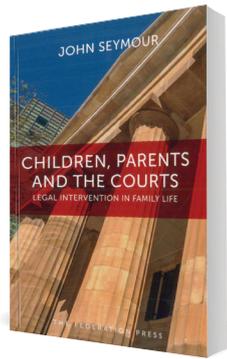


IN PRINT

This month's books cover children's law including family violence, child protection, medical treatment and proof of birth.



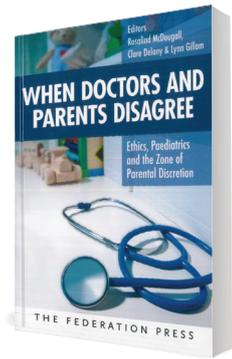
Children, Parents and the Courts

John Seymour, *Children, Parents and the Courts: Legal intervention in family life*, The Federation Press, 2016, pb \$60

This book is a comprehensive yet thoroughly readable summary of the law relating to children throughout the Commonwealth and states, charting both its historical development and its present-day application. In setting out the background to many current legal dilemmas – for example, balancing the importance of the role of a parent with the burgeoning autonomy of the child, or implementing the well-established paramouncy principle while at the same time acknowledging the importance of a child's cultural identity – the author provides a very helpful context with a high degree of insight.

Combined with a direct writing style, the format of the book assists in canvassing some of these difficult topics. It contains highlighted sections that summarise significant cases. At the conclusion, the author writes, "The specialness of the parent/child relationship should be preserved, but the law has a part to play in monitoring what goes on in the private world of the family. This book has sought to explain and examine the way the law fulfils this role." The author has no doubt achieved what he set out to do.

Adrian Stone, Gold Stone Family Lawyers



When Doctors and Parents Disagree

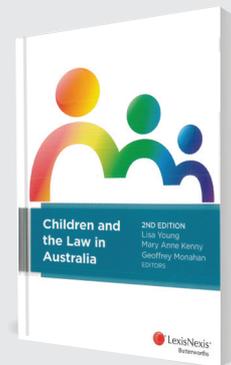
Rosalind McDougall, Clare Delany & Lynn Gillam (eds), *When Doctors and Parents Disagree: Ethics, paediatrics and the zone of parental discretion*, The Federation Press, 2016, pb \$80

This book outlines an ethical conceptual tool – the zone of parental discretion (ZPD) that was developed through clinical ethics consultations. It is a framework to assist clinicians to assess parental decisions when parents and medical practitioners disagree on the proposed treatment plan. Ethicists and clinicians explore the pros and cons of ZPD (used alone and in conjunction with other ethical frameworks) in a range of contexts – parental refusals, parents seeking treatment considered burdensome by clinicians and parental requests for intervention in healthy children.

Ideally, treatment decisions for a child are optimal, hence the traditional emphasis on the best interests of the child when disagreements arise. Where there is entrenched disagreement it may not be appropriate to override parental authority.

For lawyers in medical law and child protection the book provides valuable insight into the issues and the decision-making frameworks used by clinicians and ethicists and why resort to the law is relatively rare in this context.

Elizabeth Brophy, barrister



Children and the Law in Australia

Young, L, Kenny, M, A, and Monahan, G, (eds), *Children and the Law in Australia* (2nd edn), LexisNexis Butterworths, 2017, pb \$139

The book comprises 22 chapters with a focus upon the socio-legal aspects pertaining to children. Each chapter covers a different area about children and the law in Australia, and is written by an expert in that particular area. The 22 chapters are grouped into 4 parts.

The first part starts with an historical overview of the law, including children's rights, the concept of the "child" in utero and ex utero, and a discussion about developmental science in relation to child development.

The second part covers issues pertaining to children and public law, including child abuse and juvenile justice, children who are non-citizens and their detention, e-safety, education, Aboriginal and Torres Strait Islander children's welfare and institutional sexual abuse.

The third part covers children and private law issues pertaining to family law, adoption, surrogacy, medical treatment and capacity to consent to treatment, civil liability of children, particularly in relation to their ability to enter into a contract and their liability in tort, and concludes with succession.

The fourth part covers issues relating to legal representation of children and the child witness.

Although each subject is broadly discussed, each chapter ends with a useful "Further reading" section.

Amanda Wynne, barrister