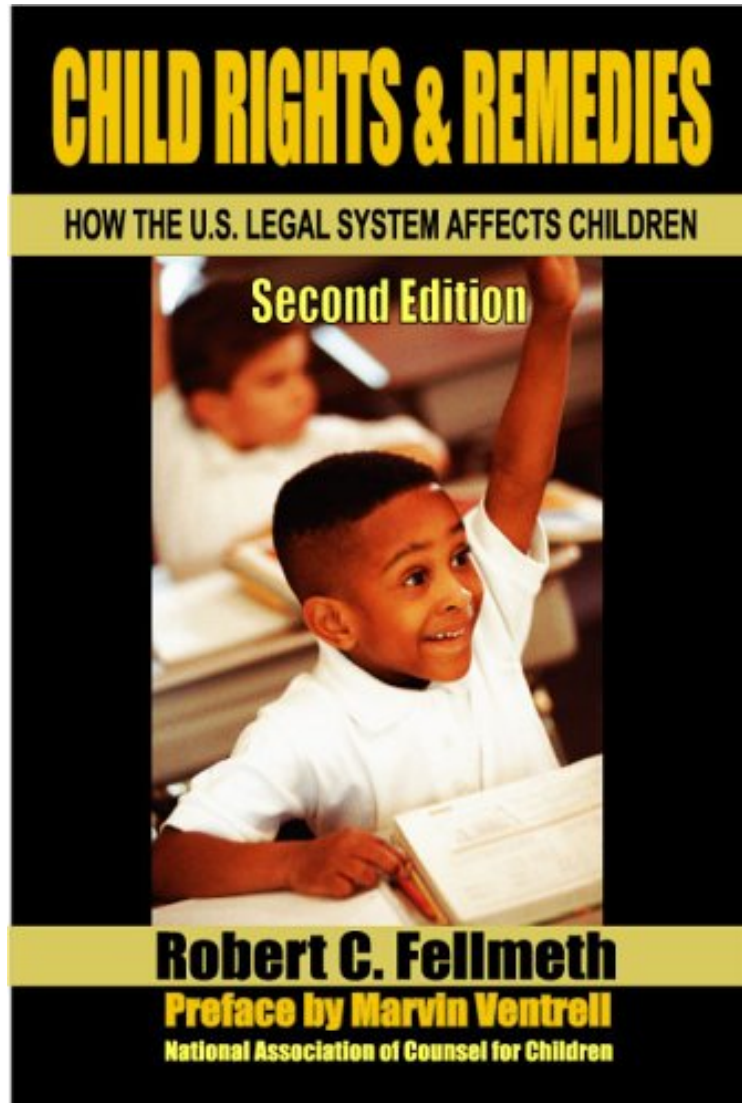


[FREE] Child Rights Remedies: How the U.S. Legal System Affects Children

## Child Rights Remedies: How the U.S. Legal System Affects Children

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Legal and political rights-based analysis of how the US legal system affects American children. It examines the barriers to child-sensitive public policy, and the true legal status of children with regard to poverty, education, health,

special needs, child care, child abuse, juvenile crime and detention, reproductive rights, custody and civil liberties. Describing over 190 leading cases, and including probing commentaries and recent statistics, *Child Rights Remedies* is a unique tool for anyone concerned about the wellbeing of the nations children.

About the Author Robert C. Fellmeth is Executive Director of the Childrens Advocacy Institute, and holds the Price Chair in Public Interest Law at the U. of San Diego. He is chair of many foundations serving children's interests. Author of 14 books and 25 appellate advocacy cases, he is a graduate of Stanford (AB) and Harvard (JD). Excerpt. Reprinted by permission. All rights reserved.

**INTRODUCTION: REPRESENTATION OF THE LONGTERM PUBLIC INTEREST**

Rights and remedies inevitably depend upon the political system that enacts laws, and then interprets and enforces them. Elected and appointed public officials decide federal, state, and local budgets, and prohibit or reward private acts affecting children. Using the power to invest public funds (including the provision of public education), the police power to tax (or to except from taxation), and the power to criminally or civilly prohibit, government exerts momentous and organized influence. Given the complexity of modern society, the public officials who make decisions necessarily depend upon outside advocacy to bring matters to their attention, to frame issues and present alternatives, and to provide information for decision making. Even the legislature, designedly the most proactive of the three branches, largely responds to advocacy before it. Who provides that advocacy Is the result likely to reflect the ethical aspirations of the citizenry Child advocates argue that if decisions were made on their merits by those applying the underlying ethical mandate of the body politic, children would fare well. However, such a crucible for decisions may be distorted where public institutions are dominated by advocacy from those organized around a shortterm profit/stake in public policy. To the extent the three branches are driven in vector fashion by advocacy before them, decisions may sacrifice unorganized, longrange interests not included within the cacophony before them. Children suffer particularly from such exclusion. An examination of the rights and remedies available to children properly begins with an examination of the underlying process creating those rights and remedies. Their creation and amendment depend upon the political process within the three branches, federal, state and local. To what extent can childrenor those who advocate on their behalfparticipate in the process and achieve an appropriate impact on resulting policy