

## Protecting Children: An Annotated Bibliography

This bibliography covers a representative sample of articles published between 1995-2005 on selected topics related to protecting children. It annotates articles published from 2000-2005, and cites but does not annotate articles published between 1995-1999. In the interest of brevity, articles concerning individual cases or single state's statutes are cited but not annotated.

### Table of Contents

Adoption .....	401
Child Abuse/Neglect .....	406
Child Custody .....	412
Domestic Violence .....	417
Education .....	428
Guardianship .....	438
Health Care .....	438
Representing Children .....	453

### Adoption

Olga Batsedis, Note, *Embryo Adoption: A Science Fiction or an Alternative to Traditional Adoption?*, 41 FAM. CT. REV. 565 (October, 2003) (exploring the moral and legal issues surrounding embryo adoption, its advantages and disadvantages, and its effects on families).

Seth A. Grob, *Adoption Subsidies: Advocating for Children with Special Needs*, 7 UC DAVIS J. JUV. L. & POL'Y 83 (2003) (discussing the adoptive parent's right to adoption subsidies before, at the time of, and after the adoption of a special needs child).

Cecily L. Helms & Phyllis C. Spence, *Twentieth Anniversary Celebration: Take Notice Unwed Fathers: An Unwed Mother's Right to Privacy in Adoption Proceedings*, 20 WIS. WOMEN'S L.J. 1 (2005) (explaining an unwed mother's right to privacy when she relinquishes a child for adoption).

Jim Moye & Roberta Rinker, *Essay: It's a Hard Knock Life: Does the Adoption and Safe Families Act of 1997 Adequately Address Problems in the Child Welfare System?*, 39 *Harv. J. on Legis.* 375 (2002) (arguing that the Adoption and Safe Families Act has far from reformed the foster care system but has actually made the already existing problems worse).

Amanda C. Pustilnik, Note, *Private Ordering, Legal Ordering, and the Getting of Children: A Counterhistory of Adoption Law*, 20 *YALE L. & POL'Y REV.* 263 (2002) (recognizing that adoption practice and law have permitted diverse families to form according to the needs of their participants suggests that law should play a more limited role in defining the content of adoptive homes).

Stephanie R. Richardson, Note, *Strict Scrutiny, Biracial Children, and Adoption*, 12 *B.U. PUB. INT. L.J.* 203 (2002) (discussing strict scrutiny in the courts approach to biracial adoption).

Jennifer Swize, Note, *Transracial Adoption and the Unblinkable Difference: Racial Dissimilarity Serving the Interests of Adopted Children*, 88 *VA. L. REV.* 1079 (2002) (discussing the obvious racial dissimilarities in transracial adoption and how they affect the child's capability to be accepted as her adoptive parent's biological child).

Rachel Venier, *Parental Rights and the Best Interests of the Child: Implications of the Adoption and Safe Families Act of 1997 on Domestic Violence Victims' Rights*, 8 *AM. U.J. GENDER SOC. POL'Y & L.* 517 (2000) (arguing that under the Adoption and Safe Families Act a child's best interests will not always be served because the Act allows for termination of parental rights of a mother, but does not encourage the court to consider domestic violence against the parent).

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Annette R. Appell & Bruce A. Boyer, *Parental Rights Vs. Best Interests of the Child: A False Dichotomy in the Context of Adoption Case*, 2 *DUKE J. GENDER L. & POL'Y* 63 (1995).

Barbara Bennett Woodhouse, "Are You My Mother?": *Conceptualizing Children's Identity Rights in Transracial Adoptions*, 2 *DUKE J. GENDER L. & POL'Y* 107 (1995).

Marcus T. Boccaccini & Eleanor Willemsen, *Contested Adoption and the Liberty Interest of the Child*, 10 ST. THOMAS L. REV. 211 (1998).

Melanie N. Bury Schell, *In Re Adoption of B.V.: Setting Forth the Proper Application of Utah's Adoption Statute While Failing the Child Yet Again*, 4 J. L. FAM. STUD. 323 (2002) (Utah).

Martin Guggenheim, Comment, *The Foster Care Dilemma and What To Do About It: Is the Problem That Too Many Children Are Not Being Adopted Out of Foster Care or That Too Many Children Are Entering Foster Care?*, 2 U. PA. J. CONST. L. 141 (1999).

Gilbert A. Holmes, *The Extended Family System In the Black Community: A Child Centered Model For Adoption Policy*, 68 TEMP. L. REV. 1649 (1995).

Christine M. Metteer, *A Law Unto Itself: The Indian Child Welfare Act as Inapplicable and Inappropriate to the Transracial/Race-Matching Adoption Controversy*, 38 BRANDEIS L.J. 47 (1999-2000).

### ***Native American***

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Cynthia G. Hawkins-Leon, *The Indian Child Welfare Act and The African American Tribe: Facing the Adoption Crisis*, 36 BRANDEIS J. FAM. L. 201 (1997).

Keri B. Lazarus, *Adoption of Native American and First Nations Children: Are the United States and Canada Recognizing the Best Interests of the Children?*, 14 ARIZ. J. INT'L. & COMP. LAW 255 (1997).

Christine Metteer, *Pigs in Heaven: A Parable of Native American Adoption Under the Indian Child Welfare Act*, 28 ARIZ. ST. L. J. 589 (1996).

### ***International Adoption***

Susan Ayres, *Symposium: International Adoption and Cultural Transformation: The Hand That Rocks the Cradle: How Children's Literature Reflects Motherhood, Identity, and International*

*Adoption*, 10 TEX WESLEYAN L. REV. 315 (2004) (discussing recent books about adoption that counter the as-if narrative described in the 1939 book, THE CHOSEN BABY).

Nicole Bartner Graff, Note, *Intercountry Adoption and the Convention on the Rights of the Child: Can the Free Market in Children be Controlled?*, 27 SYRACUSE J. INT'L L. & COM. 405 (2000) (stating that in the absence of United States ratification none of the intercountry adoption practices required by the Hague Convention can be enforced in the United States).

Gina M. Croft, Note, *The Ill Effects of a United States Ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption*, 33 GA. J. INT'L & COMP. L. 621 (2005) (analyzing the strengths and weaknesses of the Hague convention and the legislation the United States has passed to implement that treaty).

Sara Dillon, *Making Legal Regimes for Intercountry Adoption Reflect Human Rights Principles: Transforming the United Nations convention on the Rights of the Child with the Hague Convention on Intercountry Adoption*, 21 B.U. INT'L L. J. 179 (2003) (analyzing whether international human rights laws allow international adoption by addressing the confusing intersection of the UNRC and the Hague Convention).

Bridget M. Hubing, *International Child Adoptions: Who Should Decide What is in the Best Interests of the Family?*, 15 ND J. L. ETHICS & PUB. POL'Y 655 (2001) (discussing what source of law the adoptive parents in international adoption situations must follow).

Kathleen Ja Sook Bergquist, *Symposium: International Adoption and Cultural Transformation: International Asian Adoption: In the Best Interest of the Child?*, 10 TEX. WESLEYAN L. REV. 343 (2004) (reviewing an earnest effort to begin a critical consideration of the hegemonic assumptions that are inherent in the international transracial adoption of Asian children from Korea and China).

David M. Smolin, *Intercountry Adoption as Child Trafficking*, 39 VAL. U.L. REV. 281 (2004) (evaluating when intercountry adoption becomes a form child trafficking).

Barbara Stark, *Children as Refugees and Displaced Persons: Lost Boys and Forgotten Girls: Intercountry Adoption, Human Rights, and African Children*, 22 St. Louis U. Pub. L. Rev. 275 (2003) (arguing that race and origin of culture do matter to children and therefore should be considered in adoption law).

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Rachel A. Bouman, *China's Attempt to Promote Domestic Adoptions: How Does China's One-Child Policy Affect Recent Revisions in China's Adoption Law and Measure Up to the Hague Convention?*, 13 TRANSNAT'L LAW. 91 (2000).

Goran Hakansson, *International Adoption and Refugee Children*, 21 Whittier L. Rev. 245 (1999).

Lisa M. Katz, Comment, *A Modest Proposal? The Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption*, 9 EMORY INT'L L. REV. 283, (1995).

Laura A. Nicholson, Note and Comment, *Adoption Medicine and the Internationally Adopted Child*, 28 AM. J. L. AND MED. 473 (2002).

Stacie I. Strong, *Children's Rights in Intercountry Adoption: Towards a New Goal*, 13 B.U. INT'L. L. J. 163 (1997).

### **Same-Sex Couple Adoption**

Jodi L. Bell, Comment, *Prohibiting Adoption by Same-Sex Couples: Is It in the "Best Interest of the Child?"*, 49 DRAKE L. REV. 345 (2001) (The best interest of the child-not the sexual orientation of the adopting parents-should be the central issue in any adoption case).

Lynne Marie Kohm, *Moral Realism and the Adoption of Children By Homosexuals*, 38 NEW ENG. L. REV. 643 (2004) (arguing normalizing homosexual parenting via legal adoption places the future of our society in jeopardy).

Heather J. Langemak, Comment, *The "Best Interest of the Child": Is a Categorical Ban on Homosexual Adoption an Appropriate Means to This End?*, 83 MARQ. L. REV. 825 (2000) (submitting that a new variance of this standard be implemented wherein the sexual orientation of the prospective adoptive parent

shall be considered only when there is another prospective adoptive parent).

Nancy G. Maxwell, Astrid A.M. Mattijssen & Charlene Smith, *Legal Protection for All the Children: Dutch-United States Comparison of Lesbian and Gay Parent Adoptions*, 17 ARIZ. J. INT'L & COMP. LAW 309 (2000) (comparing the Dutch-United States laws for lesbian and gay parent adoptions).

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Christopher D. Jozwiak, *Lofton v. Secretary of the Department of Children & Family Services: Florida's Gay Adoption Ban Under Irrational Equal Protection Analysis*, 4 J. L. FAM. STUD. 323 (2002) (Florida).

Diana Lauretta, Comment, *Protecting the Child's Best Interest: Defending Second-Parent Adoptions Granted Prior to the 2002 Enactment of California Assembly Bill 25*, 33 GOLDEN GATE U.L. REV. 173 (2003) (California).

Charlotte J. Patterson, *Adoption of Minor Children by Lesbian and Gay Adults: A Social Science Perspective*, 2 DUKE J. GENDER L. & POL'Y 191 (1995).

Shannon E. Smith, "Second Parent" Same-Sex Adoptions Are Valid if in the Best Interest of the Child: *In Re Adoption of R.B.F. and R.C.F.*, 41 DUQUESNE. L. REV. 653 (2003) (Pennsylvania).

Angela Dunne Tiitilli & Susan Ann Koenig, *Advocacy for Nebraska Children With Gay and Lesbian Parents: A Call for the Best Interests of the Child to be Paramount in the Case of Non-Biological, Non-Adoptive Parents*, 36 CREIGHTON L. REV. 3 (2002) (Nebraska).

## **Child Abuse/Neglect**

Sara Anthis, *Postpartum Depression and New York's Child Welfare Policy in Neglect Cases*, 12 BUFF. WOMEN'S L.J. 33 (2004) (analyzing why several child welfare advocates are urging policymakers to consider earlier, lengthier, and broader interventions where symptoms of antenatal depression are identified in order to promote both family preservation and child protection).

Alison M. Arcuri, *Playing the Psychiatric Odds: Sherrice Iverson Act: Duty to Report Child Abuse and Neglect*, 20 PACE L. REV. 471 (2000) (analyzing the Sherrice Iverson Act).

Karen M. Ashby, *Report-Writing Tips for Guardians Ad Litem in Dependency and Neglect Cases*, 31-OCT COLO. LAW. 87 (2002) (explaining what information should be included in a report and some of the issues Guardian Ad Litem should be prepared to confront in a case).

Elizabeth Bartholet, *The Challenge of Children's Rights Advocacy: Problems and Progress in the Area of Child Abuse and Neglect*, 3 WHITTIER J. CHILD & FAM. ADVOC. 215 (2004) (discussing the movement towards a child-friendly policy direction).

Ellen Wright Clayton, *To Protect Children From Abuse and Neglect, Protect Physician Reporters*, 1 HOUS. J. HEALTH L. & POL'Y 133 (2001) (arguing a decrease in the number of abuse and neglect reports warrant concern particularly in respect to the number of reports provided by health care providers).

Suzanne D'Amico, *Inherently Female Cases of Child Abuse and Neglect: A Gender-Neutral Analysis*, 28 FORDHAM URB. L.J. 855 (2001) (arguing the need for the judicial system to reassess its treatment of the female child abuse offender and apply a gender-neutral approach).

James G. Dwyer, *Spiritual Treatment Exemptions to Child Medical Neglect Laws: What We Outsiders Should Think*, 76 NOTRE DAME L. REV. 147 (2000) (recommending what position non-members of a religious group with beliefs opposed to medical care should take on spiritual treatment exemptions).

Richard R. Fields, *The Future of Child Protection: How to Break the Cycles of Abuse and Neglect*, 3 J.L. & FAM. STUD. 243 (2001) (reviewing JANE WALDFOGEL, *THE FUTURE OF CHILD PROTECTION* (1998)).

Luis C. Garcia, *Effective Representation for Parents in Abuse and Neglect Cases: A Contract Counsel's Perspective*, 2001 VT. B.J. 43 (discussing a cooperative approach utilized by attorneys in the Chittenden Family Court Permanency Project).

Martin Guggenheim, *Somebody's Children: Sustaining the Family's Place in Child Welfare Policy*, 113 HARV. L. REV. 1716 (2000) (reviewing ELIZABETH BARTHOLET, *NOBODY'S CHILDREN: ABUSE AND NEGLECT, FOSTER DRIFT, AND THE ADOPTION ALTERNATIVE* (1999)).

Richard A. Hughes, *The Death of Children by Faith-Based Medical Neglect*, 20 J.L. & RELIGION 247 (2004-2005) (examining the theology of one faith healing sect. discussing the dilemmas of a religious defense in the original trials and affirming a relational model of law as the context of restorative justice).

David R. Katner, *Coming to Praise, Not to Bury, the New ABA Standards of Practice for Lawyers who Represent Children in Abuse and Neglect Cases*, 14 GEO. J. LEGAL ETHICS 103 (2000) (supporting the adoption of the new Abuse & Neglect Standards as an enforceable ethics code).

Carolyn A. Kubitschek, *Holding Foster Care Agencies Responsible for Abuse and Neglect*, 32-WTR HUM. RTS. 6 (2005) (discussing available redress for abused foster children).

Theodore R. LeBlang, *Reporting Child Abuse and Neglect: Good Faith Immunity for Health Care Providers*, 92 ILL. B.J. 356 (2004) (discussing a good faith immunity from liability available to health care providers who report suspected cases of child abuse or neglect in accordance with Illinois law).

Rolando Mazariegos, *The Frequency of Abuse and Neglect on Stepchildren: Evolutionary Perspective and Biosocial Dimensions*, 21 J. JUV. L. 56 (2000) (explaining the Integrated Causal Model and use as theoretical basis to causation of high rates of abuse and neglect on stepchildren).

Jennifer L. Saulino, *Notice: Are We Protecting the Wrong Rights?*, 99 MICH. L. REV. 1455 (2001) (reviewing ELIZABETH BARTHOLET, *NOBODY'S CHILDREN: ABUSE AND NEGLECT, FOSTER DRIFT, AND THE ADOPTION ALTERNATIVE* (1999)).

David N. Schaffer, *When DCFS Knocks: Representing a Client Accused of Child Abuse or Neglect*, 92 ILL. B.J. 26 (2004) (discussing how to represent the subject of a report of suspected child abuse or neglect).

Jacob Ethan Smiles, *A Child's Due Process Right to Legal Counsel in Abuse and Neglect Dependency Proceedings*, 37 FAM. L.Q. 485 (2003) (arguing children are denied due process rights when not provided legal counsel in a dependency hearing).

Tana Vanderbilt, *Child Abuse and Neglect*, 2002. S.C. LAW. 20 (offering advice on navigating through hearings for attorneys appointed to an abuse and neglect case).

Victor E. Flango, *Measuring Progress in Improving Court Processing of Child Abuse and Neglect Cases*, 39 FAM. CT. REV. 158 (2001) (encouraging state courts to clarify their goals with respect to child abuse and neglect cases and suggesting criteria by which to measure progress in achieving those goals).

Janet Weinstein & Ricardo Weinstein, *Before It's Too Late: Neuropsychological Consequences of Child Neglect and Their Implications for Law and Social Policy*, 33 U. MICH. J.L. REF. 561 (Summer 2000) (proposing reform of law and practice with an emphasis on education for newborn children).

Christina A. Zawisza, *Taking Hold of the Elephant in Child Dependency and Neglect Cases*, 17 ST. THOMAS L. REV. 531 (2005) (offering a technique for student attorneys to utilize in the representation of children in abuse and neglect cases).

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Margaret Beyer, *Juvenile Detention To "Protect" Children From Neglect*, 3 D.C. L. REV. 373 (1995).

Sheri Bonstelle & Christine Schessler, *Adjourning Justice: New York State's Failure to Support Assigned Counsel Violates the Rights of Families in Child Abuse and Neglect Proceedings*, 28 FORDHAM URB. L.J. 1151 (2001) (New York).

Amy Buchele-Ash, H. Rutherford Turnbull, III, & Linda Mitchell, *Forensic and Law Enforcement Issues in the Abuse and Neglect of Children with Disabilities*, 19 MENTAL & PHYSICAL DISABILITY L. REP. 115 (1995).

Michael J. Bufkin, *The "Reasonable Efforts" Requirement: Does it Place Children at Increased Risk of Abuse or Neglect?*, 35 U. LOUISVILLE J. FAM. L. 355 (1997).

Janet T. Butcher, *What Lawyers Need to Know about Child Abuse and Neglect in 1998*, 10 S.C. LAW. 14 (1999).

Jill Chaifetz, *Educational Neglect: The Delivery of Educational Services to Children in New York City's Foster Care System* 189 PLI/CRIM. 393 (2002) (New York).

Lesley E. Daigle, *Empowering Women to Protect: Improving Intervention with Victims of Domestic Violence in Cases of Child Abuse and Neglect; A Study of Travis County, Texas*, 7 TEX. J. WOMEN & L. 287 (1998) (Texas).

Howard A. Davidson, *Protecting America's Children: A Challenge, Improvements in the Way We Handle Child Abuse and Neglect Cases are too Slow in Coming. Here are Ways Trial Lawyers Can Make a Difference*, 35 TRIAL 23 (1999).

Marjory E. DeWard, *Psychological Evaluations: Their Use and Misuse in Illinois Child Abuse and Neglect Cases*, 54 DEPAUL L. REV. 971 (2005) (Illinois).

Linda D. Elrod, *An Analysis of the Proposed Standards of Practice for Lawyers Representing Children in Abuse and Neglect Cases*, 64 FORDHAM L. REV. 1999 (1996).

Susan E. Foster & Margaret Long Macchetto, *Providing Safe Haven: The Challenge to Family Courts in Cases of Child Abuse and Neglect by Substance-Abusing Parents*, 3 J. HEALTH CARE L. & POL'Y 44 (1999).

Mark Hardin, Elizabeth Cole, June Mickens & Robert Lancour, *Family Group Conferences in Child Abuse and Neglect Cases: Learning from the Experience of New Zealand*, 70 WIS. LAW. 31 (1997).

Albert E. Hartmann, *Crafting an Advocate for a Child: In Support of Legislation Redefining the Role of the Guardian Ad Litem in Michigan Child Abuse and Neglect Cases*, 31 U. MICH. J.L. REF. 237 (1997).

Kristin L. Johnson, *An Argument for Consideration of Prenatal Smoking in Neglect and Abuse Determinations*, 46 EMORY L.J. 1661 (1997).

Cristine H. Kim, *Putting Reason Back into the Reasonable Efforts Requirement in Child Abuse and Neglect Cases*, 1999 U. ILL. L. REV. 287 (1999).

Kathleen Knepper, *Withholding Medical Treatment From Infants: When is it Child Neglect?*, 33 U. LOUISVILLE J. FAM. L. 1 (1995).

Subha Lembach, *Representing Children in New York State: An Ethical Exploration of the Role of the Child's Lawyer in Abuse and Neglect Proceedings*, 24 WHITTIER L. REV. 619 (2003) (New York).

Jolene M. Lowry, *Family Group Conferences as a Form of Court-Approved Alternative Dispute Resolution in Child Abuse and Neglect Cases*, 31 U. MICH. J.L. REF. 57 (1997).

Judge Daniel L. McCarthy, *Anticipated Effects of New Procedural Rules and Statutory Changes in Abuse and Neglect Cases*, 10 W. VA. LAW. 14 (1997).

Kristian Miccio, *In the Name of Mothers and Children: Deconstructing the Myth of the Passive Battered Mother and the "Protected Child" in Child Neglect Proceedings*, 58 ALB. L. REV. 1087 (1995).

Jane Moran, *The Role of the Prosecutor in Abuse/Neglect Proceedings*, 8 W. VA. LAW. 18 (1995).

Jane C. Murphy, Margaret J. Potthast, *Domestic Violence, Substance, and Child Welfare: the Legal System's Response*, 3 J. HEALTH CARE L. & POL'Y 88 (1999).

Duane F. Osborne, *Are Kentucky's Children "At Risk" As a Result of J.H.V. v. Commonwealth?*, 86 KY. L.J. 999 (1998) (Kentucky).

Morgan E. Persinger, *Changing the Law in Child Abuse and Neglect Proceedings: An Improvement on Improvement Periods?*, 102 W. VA. L. REV. 477 (1999) (West Virginia).

Julian D. Pinkham, *Speaking to Tribal Judges on Improving Children's Court Practice in Child Abuse and Neglect Cases in our Country: A Proposal for a Uniform Children's Code*, 31 U. MICH. J.L. REF. 159 (1997).

Representing Children Standards of Practice Committee, *Proposed Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases*, 29 FAM. L.Q. 375 (1995).

Tobin P. Richer, *Placing Proper Limits on Battered Woman Syndrome in Areas Beyond Self-Defense: An Argument Against Admission in Child Abuse and Neglect Cases*, 1 DEPAUL J. HEALTH CARE L. 855 (1997).

Meghan Scahill, *Prosecuting Attorneys in Dependency Proceedings in Juvenile Court*, 1 J. CTR. FOR CHILD.& CTS. 73 (1999).

Suelyn Scarnecchia, *An Interdisciplinary Seminar in Child Abuse and Neglect with a Focus on Child Protection Practice*, 31 U. MICH. J.L. REF. 33 (1997).

Major Lisa M. Schenck, *Child Neglect in the Military Community: Are we Neglecting the Child?*, 148 MIL. L. REV. 1 (1995).

Anne E. Schneiders, *United Nations Convention on the Rights of the Child: Potential Impact on Abuse & Neglect Litigation*, 5 GEO. J. ON FIGHTING POVERTY 235 (1998).

Gary Solomon, *Law Guardian Representation in Abuse and Neglect Proceedings*, 175 PRACTISING LAW INST. 475 (1997).

Robert A. Solomon, *Staying in Role: Representing Children in Dependency and Neglect Cases*, 70 CONN. B.J. 258 (1996).

Marcia Sprague & Mark Hardin, *Coordination of Juvenile and Criminal Court Child Abuse and Neglect Proceedings*, 35 U. LOUISVILLE J. FAM. L. 239 (1997).

Cassandra Terhune, *Cultural and Religious Defenses to Child Abuse and Neglect*, 14 J. AM. ACAD. MATRIM. LAW. 152 (1997).

Charles Talley Wells, Jr., *Protecting Alaska's Children From Neglect: The Appropriate Legislative Response to In re S.A. and R.J.M. v. State*, 14 ALASKA L. REV. 501 (1997) (Alaska).

## **Child Custody**

Paul R. Armato, *Good Enough Marriages: Parental Discord, Divorce, and Children's Long-Term Well-Being*, 9 VA. J. SOC. POL'Y & L. 71 (2001) (focusing on the correlation between the level of

discord between parents before divorce with the long term best interests of the children following divorce).

Ben Barlow, *Divorce Child Custody Mediation: In Order to Form a More Perfect Disunion?*, 52 CLEV. ST. L. REV. 499 (2004) (assessing the uses and risks of mediation in divorce child custody cases and noting the provisions of many state statutes that are meant to address power imbalances and domestic violence situations with regard to mediation).

Janet M. Bowermaster, *Legal Presumptions and the Role of Mental Health Professionals in Child Custody Proceedings*, 40 DUQ. L. REV. 265 (2002) (evaluating the best interest of the child standard and the evolution of legal presumptions guiding its application that impede the use of recommendations made by mental health professionals regarding custody cases).

Mary A. Duryee, *Expected Controversies: Legacies of Divorce*, 4 J. CENTER CHILDREN & CTS. 149 (2003) (discussing Dr. Wallerstein's research on the impact of divorce on children and its implications for mediation and the courts).

Linda D. Elrod, *A Minnesota Comparative Family Law Symposium: Reforming the System to Protect Children in High Conflict Custody Cases*, 28 WM. MITCHELL L. REV. 495 (2001) (defining high conflict custody cases and suggesting reforms to the system to help prevent harm caused to children involved in these cases).

Michael T. Flannery, *Is "Bird Nesting" in the Best Interest of Children?*, 57 SMU L. REV. 295 (2004) (weighing the advantages and disadvantages of "bird nesting" and arguing that it should be considered in very few cases and only where it can be supervised by the court because it usually fails).

Risa J. Garon, Danielle Saba Donner & Kristen Peacock, *From Infants to Adolescents: A Developmental Approach to Parenting Plans*, 38 FAM. & CONCIL. CTS. REV. 168 (2000) (introducing the Child- and Family- Focused Model of Decision Making which can be utilized by judges, parents, mediators and others in developing parenting plans that are more child focused).

Linda Jellum, *Parents Know Best: Revising Our Approach to Parental Custody Agreements*, 65 OHIO ST. L. J. 615 (2004) (evaluating the treatment by states of prenuptial agreements concerning

child custody and proposing that these agreements be followed by the courts unless it would harm the children).

Joan B. Kelly, *Psychological and Legal Interventions for Parents and Children in Custody and Access Disputes: Current Research and Practice*, 10 VA. J. SOC. POL'Y & L. 129 (2002) (summarizing the use of psychological, educational and legal interventions to promote a more positive adjustment to divorce and the influence these interventions have had on the divorce process).

Michael E. Lamb, *Placing Children's Interests First: Developmentally Appropriate Parenting Plans*, 10 VA. J. SOC. POL'Y & L. 98 (2002) (examining the studies of social scientists regarding how the continued involvement of both parents can affect a child's development and how these studies can provide guidelines for deciding the living arrangements of children following divorce).

Robert H. Mnookin & Eleanor Maccoby, *Facing the Dilemmas of Child Custody*, 5 WM. & MARY J. OF WOMEN & L. 411 (2002) (comparing their study of how divorced parents decide custody arrangements with the fundamental goals of legal reform adopted in many states including California).

JoAnne L. Pedro-Carroll, *Fostering Resilience in the Aftermath of Divorce: The Role of Evidence-Based Programs for Children*, 43 FAM. CT. REV. 52 (2005) (detailing the Children of Divorce Intervention Program and the risks and factors which have been studied to develop this type of program that are meant to help children better adjust after divorce).

Marsha Kline Pruett, Rachel Ebling & Glendessa Insabella, *Parenting Plans and Visitation: Critical Aspects of Parenting Plans for Young Children Interjecting Data Into the Debate About Overnights*, 42 FAM. CT. REV. 39 (2004) (studying the connection between parenting plan schedule variables concerning overnights and the adjustment of young children to divorce).

Janet Leach Richards, *Resolving Relocation Issues Pursuant to the ALI Family Dissolution Principles: Are Children Better Protected?*, 2001 B.Y.U.L. REV. 1105 (2001) (reviewing the proposed final draft of the relocation provisions of the ALI Principles of the Law of Family Dissolution: Analysis and Recommendations).

Hon. Arline S. Rotman, Robert Tompkins, Lita Linzer Schwartz & M. Dee Samuel, *Special Issue Child Custody Evaluations: Reconciling Parents' and Children's Interests in Relocation: In Whose Best Interest?*, 38 FAM. & CTS. REV. 341 (2000) (following a hypothetical custody determination through the system with a multidisciplinary approach).

Andrew Schepard, J.D., *The Evolving Judicial Role in Child Custody Disputes: From Fault Finder to Conflict Manager to Differential Case Management*, 22 U. ARK. LITTLE ROCK L. REV. 395 (2000) (reviewing the history of the judicial role in child custody disputes and offering a plan for the treatment of high conflict families and their child custody disputes by the judicial system).

Melissa J. Schoffer, Note, *Bringing Children to the Mediation Table: Defining a Child's Best Interest in Divorce Mediation*, 43 FAM. CT. REV. 323 (2005) (analyzing the role of children in divorce mediation and suggesting four approaches for the inclusion of children in the mediation).

Elizabeth S. Scott, *Divorce, Children's Welfare, and the Culture Wars*, 9 VA. J. SOC. POL'Y & L. 95 (2001) (proposing legal reforms such as an extended waiting period before granting a legal divorce in an effort to discourage divorce in a "good enough marriage" and give parents time to evaluate whether divorce would benefit their children or cause them more harm).

Christine M. Szaj, *The Fine Art of Listening: Children's Voices in Custody Proceedings*, 4 J. L. FAM. STUD. 131 (2002) (looking at the ALI child custody principles and the best interest of the child standard and arguing for a plan to be adopted by states that includes a court required program to help parents come up with a parenting plan that is more focused on children).

Edwin Terry, Kirstin L. Goodale, P. Caren Phelan, & Jenny L. Womack, *Relocation: Moving Forward or Moving Backward?*, 31 TEX. TECH. L. REV. 983 (2000) (addressing the concerns of relocation on children and how to determine the child's best interest while examining the recent trends in relocation cases).

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Scott Altman, *Should Child Custody Rules Be Fair?*, 35 U. LOUISVILLE J. FAM. L. 325 (1996).

Judge Don R. Ash, *Adoption and Custody: Current Trends in Tennessee Family Law: Bridge Over Troubled Water: Changing the Custody Law in Tennessee*, 27 U. MEM. L. REV. 769 (1997) (Tennessee).

Margaret F. Brinig & F.H. Buckley, *Joint Custody: Bonding and Monitoring Theories*, 73 IND. L.J. 393 (1998).

Heather Crosby, *Current Public Law and Policy Issues: The Irretrievable Breakdown of the Child: Minnesota's Move Toward Parenting Plans*, 21 HAMLINE J. PUB. L. & POL'Y 489 (2000) (Minnesota).

Ann Laquer Estin, *Symposium: Law and the New American Family: Response: Bonding After Divorce: Comments on Joint Custody: Bonding and Monitoring Theories*, 73 IND. L.J. 441 (1998).

Robert L. Fischer, *Program Profile: Children in Changing Families: Results of a Pilot Study of a Program for Children of Separation and Divorce*, 37 FAM. & CONCIL. CTS. REV. 240 (1999).

Robyn J. Geelhoed, Chris Manos & Louise Forrest, *Court Affiliated Parent Education: Status of Court-Connected Programs for Children Whose Parents are Separating or Divorcing*, 39 FAM. CT. REV. 393 (2001).

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## **Domestic Violence**

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