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## FAMILY LAW

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### LARGE GROUP 5 Student Guide

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#### Private Children Law: The Rights of the Child

##### Context

You have considered the powers of the courts to regulate arrangements for children if they are not agreed between the child's parents and the principles which govern the court's decisions when exercising those powers. In this unit you will build on this knowledge and consider the nature of parental responsibility in more detail and the limitations on its exercise.

As you have seen, there has been a significant shift from treating children as passive participants in family proceedings, to regarding them as people in their own right with an active role to play in the decisions that affect them. Baroness Hale stated in *Re LC (Children) (Reunite International Child Abduction Centre intervening)* [2014] UKSC 1 'there is increasing recognition of children as people with a part to play in their own lives, rather than as passive recipients of their parents' decisions.'

As a result of this change there has been much academic and professional debate about the nature of children's rights and how they fit with the welfare principle. You will examine the extent to which children can now be said to have rights and the limitations on these rights in English law.

##### Outcomes

By the end of this Large Group 5 you should be able to:

1. Describe the nature of parental responsibility and limitations on its exercise.
2. Differentiate theories on the rights of the child.
3. Describe the extent of and limitations on the rights of children especially in the area of medical treatment.

# Research Guide Family Law

**Minjie Lin**



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