



CLARE HUNTINGTON

# FAILURE TO FLOURISH

HOW LAW UNDERMINES  
FAMILY RELATIONSHIPS



OXFORD

# Failure To Flourish How Law Undermines Family Relationships

**DP Hallahan**



## **Failure To Flourish How Law Undermines Family Relationships:**

**Failure to Flourish** Clare Huntington, 2014-05-20 Exploring the connection between families and inequality *Failure to Flourish How Law Undermines Family Relationships* argues that the legal regulation of families stands fundamentally at odds with the needs of families Strong stable positive relationships are essential for both individuals and society to flourish but from transportation policy to the criminal justice system and from divorce rules to the child welfare system the legal system makes it harder for parents to provide children with these kinds of relationships exacerbating the growing inequality in America *Failure to Flourish* contends that we must re orient the legal system to help families avoid crises and when conflicts arise intervene in a manner that heals relationships To understand how wrong our family law system has gone and what we need to repair it *Failure to Flourish* takes us from ancient Greece to cutting edge psychological research and from the chaotic corridors of local family courts to a quiet revolution under way in how services are provided to families in need Incorporating the latest insights of positive psychology and social science research the book sets forth a new more emotionally intelligent vision for a legal system that not only resolves conflict but actively encourages the healthy relationships that are at the core of a stable society

**Caring for Families in Court** Barbara A. Babb, Judith D. Moran, 2019-01-15 In many US courts and internationally family law cases constitute almost half of the trial caseload These matters include child abuse and neglect and juvenile delinquency as well as divorce custody paternity and other traditional family law issues In this book the authors argue that reforms to the family justice system are necessary to enable it to assist families and children effectively The authors propose an approach that envisions the family court as a care center by blending existing theories surrounding court reform in family law with an ethic of care and narrative practice Building on conceptual procedural and structural reforms of the past several decades the authors define the concept of a unified family court created along interdisciplinary lines a paradigm that is particularly well suited to inform the work of family courts These prior reforms have contributed to enhancing the family justice system as courts now can shape comprehensive outcomes designed to improve the lives of families and children by taking into account both their legal and non legal needs In doing so courts can utilize each family s story as a foundation to fashion a resolution of their unique issues In the book the authors aim to strengthen a court s problem solving capabilities by discussing how incorporating an ethic of care and appreciating the family narrative can add to the court s effectiveness in responding to families and children Creating the court as a care center the authors conclude should lie at the heart of how a family justice system operates The authors are well known figures in the area and have been involved in family court reform on both a US national and an international scale for many years

**Divorced from Reality** Jane C. Murphy, Jana B. Singer, 2015-06-26 Over the past thirty years there has been a dramatic shift in the way the legal system approaches and resolves family disputes Traditionally family law dispute resolution was based on an adversary system two parties and their advocates stood before a judge who determined which

party was at fault in a divorce and who would be awarded the rights in a custody dispute. Now many family courts are opting for a problem solving model in which courts attempt to resolve both legal and non legal issues. At the same time American families have changed dramatically. Divorce rates have leveled off and begun to drop while the number of children born and raised outside of marriage has increased sharply. Fathers are more likely to seek an active role in their children's lives. While this enhanced paternal involvement benefits children it also increases the likelihood of disputes between parents. As a result the families who seek legal dispute resolution have become more diverse and their legal situations more complex. In *Divorced from Reality* Jane C Murphy and Jana B Singer argue that the current problem solving model fails to address the realities of today's families. The authors suggest that while today's dispute resolution regime may represent an improvement over its more adversary predecessor it is built largely around the model of a divorcing nuclear family with lawyers representing all parties a model that fits poorly with the realities of today's disputing families. To serve the families it is meant to help the legal system must adapt and reshape itself. Michigan Law Review, 2019 The Hastings Law Journal, 2015-06 **The Commercial and Financial Chronicle**, 1940 Commercial and Financial Chronicle Bankers Gazette, Commercial Times, Railway Monitor and Insurance Journal, 1940 **Transition**, 1996 *Encyclopedia of World Problems and Human Potential: Actions, strategies, solutions*, 1994 **Stem Cell Research** Great Britain. Parliament. House of Lords. Select Committee on Stem Cell Research, Great Britain. Parliament. House of Lords, 2002 Stem Cell Research Report from the Select Committee **Social Parenthood in Comparative Perspective** Clare Huntington, Christiane von Bary, Courtney G. Joslin, 2023-07-18 Investigates social parents people who function as parents but who may not be recognized as such in the eyes of the law. What makes a person a parent. Around the world same sex couples are raising children parents are separating and re-partnering creating blended families and children are living with grandparents family friends and other caregivers. In these situations there is often an adult who acts like a parent but who is unconnected to the child through biogenetics marriage or adoption the common paths for establishing legal parenthood. In many countries this person is called a social parent. Psychologically and especially from a child's point of view a social parent is a parent. But the legal status of a social parent is hotly debated. *Social Parenthood in Comparative Perspective* considers how the law does and how it should recognize social parenthood. The book begins with a psychological account of social parenthood establishing the importance of a relationship between a child and a social parent and the harms of not protecting this relationship. It then turns to social scientists to identify and explore some circumstances when a child may have a social parent. And to compare legal responses to social parenthood the book draws on the expertise of legal scholars in nine countries in North America and Europe. The legal contributors describe the existing laws governing social parents critique their efficacy and offer new insights. Though almost all of the countries analyzed have adapted to the new reality of family life by recognizing social parents in some manner the nature and extent of the recognition varies widely. The volume concludes by discussing some of the issues flowing

from the decision to recognize social parents including whether social parents should have the same legal rights and responsibilities as other legal parents whether all social parents must be treated identically whether the law should limit a child to two parents and much more Families are changing and the law must adapt accordingly Social Parenthood in Comparative Perspective charts a way forward by offering solutions to help policymakers consider options for addressing social parenthood

**Private Tragedies? Family Law as Social Insurance** Anne Alstott, 2013 Family law is full of private tragedy Case after case pits one family member against another in a zero sum struggle for resources Spouses battle over limited assets parents clash over child support and children fight each other for resources when parental income is stretched across multiple families But family law doesn't simply pick up the pieces when individuals make bad choices or suffer bad luck Instead the law creates distributive rules that help determine which choices are bad ones and whose bad luck carries ruinous consequences Taking this view it is not just the dysfunctional who live in law's domain successful families flourish amidst legal rules that protect some from life's risks while leaving others vulnerable In this essay I suggest that family law constitutes a form of social insurance supplementing public programs that address life risks including poverty unemployment and disability Both family law and social insurance recognize some relationships and not others and protect against some risks and not others Further both systems of law can be understood as distributing risks ex ante rather than simply addressing failure ex post To make the discussion concrete I focus on two cases one involving spousal support and disability and the other involving child support for multiple families The cases illustrate the interdependence of financial entitlements in family law and in social welfare and demonstrate that a range of changes in family law social insurance rules or other elements of law could alter the distribution of life's risks and thus the likelihood and consequences of apparently private tragedies The essay also builds on these examples to outline a larger project Today large scale social insurance programs shield individuals against disruptions in working life including retirement disability and unemployment And yet disruptions in affective life a divorce a breakup a parent's exit even living without a family can impose equally severe shocks on individual lives While at first it may seem uncomfortable to consider personal relationships a matter for state concern I suggest that the normative theories and analytical tools used in structuring conventional social insurance can also be brought to bear in considering the possibility of insurance for disruptions in affective life

**Families and the Law** Mary Jane Mossman, Natasha Bakht, Vanessa Gruben, Karen Pearlston, 2019 The third edition of Families and the Law continues to focus on families and law exploring how families experience law in relation to family formation interventions in intact families and family dissolution The authors have tried to continue to focus on issues of diversity among families and to explore critical and interdisciplinary literature about families and family law This third edition deals with many new challenges for families as well as new legal developments relating to family relationships In this context the book tries to explore how families and law have changed since the previous edition in 2015 and to identify the most important emerging and issues for families and law

In doing so the book remains committed to exploring how law stays significant for families and how families and family lives intersect with legal regulation Or not      **Families and the Law** Natasha Bakht, Vanessa Gruben, Shelley Kierstead, Robert Leckey, 2024 The fourth edition of Families and the Law suggests a need to refocus on access to justice for families and law In continuation to exploring how families experience law in relation to family formation interventions in intact families and family dissolution the authors have tried to continue to focus on issues of diversity among families and to explore critical and interdisciplinary literature about families and family law accordingly along with new developments This fourth edition deals with many new challenges for families as well as new legal developments relating to family relationships In this context the book tries to explore how families and law have changed since the previous edition in 2019 and to identify the most important emerging and issues for families and law In doing so the book remains committed to exploring how law stays significant for families and how families and family lives intersect with legal regulation Or not      From Partners to Parents June Carbone, Chair of Law the Constitution and Society June Carbone, 2000 Examining the substantial changes that have occurred in families family research and family law over the last twenty years this book describes a paradigm shift in the legal and social regulation of the family from an emphasis on partners relationships with each other to an emphasis on parents relationships to their children Carbone s interdisciplinary approach evaluates historical sociological and psychological research to show how family change is part of a long term response to changing industrial organization and to assess the impact of changing family form on children      **The Law on Persons and Family Relations** Elmer T. Rabuya, 2006      Report Ireland. Law Reform Commission, 2010      **A Parent-Partner Status for American Family Law** Merle H. Weiner, 2015 Despite the fact that becoming a parent is a pivotal event the birth or adoption of a child has little significance for parents legal relationship to each other Instead the law relies upon marriage domestic partnerships and contracts to set the parameters of parents legal relationship With over forty percent of American children born to unwed mothers and consistently high rates of divorce this book argues that the law s current approach to regulating parental relationships is outdated A new legal and social structure is needed to guide parents so they act as supportive partners and to deter uncommitted couples from having children This book is the first of its kind to propose a new parent partner status within family law Included are a detailed discussion of the benefits of the status as well as specific recommendations for legal obligations

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