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Nota di contenuto

Front Matter -- Contents -- Foreword -- Preface -- Introduction: Children, Autonomy and the Courts: Beyond the Right to be Heard -- A Proposal: Replace the 'Right to be Heard' with a 'Children's Autonomy Principle' -- The Children's Autonomy Principle and the Best Interest of the Child -- Chapter 3: The 'Liberal Ideal': Autonomy, Capacity and the Adult/Child Divide -- Chapter 4: Ensuring Good Processes for Children through Respect for Autonomy -- Chapter 5: 'Weighing' Views: The Right to be Heard Does Not Allow Children to Sufficiently Influence Outcomes -- Putting the Autonomy Principle into Practice: Moving from a Focus on 'Competence' to One on Significant Harm -- Chapter 7: Autonomy Support: Embedding the Children's Autonomy Principle in Good Systems -- Conclusion.

Sommario/riassunto

In this book Aoife Daly argues that where courts decide children's best interests (for example about parental contact) the UN Convention on the Rights of the Child's 'right to be heard' is insufficient, and autonomy should instead be the focus. Global law and practice indicate that children are regularly denied due process rights in their own best interest proceedings and find their wishes easily overridden. It is argued that a children's autonomy principle, respecting children's wishes unless significant harm would likely result, would ensure greater support for children in proceedings, and greater obligations on adults to engage in transparent decision-making. This book is a call for a reconceptualisation of the status of children in a key area of children's rights.
