International & Comparative Children's Rights

2013

The University of Tulsa College of Law:
Institute in European and International Law

Instructor:
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International and Comparative Children's Rights

Summer in Dublin 2013

Syllabus

Topic 1: Tortious remedies for children in care.

Read the head notes of the 5 cases, X v. Bedfordshire, T v. Surrey, Barrett v. Enfield, TP and KM v. United Kingdom and Z v. United Kingdom.

This topic will take a minimum of 2 classes. An overview of negligence and its development from the 1970's to the time of these cases will be given to place these types of cases in perspective.

Topic 2: Civil Actions for child sexual abuse.

Read the article "Statute of Limitations (Amendment) Act, 2000 and Actions for child sexual abuse" in *Liber Memoralis*, James C Brady, 344 – 370 (this chapter was first published in: Breen, Casey, and Kerr, (editors) *Liber Memorialis: Professor James C. Brady* (Round Hall/Thomson Reuters, 2000).

This topic will take 2 classes

Topic 3: Constitutional Protection of children in care.

Read the selected extracts from the International Survey of Family Law 2002 – 2003. This topic should take one class.

Topic 4: Inheritance Rights.

Read the head notes of the cases: FM v. TAM, PC v. AC, CC and ChF v. WC and TC, EB v. SS and PMcD v. MN.

This topic should take one class.

Topic 5: Adoption and parent tracing.

Read the head notes of the cases, PC v. An Bord Uchtala, SM and MM v. GM, PB v. AL, CR v. An Bord Uchtala and IOT v. B.

This topic should take one class.

Topic 6: Child Abduction.

Read the head notes of the cases: ES and AS v. EH and MH, HI v. MG, WPP v. SRW, MSH v, LH, P v. B (No.2), LP v. MNP and TMM v. MD. In addition, read T. v. O and J. Mc.B. v. L.E.

This topic should take one and a half classes.

Topic 7: The single father.

Read the head notes of the cases JK v. VW, W'OR v. EH, Keegan v. Ireland. In addition, read McD v. L(2007) and J.McD v. P.L (2010). The significance of the final case, J McD, will be fully explained in class. This topic will take one class.

Note: All classes will be presented with the aid of PowerPoint slides copies of which will be distributed before each class.

Assessment is by take home examination details of which will be circulated before the end of the course.

The object of the course is to expose students to a wide range of legal issues affecting children, even beyond the age of majority, across a number of distinct areas of the law from a truly comparative perspective.

The course, it is hoped, is interesting and engaging as it focuses on very novel legal challenges concerning children from a domestic Irish common law and Constitutional stance to an international analysis from the common law world.

The materials comprise mainly primary source case materials which are supplemented by secondary literature from law journals.

Students should gain a unique insight into unusual legal issues affecting children by the end of the course.

COURSE CONTENTS

(Your course materials are made up of independent documents, some of which have original pagination. Please note that the page numbers for the Course Contents reflect the page number of the PDF document containing each topic).

Topic 1: Tortious Remedies for Children in Care

X v. Bedfordshire County Council, [1995] 3 All ER 353……..1
T v. Surrey County Council, [1994] 4 All ER 577……25
Barrett V. Enfield London Borough Council, [1999] 3 All ER 193……..54
TP and KM v. United Kingdom (2002) 34 EHRR 2 (Headnote)……86
Z v. United Kingdom (2002) 34 EHRR 3 (Headnote)……93

Topic 2: Civil Actions for Child Sexual Abuse and Limitation Periods

K.M. v. H.M., (1992) 96 DLR (4th) 289……1
S. v. G., [1995] 3 NZLR 681……..28
Stubbings v. Webb, [1993] AC 498……..40
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"Statute of Limitations (Amendment) Act, 2000 and Actions for Child Sexual Abuse," Paul Ward, *Liber Memorialis,* Professor James C. Brady, pp 344-370……80

Topic 3: Constitutional Protection of Children in Care

D.G. v. The Eastern Health Board and the Attorney General, [1998] 1 ILRM 321……..1
T.D. v. The Minister for Education and others, [2001] 4 IR 259……21
D.G. v. Ireland (2002) 35 EHRR 33……102
Selected Extracts from the *International Survey of Family Law* (2001-2003)……129

Topic 4: Inheritance Rights

F.M. v. T.A.M., (1972) Vol. 106 ILTR 82……1
P.C. v. A.C., unreported High Court, October 10, 1995, Carroll J……7
C.C. and Ch.F. v. W.C. and T.C., [1990] IR 143……..14
E.B. v. S.S. and G. McC., [1998] 4 IR 527……..21
P.McD. v. M.N. [1999] 4 IR 301……..46

Topic 5: Adoption and Parent Tracing

P.C. v. B.H. and An Bord Uchtala (The Adoption Board), unreported High Court, April 25, 1980, McWilliam, J……..1
S.M. and M.M. v. G.M., [1985] 1ILRM 186……8
P.B. v. A.L., [1996] 1 ILRM 154……11
C.R. v. An Bord Uchtala, [1993] 3 IR 535……..16
I.O'T. v. B., [1998] 2 IR 321……..23

Topic 6: Child Abduction

E.S. and A.S. v. E.H. and M.H., [1999] 4 IR 504……..1
H.I. v. M.G., [2000] 1 IR 110……8
W.P.P. v. S.R.W., [2001] 1 ILRM 371……34
M.S.H. v. L.H., [2001] 1 ILRM 448……42
P. v. B. (no.2), [1999] 4 IR 185……53
L.P. v. M.N.P., unreported High Court, October 14, 1998, McGuinness, J……74
T.M.M. v. M.D. [2000] 1 IR 149……..86
T. v. O., [2007] IEHC 326……101

Topic 7: The Single Father

In Re S.W. (minor), J.K. v. V.W., [1990] 2 IR 437……..1
W.O'R. v. E.H., [1996] 2 IR 249…….24
Keegan v. Ireland, (1994) 18 EHRR 342……57
McD. v. L., [2007] IESC 28……..78
J.McD. v. P.L. and B.M. and the Attorney General (2010) 1 ILRM 461...85