

Children’s Interests: An Annotated Bibliography, 2010-12

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This bibliography covers law review articles published, for the most part, after 2008. Articles for which the title is self-explanatory or that concern only a single case, state, or statute are cited, but not annotated. For older annotations, see Mary K. Kisthardt, *Children’s Interests: An Annotated Bibliography*, 22 J. AM. ACAD. MATRIM. LAW. 517 (2009).

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Adoption

Annette Ruth Appell, *Reflections on the Movement Toward a More Child-Centered Adoption*, 32 W. NEW ENG. L. REV. 1 (2010) (discussing the increasing prevalence and acceptance of post-adoption contact practices, the state statutes regulating such contact, and sociological studies regarding child well-being as a result of open adoptions and contact).

Andrea Carroll, *Cracks in the Cost Structure of Agency Adoption*, 39 CAP. U. L. REV. 443 (2011) (addressing potential remedies for failed adoptions, including recoupment of payments to birth mothers and adoption cancellation insurance).

Linda D. Elrod, *A Child’s Perspective of Defining a Parent: The Case for Intended Parenthood*, 25 BYU J. PUB. L. 245 (2011) (making the case that when parents intentionally create a parent-child relationship, especially with assisted reproductive technology, the law should recognize the parental relationships for the sake of the children).

Lindsay J. Mather, Comment, *The Impact of the Genetic Information Nondiscrimination Act on the Disclosure of Information in Adoption Proceedings*, 78 U. CIN. L. REV. 1629 (2010) (reviewing federal and state laws regarding confidentiality of adoption records and adoptees’ ability to obtain access to their parents’ genetic information).

Sara C. Mills, *Perpetuating Ageism Via Adoption Standards and Practices*, 26 WIS. J.L. GENDER & SOC’Y 69 (2011) (addressing the phenomenon of age discrimination by adoption agencies and identifying possible statutory provisions and constitutional arguments that can be used to combat this practice).

Dawn J. Post & Brian Zimmerman, *The Revolving Doors of Family Court: Confronting Broken Adoptions*, 40 CAP. U. L. REV. 437 (2012) (evaluating a set of New York City Family Court cases of adoption dissolutions after legal finalization and exploring the reasons for them—ranging from extreme psychological or medical problems on the part of the child to inadequate guardianship issues on the part of the parents).

Lisa M. Simpson, Student Article, *Adoption Law: It May Take a Village to Raise a Child, But It Takes National Uniformity to Adopt One*, 3 PHOENIX L. REV. 575 (2010) (comparing state disparities in birthfather notification requirements).

Pamela K. Terry, Note, *E Pluribus Unum? The Full Faith and Credit Clause and Meaningful Recognition of Out-of-State Adoptions*, 80 FORDHAM L. REV. 3093 (2012) (evaluating the federal circuit split on whether the Full Faith and Credit Clause compels recognition of adoptions authorized in other states).

Jaime P. Weisser, Comment, *Virtual Adoption: The Inequities of the Equitable Doctrine*, 35 NOVA L. REV. 549 (2011) (discussing inconsistencies among various states in employing equitable principles during intestacy proceedings to recognize the claims of children who a parent intended to adopt but for whom the parent failed to complete the legal requirements to actually adopt).

Barbara L. Atwell, *Nature and Nurture: Revisiting the Infant Adoption Process*, 18 WM. & MARY J. WOMEN & L. 201 (2012).

Daniel Bianchi, *The Adoption of Embryos in Malta: Acting in the Interest and Welfare of a Child in Embryonic Form?*, 19 MED. L. REV. 401 (2011).

Deborah Bulkeley, Note, *Who's My Daddy?! A Call for Expediting Contested Adoption Cases in Utah*, 12 J. L. & FAM. STUD. 225 (2010) (Utah).

Jessica R. Caterina, Note, *Glorious Bastards: The Legal and Civil Birthright of Adoptees to Access Their Medical Records in Search of Genetic Identity*, 61 SYRACUSE L. REV. 145 (2010).

Polina M. Dostalík, Comment, *Embryo "Adoption"? The Rhetoric, the Law, and the Legal Consequences*, 55 N.Y.L. SCH. L. REV. 867 (2010-11) (New York).

Kristina V. Foehrkolb, Comment, *When the Child's Best Interest Calls for It: Post-Adoption Contact by Court Order in Maryland*, 71 MD. L. REV. 490 (2012) (Maryland).

Randi Mandelbaum, *Delicate Balances: Assessing the Needs and Rights of Siblings in Foster Care to Maintain Their Relationships Post-Adoption*, 41 N.M. L. REV. 1 (2011).

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Paul A. Rodrigues, *Adoption in the Sunshine: Illinois' Disclosure Law for Adult Adoptees*, 99 ILL. B.J. 414 (Aug. 2011) (Illinois).

Colin Schlueter, Note, *Color Conscious: The Unconstitutionality of Adoptive Parents' Expression of Racial Preferences in the Adoption Process*, 19 WM. & MARY BILL RTS. J. 263 (2010).

Kristen L. Settlemyre, Note, *Post-Adoption Contact Between Siblings: Is "Avoidance of Harm" the Right Standard for New Jersey Siblings Adopted from Foster Care Placements?*, 36 SETON HALL LEGIS. J. 165 (2011) (New Jersey).

May Shin, Note, *A Saving Grace? The Impact of the Fostering Connections to Success and Increasing Adoptions Act on America's Older Foster Youth*, 9 HASTINGS RACE & POVERTY L.J. 133 (2012).

International Adoption

Richard Carlson, *Seeking the Better Interests of Children with a New International Law of Adoption*, 55 N.Y.L. SCH. L. REV. 733 (2010-11) (urging international law to eliminate the requirement of "subsidiarity," which commands sending countries to "exhaust all possibilities of local placement before releasing a child for adoption by parents" in another country).

Elizabeth Long, Note, *Where Are They Coming From, Where Are They Going: Demanding Accountability in International Adoption*, 18 CARDOZO J.L. & GENDER 827 (2012) (describing the standards imposed under the Hague Adoption Convention on the Protection of Children and Co-operation in Respect of Inter-Country Adoption in terms of child background information, psychological evaluations of parents, and educational and other requirements).

Elena Schwieger, *Getting to Stay: Clarifying Legal Treatment of Improper Adoptions*, 55 N.Y.L. SCH. L. REV. 733 (2010-11) (noting that procedural irregularities in international adoption processes can affect children's legal status in ways that may require return of children to their countries of origin under the U.N. Convention on the Rights of the Child, but not under the Intercountry Adoption Convention or the U.S. enabling statute, the Intercountry Adoption Act; and sorting the provisions of various statutes regarding remedies for procedural irregularities).

Irene Steffas, *The Hague Adoption Convention and Its Impact on All Adoptions*, 57 FED. LAW. 34 (Dec. 2010) (explaining the three routes for adopted children to gain immigration status: the “E route” with a family petition under INA § 101(b)(1)(E), the Orphan route under INA § 101(b)(1)(F), and the Intercountry Adoption Act or Hague route under INA § 101(b)(1)(G)).

Rachel J. Wechsler, *Giving Every Child a Chance: The Need for Reform and Infrastructure in Intercountry Adoption Policy*, 22 PACE INT’L L. REV. 1 (2010) (addressing inefficiencies, costs, and corruption in international adoption practices).

D. Marianne Brower Blair, *Admonitions or Accountability?: U.S. Implementation of the Hague Adoption Convention Requirements for the Collection and Disclosure of Medical and Social History of Transnationally Adopted Children*, 40 CAP. U. L. REV. 325 (2012).

Lori Chambers, *Newborn Adoption: Birth Mothers, Genetic Fathers, and Reproductive Autonomy*, 26 CAN. J. FAM. L. 339 (2010).

Peter Hayes, *The Legality and Ethics of Independent Intercountry Adoption Under the Hague Convention*, 25 INT’L J.L. POL’Y & FAM. 288 (2011).

Michael M. Karayanni, *In the Best Interests of the Group: Religious Matching Under Israeli Adoption Law*, 3 BERK. J. MIDDLE E. & ISLAMIC L. 1 (2010).

Ana M. Mencini, *The Intersection of Immigration and Adoption Law: Incoming Intercountry Adoption for Hague and Non-Hague Convention Countries*, 24 DCBA BRIEF 18 (Feb. 2012).

Seema Mohapatra, *Stateless Babies & Adoption Scams: A Bioethical Analysis of International Commercial Surrogacy*, 30 BERKELEY J. INT’L L. 412 (2012).

Katie Rasor et al., *Imperfect Remedies: The Arsenal of Criminal Statutes Available to Prosecute International Adoption Fraud in the United States*, 55 N.Y.L. SCH. L. REV. 801 (2010-11).

Jennifer Ratcliff, *International Adoption: Improving on the 1993 Hague Convention*, 23 INT’L L. PRACTICUM 55 (Spring 2010) (China).

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Jaci L. Wilkening, Note, *Intercountry Adoption Act Ten Years Later: The Need for Post-Adoption Requirements*, 72 OHIO ST. L.J. 1043 (2011).

Lisa M. Yemm, Note, *International Adoption and the “Best Interests” of the Child: Reality and Reactionism in Romania and Guatemala*, 9 WASH. U. GLOBAL STUD. L. REV. 555 (2010) (Guatemala and Romania).

Native American Adoption

Megan Scanlon, Comment, *From Theory to Practice: Incorporating the “Active Efforts” Requirement in Indian Child Welfare Act Proceedings*, 43 ARIZ. ST. L.J. 629 (2011) (noting that states vary on the extent to which they require active remedial efforts to prevent Indian family break-ups before allowing termination of parental rights and urging a “wraparound” model based on North Dakota’s practice of providing community services tailored to the individual child’s and family’s needs).

Jill E. Tompkins, *Finding the Indian Child Welfare Act in Unexpected Places: Applicability in Private Non-Parent Custody Actions*, 81 U. COLO. L. REV. 1119 (2010) (exploring the applicability of the ICWA to private (for example, grandparent initiated) child custody actions, as opposed to state-driven foster care or guardian placements).

Cheyaña L. Jaffke, *Judicial Indifference: Why Does the “Existing Indian Family” Exception to the Indian Child Welfare Act Continue to Endure?*, 38 W. ST. U. L. REV. 127 (2011) (Kansas and Nevada).

Heather Kendall-Miller, *State of Alaska v. Native Village of Tanaha: Enhancing Tribal Power by Affirming Concurrent Tribal Jurisdiction to Initiate ICWA-Defined Child Custody Proceedings, Both Inside and Outside of Indian Country*, 28 ALASKA L. REV. 217 (2011) (Alaska).

Margaret Olesnavage et al., *Disproportionate Minority Contact of American Indians/Alaska Natives in the Child Welfare System of Michigan*, 89 MICH. B.J. 31 (Jan. 2010) (Michigan).

Dennis Puzz, Jr., *Untangling the Jurisdictional Web: Determining Indian Child Welfare Jurisdiction in the State of Wisconsin*, 36 WM. MITCHELL L. REV. 724 (2010) (Wisconsin).

Steve Sanders, *Where Sovereigns and Cultures Collide: Balancing Federalism, Tribal Self-Determination, and Individual Rights in the Adoption of Indian Children by Gays and Lesbians*, 25 WIS. J.L. GENDER & SOC'Y 327 (2010).

Angel Sorrells et al., *Indian Children and Termination of Parental Rights: Michigan Supreme Court Takes a Step in the Right Direction in In re Lee*, 89 MICH. B.J. 28 (Feb. 2010) (Michigan).

Same-Sex Couple Adoption

Joyce Kauffman, *Protecting Parentage with Legal Connections*, 32 FAM. ADVOC. 24 (Winter 2010) (addressing co-parent adoption and the portability of parentage across state lines).

Jennifer B. Mertus, *Barriers, Hurdles, and Discrimination: The Current Status of LGBT Intercountry Adoption and Why Changes Must Be Made to Effectuate the Best Interests of the Child*, 39 CAP. U. L. REV. 271 (2011) (identifying barriers to intercountry LGBT adoption at the levels of the sending country (under the Intercountry Adoption Act of 2000), U.S. federal, and U.S. states, with specific attention to the five primary sending countries: China, Ethiopia, Russia, South Korea, and Ukraine).

Nadia Stewart, Note, *Adoption by Same-Sex Couples and the Use of the Representation Reinforcement Theory to Protect the Rights of Children*, 17 TEX. WESLEYAN L. REV. 347 (2011) (covering statistics on the number of children waiting to be adopted, various state approaches to adoption by same-sex couples, and the theory that the children who are awaiting adoption are a discrete and insular minority deserving constitutional equal protection to adoption rights).

Pamela K. Terry, Note, *E Pluribus Unum? The Full Faith and Credit Clause and Meaningful Recognition of Out-of-State Adoptions*, 80 FORDHAM L. REV. 3093 (2012) (arguing that the Full Faith and Credit Clause imposes the obligation on States to recognize the adoption decrees of other States).

Tanya Washington, *Suffer Not the Little Children: Prioritizing Children's Rights in Constitutional Challenges to "Same-Sex*

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Adoption Bans,” 39 *CAP. U. L. REV.* 231 (2011) (noting that since courts do not recognize LGBT rights or a constitutional right to adopt, a better strategy might be to argue from a children’s rights perspective that an “orphan placement ban” is unconstitutional).

Jason C. Beekman, Note, *Same-Sex Second Parent Adoption and Intestacy Law: Applying the Sharon S. Model of Simultaneous Adoption to Parent-Child Provisions of the Uniform Probate Code*, 96 *CORNELL L. REV.* 139 (2010).

Malcolm Dort, *Unheard Voices: Adoption Narratives of Same-Sex Male Couples*, 26 *CAN. J. FAM. L.* 289 (2010) (Canada).

Joseph A. Fraioli, Note, *Having Faith in Full Faith and Credit: Finstuen, Adar, and the Quest for Same-Sex Interstate Parental Recognition*, 98 *IOWA L. REV.* 365 (2012) (Fifth and Tenth Circuits).

Nellie Herchenbach, *Giving Back the Other Mommy: Addressing Missouri’s Failure to Recognize Legal Parent Status Following Same-Sex Relationship Dissolution*, 44 *FAM. L.Q.* 429 (2010) (Missouri).

Cassandra R. Hewlings, Recent Developments, *With Adar v. Smith, the Fifth Circuit Opens a Hole in Full Faith and Credit Clause*, 86 *TUL. L. REV.* 1359 (2012).

Jacinta Jones, Note, *Winning the Battle or Losing the War?: The Implications of Boseman v. Jarrell on the Same-Sex Adoptions Debate in North Carolina*, 34 *N.C. CENT. L. REV.* 98 (2011) (North Carolina).

Courtney G. Joslin, *Searching for Harm: Same-Sex Marriage and the Well-Being of Children*, 46 *HARV. C.R.-C.L. L. REV.* 81 (2011).

Kim H. Pearson, *Displaced Mothers, Absent and Unnatural Fathers: LGBT Transracial Adoption*, 19 *MICH. J. GENDER & L.* 149 (2012).

Michael J. Ritter, Note, *Adoption by Same-Sex Couples: Public Policy Issues in Texas Law & Practice*, 15 *TEX. J. ON C.L. & C.R.* 235 (Spring 2010) (Texas).

Rachael M. Schupp-Star, Comment, *The Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption: The Need for a Uniform Standard for Intercountry Adoption*, 16 ROGER WILLIAMS U. L. REV. 139 (2011).

Krista Stone-Manista, *Parents in Illinois Are Parents in Oklahoma Too: An Argument for Mandatory Interstate Recognition of Same-Sex Adoptions*, 19 LAW & SEXUALITY 137 (2010).

Child Abuse and Neglect

Emily C. Aldridge, Note, *To Catch a Predator or to Save His Marriage: Advocating for an Expansive Child Abuse Exception to the Marital Privileges in Federal Courts*, 78 FORDHAM L. REV. 1761 (2010) (reviewing scattered federal decisions preventing invocation of the marital privilege regarding testimony of a spouse's abuse of children).

Tiffany S. Allison, Note, *Proving Medical Child Abuse: The Time Is Now for Ohio to Focus on the Victim and Not the Abuser*, 25 J.L. & HEALTH 191 (2012) (exploring the shift from evaluating situations under the rubric of Munchausen's Syndrome by Proxy to considering them as medical child abuse).

Barbara A. Atwood, *Representing Children Who Can't or Won't Direct Counsel: Best Interests Lawyering or No Lawyer at All?*, 53 ARIZ. L. REV. 381 (2011) (drawing on the Arizona practice of best interests attorneys to question the American Academy of Matrimonial Lawyers' standards that oppose appointment of lawyers for children who do not have the ability to direct counsel).

Jason Fuller, *Corporal Punishment and Child Development*, 44 AKRON L. REV. 5 (2011) (making the case in favor of spanking as an appropriate exercise of parental discipline).

Thomas L. Hafemeister, *Castles Made of Sand? Rediscovering Child Abuse and Society's Response*, 36 OHIO N.U. L. REV. 819 (2010) (addressing comprehensively mandatory reporting statutes, guardians ad litem, and other topics).

Shirley Darby Howell, *Religious Treatment Exemption Statutes: Betrayest Thou Me with a Statute?*, 14 SCHOLAR 945 (2012) (discussing the statutes allowing parents exemptions from prosecu-

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tion for trying faith healing with their children in lieu of necessary medical treatment).

John E.B. Myers, *Expert Testimony in Child Sexual Abuse Litigation: Consensus and Confusion*, 14 U.C. DAVIS J. JUV. L. & POL'Y 1 (2010) (explaining physical findings and medical evidence regarding sexual abuse, and discussing the admissibility of psychological expert testimony to substantiate abuse claims).

Adam Pié, Note, *The Monster Under the Bed: The Imaginary Circuit Split and the Nightmares Created in the Special Needs Doctrine's Application to Child Abuse*, 65 VAND. L. REV. 563 (2012) (addressing whether child welfare workers who are investigating neglect and abuse complaints must have probable cause and a warrant to enter and search a home).

Laurie Shanks, *Evaluating Children's Competency to Testify: Developing a Rational Method to Assess a Young Child's Capacity to Offer Reliable Testimony in Cases Alleging Child Sex Abuse*, 58 CLEV. ST. L. REV. 575 (2010) (discussing methods for evaluating whether children understand the concept of truth and also for ascertaining whether children have been taught a narrative or story as the truth).

Andrew Smith, *Child Abuse and Neglect Registries: Protecting Due Process Rights*, 29 CHILD L. PRAC. 45 (May 2010) (considering the problem of false abuse or neglect allegations that can place people on a registry and what steps attorneys can take to make a due process argument to challenge placement on the registry).

Jennifer Lynn Thompson, *Criminal Child Abuse*, 33 FAM. ADVOC. 20 (Spring 2011) (addressing the matter of child abuse allegations during a divorce and issues such as mandatory reporting and the time within which to report evidence of abuse, as well as practical considerations in representing someone accused of abuse).

Jessica Dixon Weaver, *The Principle of Subsidiarity Applied: Reforming the Legal Framework to Capture the Psychological Abuse of Children*, 18 VA. J. SOC. POL'Y & L. 247 (Winter 2011) (offering definitions for and discussing the scope of emotional and psychological abuse of children).

Tiffany S. Allison, Note, *Proving Medical Child Abuse: The Time Is Now for Ohio to Focus on the Victim and Not the Abuser*, 25 J.L. & HEALTH 191 (2012) (Ohio).

Kimberly Y. Chin, Note, "Minute and Separate": *Considering the Admissibility of Videotaped Forensic Interviews in Child Sexual Abuse Cases After Crawford and Davis*, 30 B.C. THIRD WORLD L.J. 67 (2010).

Michael J. Dale, *Providing Attorneys for Children in Dependency and Termination of Parental Rights Proceedings in Florida: The Issue Updated*, 35 NOVA L. REV. 305 (2011) (Florida).

Andrew Ford, Note, *State Child Emotional Abuse Laws: Their Failure to Protect Children with Gender Identity Disorder*, 49 FAM. CT. REV. 642 (2011).

Cheryl George, *Parents Supersizing Their Children: Criminalizing and Prosecuting the Rising Incidence of Childhood Obesity as Child Abuse*, 13 DEPAUL J. HEALTH CARE L. 273 (2010).

David R. Katner, *Revising Legal Ethics in Delinquency Cases by Consulting with Juveniles' Parents*, 79 UMKC L. REV. 595 (2011).

Lisa Koverko, Note, *Piercing the Veil of Secrecy: The Impact of the Child Protection Law on the Prevention of Child Sexual Abuse*, 88 U. DET. MERCY L. REV. 51 (2010) (Michigan).

Donald R. Lundberg, *Mandatory Child Abuse Reporting by Lawyers*, 55 RES GESTAE 31(Dec. 2011) (Indiana).

Jenna Miller, Note *The Constitutionality of and Need for Retroactive Civil Legislation Relating to Child Sexual Abuse*, 17 CARDOZO J.L. & GENDER 599 (2011).

Myrna S. Raeder, *Distrusting Young Children Who Allege Sexual Abuse: Why Stereotypes Don't Die and Ways to Facilitate Child Testimony*, 16 WIDENER L. REV. 239 (2010).

Anne Elizabeth Rosenbaum, *Embracing the Strengths and Overcoming the Weaknesses of Child Protection Mediation*, 15 U.C. DAVIS J. JUV. L. & POL'Y 299 (2011).

Kelly R. Schwab, Note, *Lost Children: The Abuse and Neglect of Minors in Polygamous Communities of North America*, 16 CARDOZO J.L. & GENDER 315 (2010).

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Matthew B. Seeley, Comment, *Unexplained Fractures in Infants and Child Abuse: The Case for Requiring Bone-Density Testing Before Convicting Caretakers*, 2011 BYU L. REV. 2321.

Nicole Stednitz, Note, *Ending Family Trauma Without Compensation: Drafting § 1983 Complaints for Victims of Wrongful Child Abuse Investigations*, 90 OR. L. REV. 1423 (2012).

Kasey L. Wassenaar, Student Article, *Defenseless Children: Achieving Competent Representation for Children in Abuse and Neglect Proceedings Through Statutory Reform in South Dakota*, 56 S.D. L. REV. 182 (2011) (South Dakota).

Kyli L. Willis, *Willis v. State: Condoning Child Abuse as Discipline*, 14 U.C. DAVIS J. JUV. L. & POL'Y 59 (2010) (Indiana).

Child Custody and Visitation

Marcia M. Boumil et al., *Waiver of the Psychotherapist-Patient Privilege: Implications for Child Custody Litigation*, 22 HEALTH MATRIX 1 (2012) (addressing factual circumstances that create patient waivers of the privilege as well as exceptions to the privilege crafted to allow courts to obtain information to make important decisions about child welfare).

James G. Dwyer, *Parents' Self-Determination and Children's Custody: A New Analytical Framework for State Structuring of Children's Family Life*, 54 ARIZ. L. REV. 79 (2012) (making a strong argument for less state involvement in child custody decisions and greater respect for parents' rights to make decisions about matters like relocation and religious upbringing).

Linda D. Elrod, *A Child's Perspective of Defining a Parent: The Case for Intended Parenthood*, 25 BYU J. PUB. L. 245 (2011) (reviewing the psychological literature on attachment to argue that who is awarded parental rights should be largely influenced by who the child perceives as a parent).

Anat S. Geva, *Judicial Determination of Child Custody When a Parent Is Mentally Ill: A Little Bit of Law, a Little Bit of Pop Psychology, and a Little Bit of Common Sense*, 16 U.C. DAVIS J. JUV. L. & POL'Y 1 (2012) (reporting interviews with seventeen Illinois judges about the factors they consider regarding custody when parents suffer from depression, bipolar disorder, or Munchausen by proxy, or threaten suicide).

Janet R. Jeske, *Issues in Joint Custody & Shared Parenting*, 68 BENCH & B. MINN. 20 (Dec. 2011) (discussing the results of an Australian study which concludes that even in a country where the law presumes equal or near-equal shared care, most parents revert to a pattern of single parent primary care).

Richard A. Warshak, *Parenting by the Clock: The Best-Interests-of-the-Child Standard, Judicial Discretion, and the American Law Institute's "Approximation Rule,"* 41 U. BALT. L. REV. 83 (2011) (critiquing the ALI's approximation rule on the grounds that it undervalues parents' intangible contributions and is unwieldy and imprecise).

Cassandra W. Adams, *Children's Interest—Lost in Translation: Making the Case for Involving Children in Mediation of Child Custody Cases*, 36 U. DAYTON L. REV. 353 (2011).

Lundy Bancroft, *Representing Protective Mothers in Custody and Visitation Litigation*, 90 MICH. B.J. 28 (Sept. 2011).

Warren D. Camp, *Child Custody Disputes in Families of Muslim Tradition*, 49 FAM. CT. REV. 582 (2011).

Laura T. Eubank, Student Work, *Overruling the Overwhelming-Necessity Standard for Modifications of Child Custody in Alabama: Ex Parte Cleghorn*, 1 FAULKNER L. REV. 321 (2010) (Alabama).

Dorothy R. Fait et al., *The Merits of and Problems with Presumptions for Joint Custody*, 45 MD. B.J. 12 (Feb. 2012) (Maryland).

Ann M. Funge, *Articulated at Last: What Factors Constitute "Best Interests of the Child,"* 33 PA. LAW. 24 (Apr. 2011) (Pennsylvania).

Matthew J. Hulstein, *Recognizing and Respecting the Rights of LGBT Youth in Child Custody Proceedings*, 27 BERKELEY J. GENDER L. & JUST. 171 (2012).

Katherine M. Kitzmann et al., *A Review of Programs Designed to Prepare Parents for Custody and Visitation Mediation*, 50 FAM. CT. REV. 128 (2012).

Charlee Lane, *For Heaven's Sake, Give the Child a Voice: An ADR Approach to Interfaith Child Custody Disputes*, 10 PEPP. DISP. RESOL. L.J. 623 (2010).

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Jacqueline Genesio Lux, *Growing Pains That Cannot Be Ignored: Automatic Reevaluation of Custody Arrangements at Child's Adolescence*, 44 FAM. L.Q. 445 (2010).

David Malleis, Comment, *The High Price of Parenting High: Medical Marijuana and Its Effects on Child Custody Matters*, 33 U. LA VERNE L. REV. 357 (2012).

Mary L. Pulido et al., *Raising the Bar: Why Supervised Visitation Providers Should Be Required to Meet Standards for Service Provision*, 49 FAM. CT. REV. 379 (2011).

Evan R. Seamone, *Improved Assessment of Child Custody Cases Involving Combat Veterans with Posttraumatic Stress Disorder*, 50 FAM. CT. REV. 310 (2012).

Megan Shipley, Note, *Reviled Mothers: Custody Modification Cases Involving Domestic Violence*, 86 IND. L.J. 1587 (2011).

David M. Shumaker, *The Forgotten Bonds: The Assessment and Contemplation of Sibling Attachment in Divorce and Parental Separation*, 49 FAM. CT. REV. 46 (2011).

Nat Stern, *A Comprehensive Blueprint for a Crucial Service: Florida's Supervised Visitation Strategy*, 12 J. L. & FAM. STUD. 199 (2010) (Florida).

Michelle A. Tarnelli, Note, *Joint Custody Presumption in Vermont: A Proposal for Co-Parenting*, 36 VT. L. REV. 1015 (2012) (Vermont).

Michael J. Waxman, *Children's Voices and Fathers' Hearts: Challenges Faced in Implementing the "Best Interests" Standard*, 26 ME. B.J. 71 (Spring 2011) (Maine).

Custody Evaluators

Marc J. Ackerman & Tracy Brey Pritzl, *Child Custody Evaluation Practices: A 20-Year Follow-Up*, 49 FAM. CT. REV. 618 (2011) (reporting the results of a survey of 213 court appointed evaluators regarding the specific tests they used (such as MMPI, Rorschach, and intelligence tests) for children and parents, the average amount of time expended in various evaluation activities (such as interviewing and investigation), average hourly fees, and the variables (such as child preferences or primary caretaking ac-

tivities) that were most important to them in making their recommendations).

American Psychological Association, *Guidelines for Child Custody Evaluations in Family Law Proceedings*, 65 AM. PSYCHOLOGIST 863 (Dec. 2010), available at <http://www.apa.org/practice/guidelines/child-custody.pdf> (describing the American Psychological Association's Committee on Professional Practice and Standards' set of guidelines for custody evaluators, including competence, impartiality, and avoidance of conflicts).

Association of Family and Conciliation Courts, *Mental Health Consultants and Child Custody Evaluations: A Discussion Paper*, 49 FAM. CT. REV. 723 (2011) (addressing the functions of mental health professionals employed by attorneys in child custody cases and identifying practices the Association of Family and Conciliation Courts Child Custody Consultant Task Force considers to be unethical for such a consultant, including coaching responses to anticipated questions, prompting insincere behavioral changes, and encouraging a party to withhold information).

Rachel Birnbaum et al., *Children's Experiences with Family Justice Professionals in Ontario and Ohio*, 25 INT'L J.L. POL'Y & FAM. 398 (2011) (relating experiences of children who spoke with a guardian ad litem, mediator, judge, or mental health professional during the pendency of a custody case and noting that children appreciated the opportunity to speak to an independent third party).

James N. Bow, *Partners in the Process: How Attorneys Prepare Their Clients for Custody Evaluations and Litigation*, 49 FAM. CT. REV. 750 (2011) (providing the results of a survey of more than one hundred attorneys about the things those attorneys thought were proper, improper, and important to do when helping their clients get ready for a custody evaluation).

Robert J. Levy, *Custody Investigations in Divorce-Custody Litigation*, 12 J. L. & FAM. STUD. 431 (2010) (noting both inaccuracies in and the ways in which investigator values influence child custody evaluations).

Mary Main et al., *Attachment Theory and Research: Overview with Suggested Applications to Child Custody*, 49 FAM. CT. REV. 426 (2011) (explaining what attachment theory means in psychol-

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ogy and how children's behaviors either fit with close attachments or not).

Noel Semple, *The "Eye of the Beholder": Professional Opinions About the Best Interests of a Child*, 49 FAM. CT. REV. 760 (2011) (reporting the results of a study in Ontario which concluded that judges agreed with the recommendations of child custody evaluators about fifty percent of the time).

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Marie A. Failinger, *Ophelia with Child: A Restorative Approach to Legal Decision-Making by Teen Mothers*, 28 *LAW & INEQ.* 255 (2010) (Minnesota).

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Representing Children

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Children's Advocacy Institute & First Star, *A Child's Right to Counsel: A National Report Card on Legal Representation for Abused and Neglected Children* (3d ed. 2012), available at http://www.caichildlaw.org/Misc/3rd_Ed_Childs_Right_to_Counsel.pdf (grading individual states on their compensation practices for children's counsel, state standards, and court improvement projects, among other measures).

Barbara Glesner Fines, *Challenges of Representing Adolescent Parents in Child Welfare Proceedings*, 36 *U. DAYTON L. REV.* 307 (2011) (observing variations among state statutes and practices regarding the scope of attorney representation of teen parents and touching on several ethical issues, such as the attorney's role as a guardian ad litem or when a separate GAL is involved, the adolescent client's capacity to direct the representation, and difficulties with understanding the perspectives of the client).

Carl W. Gilmore, *The Child's Attorney*, 35 FAM. ADVOC. 28 (Summer 2012) (classifying types of children's representatives (e.g., attorneys or guardians ad litem or best interests attorneys) and offering advice to parents who plan to meet with one of these representatives).

Andrea Khoury, *The True Voice of the Child: The Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings*, 36 NOVA L. REV. 313 (2012) (introducing the key provisions of the Model Act, government lawyer-client relationships with child clients, diminished capacity, substituted judgment, and protective actions).

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Jennifer K. Pokempner et al., *The Legal Significance of Adolescent Development on the Right to Counsel: Establishing the Constitutional Right to Counsel for Teens in Child Welfare Matters and Assuring Meaningful Right to Counsel in Delinquency Matters*, 47 HARV. C.R.-C.L. L. REV. 529 (2012) (using research in developmental psychology to argue for teenagers' right to counsel in child welfare proceedings).

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