

## BOOK REVIEW

**Lydia Bracken, *Child Law in Ireland* (Clarus Press 2018), ISBN 978-1-91161107, 259p.**

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Recent decades have seen a strong trend towards treating child law as an important discipline in its own right. Several academic commentators have written expertly on the topic. To the list of the impressive treatises in this field, one can enthusiastically add Dr Lydia Bracken's *Child Law in Ireland*. Dr Bracken is a lecturer at the University of Limerick's School of Law. She has a strong record in the field of child law, further enhanced and consolidated by the publication of this text. Erudite and accessible in equal measure, Dr Bracken's book provides a most impressive account and analysis of the law and practice in this area. It will be especially valuable to students commencing their studies in child law, though seasoned legal practitioners, judges and academics (as well as social workers and medical professionals) will also find it enlightening and thought-provoking.

Child Law has experienced considerable transformation in recent years. Not least of the recent reforms has been the passage of the 31<sup>st</sup> Amendment to the Constitution, which introduced a new constitutional provision (Art. 42A) specifically addressing children's rights. In tandem, child law has witnessed several significant legislative reforms in the past decade (most notably the establishment of the Child and Family Agency (Tusla), and the passage of the Children and Family Relationships Act 2015 ('CFRA 2015')), with further important reforms pending. As a result, one might fairly compare writing a treatise on child law in the current context to painting a moving train. The task of writing in this field is made more complicated by the fact that several measures that the Oireachtas has passed have yet to come into operation. Notwithstanding these challenges, Dr Bracken ably navigates the very dynamic nature of the topic, with insightful analysis of the provisions of very recent legislation. She anticipates likely future developments, particularly in the field of adoption information and surrogacy, with enlightening discussions of proposed legislation in these and other areas.

The book begins with an illuminating survey of the overarching international and national human rights frameworks and standards that apply in this context. Chapter 3 turns to address legal questions relating to becoming a parent, including legislation and legislative proposals on parentage following assisted human reproduction ('AHR') and surrogacy. Chapter 4 explores the law on guardianship, custody and access, including the extensive changes made in this context by the CFRA 2015. Chapter 5 addresses both domestic and intercountry adoption, including an informative exploration of the important (and as-yet unresolved) issue of adoption information and tracing. Chapter 6 examines the vital issue of protecting children who are (or are at risk of) being abused and neglected. Chapter 7 takes a refreshing look at how children participate and how courts can hear their views in legal proceedings addressing their interests. Chapter 8 contains an impressive and comprehensive review of the law and practice in relation to education.

Throughout the book, Dr Bracken emphasises the critical centrality of the best interests of the child. The text astutely observes, for instance, that guardianship and custody primarily entail *responsibilities* towards children, that access is a right of the child, and that the core aim of

adoption is to vindicate the child's interests, not adults' rights. Notably, the text regularly benchmarks child law against international standards; the UN Convention on the Rights of the Child features prominently throughout. Dr Bracken highlights, in particular, the importance of giving meaningful consideration and weight to the perspectives and voice of the child in proceedings that have an impact on him or her, and the importance of framing judgments in a child friendly manner.

While thorough and expertly researched, *Child Law in Ireland* does not purport to be exhaustive in relation to the field; nor, given its length, could one reasonably expect it to address every aspect of child law in sufficient detail. The author has selected key themes in child law and has addressed these very effectively. While this means the text does not (as acknowledged in the introduction) address some topics such as child abduction, maintenance and youth justice, Dr Bracken has wisely chosen to concentrate on core areas of child law that have arguably seen the most change in recent years and that are pending further reform.

One of the book's particular strengths (of which there are many) lies in its accessibility. Dr Bracken ably succeeds in illuminating what are potentially quite complex provisions, making the law eminently intelligible to readers. The author has a particularly strong talent for cutting through the sometimes bewilderingly complex legislation in this field, and providing readers with a clear and straightforward account of the applicable law. The author explains key cases with great clarity. While nuanced and illuminating, the text is admirably concise.

Dr Bracken's insightful and thoughtful analysis and wise and pragmatic suggestions for reform further strengthen the discussion. At several junctures, Dr Bracken contrasts the legal rhetoric with the reality of the 'position on the ground', highlighting gaps in resources and systemic failings, particularly in the child protection context. In the final chapter, the author offers thought-provoking views on further reform and the possible future direction of child law. It is clear that while significant reforms have been made in recent years, further change is needed in the field of child law, with some long-standing problems remaining unresolved. Dr Bracken rightly highlights that legislative reform in itself is not enough; appropriately targeted resources and joined-up provision of services are also key.

*Child Law in Ireland* provides a clear, concise, illuminating and thought-provoking insight into the expansive area of child law. Students, academics and practitioners will benefit greatly from its erudite and informative treatment of the law in this field. One hopes that policy-makers will also consider the text carefully, in particular its wise discussion of possible future reforms. I warmly recommend the text as a high calibre contribution to the field of child law.