

## CONTENTS

<i>Notes on Contributors</i>	viii
<i>Preface</i>	xxi
<b>Introduction</b>	1
ELAINE E. SUTHERLAND AND LESLEY-ANNE BARNES MACFARLANE	
<b>PART I Best Interests, Welfare and Well-being: A Contextual Overview</b>	19
1 <b>Article 3 of the United Nations Convention on the Rights of the Child: The Challenges of Vagueness and Priorities</b>	21
ELAINE E. SUTHERLAND	
2 <b>The Best Interests of the Child: A Gateway to Children's Rights?</b>	51
URSULA KILKELLY	
3 <b>Conflict between Human Rights and Best Interests of Children: Myth or Reality?</b>	67
JANYS M. SCOTT	
4 <b>Final Appeal Courts and Article 3 of the United Nations Convention on the Rights of the Child: What Do the Best Interests of the Particular Child Have to Do with It?</b>	81
MARK HENAGHAN	
<b>PART II Confronting the Challenges of Article 3</b>	97
5 <b>Two Dimensions of the Best Interests Principle: Decisions About Children and Decisions Affecting Children</b>	99
JOHN EEKELAAR	

6 A Developmental Equality Model for the Best Interests of Children 112  
NANCY E. DOWD

7 A Long Lesson in Humility? The Inability of Child Care Law to Promote the Well-Being of Children 131  
ALISON CLELAND

PART III Best Interests and Bestowing Parentage 147

8 Serving Best Interests in 'Known Biological Father Disputes' in the United Kingdom 149  
LESLEY-ANNE BARNES MACFARLANE

9 Surrogacy in the United Kingdom: An Inappropriate Application of the Welfare Principle 165  
KENNETH MCK. NORRIE

10 Baby Switching: What Is Best for the Baby? 180  
TRYNIE BOEZAART

11 Primacy, Paramountcy and Adoption in England and Scotland 197  
BRIAN SLOAN

12 Article 3 and Adoption in and from India and Nepal 213  
RICHARD W. WHITECROSS

PART IV Parenting Disputes and the Best Interests of the Child 231

13 Canada's Controversy over Best Interests and Post-Separation Parenting 233  
NICHOLAS BALA

14 In Harm's Way: The Evolving Role of Domestic Violence in the Best Interests Analysis 249  
D. KELLY WEISBERG

15 The Best Interests of the Child When There Is Conflict About Contact 265  
LINDA D. ELROD

16 Relocation Disputes Following Parental Separation:  
Determining the Best Interests of the Child 280  
NICOLA TAYLOR

PART V Best Interests and State Intervention 293

17 Making Best Interests Significant for Children Who Offend:  
A Scottish Perspective 295  
CLAIRE MCDIARMID

18 The Child's Best Interests and Religion: A Case Study of the  
Holy See's Best Interests Obligations and Clerical Child  
Sexual Abuse 310  
IOANA CISMAS

19 'Best Interests' in Care Proceedings: Law, Policy and  
Practice 326  
JUDY CASHMORE

20 Judicial Discretion and the Child's Best Interests:  
The European Court of Human Rights on Adoptions  
in Child Protection Cases 341  
MARIT SKIVENES AND KARL HARALD SØVIG

*Appendix I* Convention on the Rights of the Child (1989) 1577  
U.N.T.S. 3 358

*Appendix II* United Nations Committee on the Rights of the  
Child: General Comment No. 14 (2013) on the  
Right of the Child to Have His or Her Best  
Interests Taken as a Primary Consideration  
(art. 3, para. 1), CRC/C/GC/14 381

*Index* 410