

## Introduction

Six years ago, the U.C. Davis Law Review's symposium dealt with family law. In her forward to that symposium, Professor Brigitte M. Bodenheimer remarked that it was "no accident" that a substantial number of articles addressed issues involving children. As its title suggests, this year's symposium deals entirely with issues involving children—from traditional family law fields to juvenile justice and constitutional rights. Appropriately, the volume coincides with the International Year of the Child declared by the United Nations.

The issue of children and the law is also becoming a recognized substantive area. Last year, for instance, marked the publication of the first textbook centered on children and their relationship to the law. Finally this year marks the retirement from teaching of a pioneering figure in children's legal issues, and a member of our faculty, Professor Brigitte Bodenheimer. The Board of Editors considers it an honor to be able to mark her retirement with the publication of an issue involving children.

Children are in a special class under the law. Unlike other "minority groups," children, by definition, are relatively powerless in our legal system. While the United States Supreme Court has recognized that constitutional rights do not magically mature at the age of majority, children nonetheless have a special and often unique relationship with the law. Unlike adults, whose legal problems directly involve either the state or another adult, issues involving children typically involve children, their families and the state. Ultimately, the law attempts to balance these competing interests. Often, however, children who have no capability of representing themselves under our present system go without representation.

This symposium's organization reflects the complexity and pervasiveness of issues involving children and the law. While the articles and comments are grouped into eight substantive areas, the artificiality of those classifications becomes apparent upon critical examination. Thus, *Jurisdiction Over Child Custody and Adoption After Shaffer and Kulko*, by Professor Bodenheimer and Ms. Neeley-Kvarme could easily fit in any of three classifica-

tions. Its overall importance to issues dealing with children and status, however, merits special attention. Similarly, Professor Wald's article, *Children's Rights: A Framework for Analysis*, provides an exploration of the various issues involving the child, parent and state. Thus, it provides a focal point for the succeeding discussions in both the symposium and section on child, parent and state. The articles by Professors Clark, Folberg, and Weitzman and Dixon in contrast, provide the focal points for separate "chapters" in the area involving children and their relationship to the legal system.

As Professor Bodenheimer once noted, law review articles cannot fulfill basic unfilled needs of particular children. As she also noted, however, they can perform a valuable function:

"[L]aw review articles can serve children in a different manner: there are some old encrusted rules and legal notions, some based on misconceptions and some on prejudice, which add to rather than alleviate the present predicament of children. When the law itself is thus causing or aggravating children's troubles, legislative or judicial change can rectify the situation. Research and thinking is required to uncover the areas in need of such revision."<sup>1</sup>

Whether the reader agrees with the viewpoints of each of the articles in the symposium, hopefully the articles provide insight and stimulation into the areas they analyze. Thus, in accord with the United Nations' goal of promoting the interests of children and Professor Bodenheimer's scholastic endeavors to improve children's lives, these articles each attempt to outline and delineate the appropriate resolution of various legal problems involving children today. At least they provide recognition that a problem exists.

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<sup>1</sup> Bodenheimer, *Forward*, U.C. DAVIS L. REV., at ix (1973).