

Irresponsible Common Law - “Adults not Adults and Parents not Parents”

Parents are no longer legal parents by law of their son or daughter who is unable by reason of their disability to make reasonable judgements in respect of all or any matters concerning their personal circumstances and/or estate.

Society determined there be a time when a child must have freedom from parental control and protection. Thereafter to be know as an adult. A common law deems this chronological point as being that of the child becoming 18 years of age

Common law, in as much as the determination of adult status, does not discriminate between a child or adult with regular intellectual capacity and a child or adult having such limited intellectual capacity that they are unable to make reasonable judgements in respect of all or any matters concerning their personal circumstances and/or estate – The law says both are legal adults at age 18 years.

The intellectual capacity of a child or adult is not a consideration of common law when it determines their adult status in society.

A child or adult having such limited intellectual capacity that they are unable to make reasonable judgements in respect of all or any matters concerning their personal circumstances and/or estate is therefore, by common law, determined to have the right and ability to make reasonable judgements in respect of all or any matters concerning their personal circumstances and/or estate.

The said adult person is therefore severely disadvantaged in having been given such adult responsibilities with such insufficient intellectual capacity to undertake or enact these responsibilities. The equal opportunity common law has left them legally alone in a world for which they have little or no understanding.

Responsible equal opportunity is to ensure, by law, the said adult person has a similar level of support they had prior to becoming an adult by law. The level of support they need as an adult, may need to be determined by a basic review process to ensure they are not over or under regulated. In most cases, parents will be seen as needing to continue to be legal

parents of the said adult person. Nevertheless, the adult person should not be left legally unsupported, as is the general situation at present.

UN Universal Declaration on Human Rights

Article 16(3) “The family is the natural and fundamental group unit of society and is entitled to protection by society and the State”.

UN Convention on Civil and Political Rights

Article 23(1) “The family is the natural and fundamental group unit of society and is entitled to protection by society and the State”

UN Article 23 in the Convention on the Rights of the Child, the family in which there is a child with disabilities is singled out in the Convention as a special case in need of assistance.