

THE ENGLISH

Early English law was strongly influenced by Roman law in that it permitted infanticide, the sale of children in times of poverty, and upheld the parent's right to fully control his children. However, children were emancipated at majority, and the child had the right to own property. The **guardian ad litem** or court appointed "next friend" was established during this period, although the right of the child to independent representation was not always assured.

Later English law included the doctrine of **parens patriae**, literally the "father of his country". This doctrine evolved from case law over a period of hundreds of years. The doctrine defined the relationship between the parent and the child as a trust. The rights of the parent were endowed by the crown, or state, because it was assumed that the parent would faithfully discharge his duties on behalf of the child.

The state acted as guarantor of the trust and could intervene to protect the child's interest. What originally began as discretionary authority by the court to intervene in disputes involving property grew to become an affirmative duty to intervene when a child's rights were jeopardized. However, the court did not guarantee the child the right of independent representation.