

Research on the Maximization of Minors' Benefits in Family Litigation

Zhiying Yan

Jinan University, China
Guangzhou, China

Abstract—As a special group, minors have always been the objects of special protection in various fields, especially in family litigation. Compared with ordinary civil lawsuits, family lawsuits are significantly more personal, special, and public. Minors in family lawsuits need more comprehensive procedural protection due to their own importance and the limitation of age and intelligence. At the same time, the principle of maximizing the protection of the interests of minors has always been the principle followed internationally. China has also signed the United Nations' Convention on the Rights of the Child and two protocols. In 2011, the State Council promulgated the Outline for the Development of Chinese Children (2011-2020) in accordance with the actual situation of the protection of children's rights and interests in China. The Supreme People's Court and the Supreme People's Procuratorate have also made corresponding judicial interpretations of laws involving minors, forming a legal system in China that maximizes the protection of the interests of minors. On this basis, in view of the deficiencies in the protection of minors' rights in China's civil proceedings, it is particularly important to pay more attention to and improve the interest protection system for minors in family litigation. This article starts with an analysis of the reasons for the lack of protection. This paper starts with an analysis of the reasons for the lack of protection. Through a comparative analysis of extraterritorial family litigation procedures, it will improve the four aspects of guaranteeing the participation of minors in procedures, improving the procedural assistance system, establishing a professional trial team, and establishing new types of psychological intervention and defense mechanisms, thus, the interests of minors in Chinese litigation should be maximized.

Keywords—family litigation; minors; benefit maximization; procedural protection

I. INTRODUCTION

Minors are in a disadvantaged position in family litigations due to their own particularities. With the increasing number of family conflicts and disputes and the increasingly difficult family cases involving minors, how can they be protected on the premise of protecting the interests of both parties? Protecting the interests of minors to the maximum in family litigation has become a key issue of concern for scholars of litigation in various countries.

II. THE NECESSITY OF PROTECTING MINORS' INTERESTS IN FAMILY LITIGATION

The definition of "minor" in different countries or regions will vary according to the economy, culture, and traditions of the country or region. For example, Taiwan distinguishes between children and adolescents as they both are persons under 18 years old, but children, refer only to persons under 12 years of age, and minors, in particular, refer to persons between 12 and 18 years of age. The Law on the Protection of Minors, which came into effect on January 1, 2013, only stipulates the age limit of minors, and does not distinguish children and minors in terms of age. Minor is the person that is less than 18 years old. This regulation is in line with the United Nations Convention on the Rights of the Child in defining children. Article 1 of Part 1 of the Convention on the Rights of the Child states that for the purposes of this Convention, a child means anyone under the age of 18, unless the law stipulates that the adult age is less than 18 years of age. Therefore, according to the provisions of the Convention on the Rights of the Child and China's Law on the Protection of the Rights and Interests of Minors, minors in this article refer to natural persons under the age of 18.

Family cases have become the focus of people's attention because they involve not only private interests and family order, but also the interests of minors. Because minors suffer inestimable harm in family litigation, whether it is divorce, inheritance, property, education, or physical and mental health problems, if they are not properly dealt with, they will cause long-term or even negative influence of a lifetime. Minors are the cornerstone of development for a country. It is the future and hope of a country. For the tens of millions of ordinary families that make up a country, minors carry the heritage of family bloodlines. With the mission of revitalizing the family's future, a little carelessness can upset the fate of a minor. As President Xi Jinping has always emphasized, the buttons of life must be buckled from the beginning. Therefore, in this critical period, minors in family litigation have become the focus of attention.

III. STATUS AND PROBLEMS OF MINOR PROTECTION IN CHINA

Although there is no independent minor family litigation procedure in China at present, in the continuous exploration of the principle of maximizing the interests of minors, a

relatively standardized practical experience model has been formed in terms of system construction and institution setting. For example, the comprehensive juvenile court, juvenile family court, and special collegiate court. Since the Supreme People's Court held a video conference on May 11, 2016 to officially launch the trial of reforming the family trial method and working mechanism, each pilot court has boldly explored and practiced it, and has accumulated a large amount of advanced experience in trial methods and working mechanisms. However, in practice, it must also be noticed that since the reform of juvenile family trials in China is spontaneously formed through continuous exploration in practical work, there are inherent weaknesses in theories and research preparations, in the operation of the system, problems such as partial understanding of principles and short-sightedness and utilitarianism in system design.

A. Scattered Legal Rules Prevail

The basic legal framework for regulating marriage and family relations in China is related to the Marriage Law and its judicial interpretation. In addition to the provisions of the Marriage Law and the Law on the Protection of Minors, the provisions for the protection of the legal rights and interests of minors are also scattered in the Constitution, the General Principles of the Civil Law, the General Principles of Civil Code and the Anti-Domestic Violence Law, Labor Law, Maternal and Child Health Law, Disability Protection Law, Teacher Law, Women's Rights Protection Law and other laws. The above laws and regulations and related judicial interpretations have jointly formed the domestic affairs of minors in Chinese legal system for rights protection. There are many legal and judicial interpretations to protect the rights and interests of minors, which may be in line with the level of social and economic development at the time. At that time, they could effectively, correctly, timely and legally protect minors' disputes in family litigation. They provide a certain legal basis for protecting the legal rights and interests of minors. However, with the continuous development of the times and the new and complicated types of cases, the original legal norms have inevitably become apparently unsuitable. The disadvantages of too fragmented legal regulations are becoming increasingly prominent. For the Minor Protection Law and Marriage Law, which have focused on protecting the interests of minors in family litigation, only some provisions concern the protection of minors' interests in family litigation. There are 51 articles, such as the Marriage Law, of which only 11 are related to the rights of minor children. Not to mention other Constitutions, the General Principles of Civil Law, the General Principles of Civil Code, Anti-Domestic Violence Law, Disability Protection Law, Women's Rights Protection Law, Teacher Law, Labor Law, Maternal and Child Health Law, etc. In other words, although there are many laws to protect the legal rights and interests of minors in China, they are scattered, failing to form a unified legal norm, and failing to specify the exercise of various rights and the fulfillment of obligations, which has caused certain problems in the trial of cases influences.

B. The Deeply Rooted Concept of "Parental Centered"

In Chinese litigation trials, people have always been influenced by the traditional concept of emphasizing marriage and parent-child relationships. This concept was formed in the patriarchal system of the Western Zhou Dynasty. Under the esteem of Confucianism, family rules that value families and individuals are permeated into every family. The child is only an accessory to the parent, or a tool to support the family's blood. The parents have absolute control over their children. This reflects that in modern society, parents' own rights have become the focus of family trials, but they often ignore the protection of interests from the perspective of minors. As stipulated in Article 36 (3) of the current Marriage Law, the issue of the maintenance of children during divorce is first decided by the parents, and the court will decide on the rights and interests of the children and the specific circumstances of both parties when the agreement is not reached; Article 3 (1) of the Specific Opinions on the Handling of Children's Custody in Divorce Cases by People's Courts stipulates that for children over the age of two, both the father and mother require that they live with them, and one of them has undergone sterilization or lost fertility due to other reasons. Priority may be given to the situation; the Marriage Registration Regulations stipulates that parents must "consult" and "agree on a consensus" on child support. The above-listed regulations not only reflect the profound concept of "parent-centeredness", but also to a large extent reflect the decisive role of parents as guardians in litigation involving the interests of children of minors to a large extent. The children's participation in the litigation process is very low, which leads to that they do not fully enjoy the legal status of independent rights subjects. The transition from parent-based to child-based will be the key direction of future national judicial reform. The modern legislative principles of child-based should be given full attention and expression.

C. A One-sided Understanding of the Maximization of the Interests of Minors

Although the trial courts around the country can basically use the principle of maximizing the interests of minors as the guiding principle for minors' family litigation, the understanding of this principle is generalized and unitary, and even mixed with certain utilitarian factors. According to the International Convention on the Rights of the Child, in all matters involving children, the first consideration is the maximization of the interests of minors. But the meaning of "everything" cannot be understood only from the literal side. For example, the Supreme People's Court's "Notice on Pilot Work on Comprehensive Juvenile Tribunals" in 2006 simply limited the scope of "everything" to "civil cases where one or both parties are minors", which is obviously a one-sided understanding. Because it is not necessarily divided into the juvenile court as long as it involves minors, separation from the original case does not mean protection for minors. And the scope of acceptance of civil cases in the Juvenile Comprehensive Court in the "Notice on Further Regulating the Scope of Civil Cases Accepted by the Comprehensive Judicial Trial of Pilot Juveniles" issued by the Supreme People's Court in 2009 in the form of a special notice for

minors is changed. Though the list of shrinking adjustments is re-aligned, the adjustment of the scope of the case is still difficult to achieve good results in practice on account of its cross or unclear boundaries has become a limitation. Therefore, the understanding of the maximization of the interests of minors should be found and summarized in each specific case involving minors after fully grasping the judicial remedy channels of individual minors' rights. However, as mentioned earlier, due to the serious lack of theoretical support, it is difficult to grasp the connotation of the principle of the best interests of minors, and there has been a generalization of the application of this principle in judicial practice.

IV. COMPARATIVE STUDY ON MAXIMIZING THE BENEFITS OF MINORS OUTSIDE CHINA

A. *Practices and Studies in Common Law Countries*

1) *The United States of America:* In the United States, which has basically formed a system of special jurisdiction for minors, minors are the objects they deem to protect most. The spirit of maximizing the interests of minors is implemented in the judgments of state courts in the United States. The first country in the world to establish an independent juvenile court was the United States. The world's first juvenile court was established in Cook Star, Illinois, in 1899. Since then, this practice of establishing specialized agencies to protect the interests of minors has gradually been implemented in various states in the United States. Today, most states in the United States have established juvenile courts. In addition, the United States has made several special provisions on the protection of minors' interests in family lawsuits. First, the family judge has the right to decide directly. That is, when the interests of the guardian and the minor conflict, especially in the case of divorce, the parent is not suitable to serve as the guardian, the judge can directly designate the most suitable guardian for foster care from the perspective of maximizing the interests of the minor. The judge may also make periodic return visits to and inquiries about minors. Second, establish a mechanism to assist judges. The auxiliary judge mechanism is also called the fact-finding auxiliary judge. A larger part of such judges act as mediators and arbitrators, helping judges in juvenile courts or family courts better judge the factual content of non-legal parts, and playing an effective role in the family courts of the states. Therefore, the existence of family judges and auxiliary judges means the establishment of a professional trial team, which is one of the targeted and effective measures for family cases involving minors.

2) *The United Kingdom:* In Britain, minors in family litigation are also better protected by the legal system, which is reflected in the two characteristics of the national litigation law in the UK: First, family judges have full discretion. Second, the benefit reporting system is implemented in litigation. The relatively complete

institutional system thus formed is a measure adopted by contemporary courts. With the development of economy and society, the UK launched a family trial reform in 2014. The reforms aimed at minors mainly reflect the direct participation of minors in family litigation and testimony in court. First, in order to guarantee the direct communication and participation of minors and judges, the United Kingdom adopted various standards and jurisprudence to provide for them. Second, it vigorously promoted minors to appear in court to testify in family litigation. This greatly guarantees the independent litigation status of minors and facilitates minors to express their true wishes and demands. It can be seen that during the trial reform process, Britain has always implemented the principle of the best interests of minors, and expanding the participation of minors in the process is the first step in implementing this principle.

B. *Legislation and Practice in Civil Law Countries*

Civil law countries often do not make explicit the "children's maximization principle" in domestic lawsuits, but they not only formulate specific procedures and systems that are beneficial to the interests of minors, but also the concept of special protection for minors implemented in the judges hearing family cases involving minors. For example, in the legislative provisions of Germany, Japan, South Korea, etc., it is often impossible to find provisions to maximize the interests of minors, but they fully reflect the principle of maximizing the interests of minors everywhere.

Germany is the most mature in maximizing the interests of minors. Germany does not have this provision in the General Rules of the Family Procedures and Non-litigation Laws, but it is reflected in each section of the regulations involving minors' interests. Article 90, paragraph 2 of the Act states that no direct coercion may be used against children when they need to be delivered for the realization of the right of interaction. In other cases, direct coercion can be used only if it appears legitimate in view of the well-being of the child and the content of the obligation will not be fulfilled by more modest means. Article 155, paragraph 1, provides that parent-child incidents involving children's place of residence, children's right to communicate or deliver to children, and procedures initiated because they endanger the well-being of children have priority and should be accelerated. Article 156, paragraph 1, provides that in matters involving parental rights, parental rights, or child-to-child delivery in the event of separation or divorce, the court shall strive to promote agreement among the participants at any stage of the proceedings, but except those that may harm the well-being of children. Article 158, paragraph 1, provides that, in a parent-child incident involving a minor child, the court shall entrust an appropriate procedural assistant for it if necessary to protect the interests of the child. Article 191, paragraph 1, provides that, when necessary to protect the interests of minor participants, the court shall appoint a process assistant in the event of adoption. It can be seen that the specific provisions of German legislation are based on the principle of maximizing the interests of minors and give a detailed basis for implementation.

In short, implementing the principle of maximizing the interests of minors into the legislative value of family litigation can exert its greatest effect whether it is to establish a specialized trial team or to build special procedures to protect the interests of minors. The fundamental lies in adhering to the principle of maximizing the interests of minors.

V. IMPROVING CHINA'S JUDICIAL RELIEF MECHANISM FOR MINORS

Compared with the juvenile remedy mechanism for minors outside of China, there are many deficiencies in the existing family litigation procedures for the protection of minors' interests in China, which should be improved in the following aspects to maximize the benefits of minors.

A. Expanding the Procedural Participation of Minors

In family litigation, minors are often not the subject of litigation, but instead, they become the contention between parents, or guardians act as right speakers and infringers. Therefore, to expand the procedural participation of minors, so that minors can more truly enter into this judgment that is about to change their rights and obligations and even affect their lives.

However, although expanding minors' procedural participation is an important part of ensuring that minors' demands and wishes are fully expressed, it does not mean emphasizing that safeguarding minors' procedural participation is to adopt or absorb all the voices of minors in any case. After all, in practice, due to the age, inadequacy of intelligence and expression ability of minors, the content of their expressions may deviate from the facts or be detrimental to them own. Therefore, the judge must take full consideration into consideration when handling minor cases; in the principle of maximizing the interests of minors, they should guarantee the participation of minors in the process. Special attention should be paid to the following types of cases:

- Guardian infringes on the rights and interests of minors;
- The minor has no close relatives other than the guardian and the relevant designated agency is negligent in assisting in bringing a lawsuit;
- The guardian who is the legal representative cannot or is incapable of exercising the right of action;
- The inaction or infringement action of the minor against the guardian specifically refers to the minor's complaint against the guardian of one party or the guardians of both parties and the guardian of the other party fails to perform the duties of a legal agent.

In these cases, not only can the juvenile subject be qualified, the judge can also decide whether to appoint another temporary agent according to the needs of the case. This narrowing down is also as convenient as possible for the judges to make judgments. On this basis, the trials are combined with the wishes of the minors to ensure that the

minors' participation in the procedure is of practical significance.

B. Establishing a Specialized Juvenile Family Court

Marx Weber once profoundly stated that "the pursuit of law and reason is almost parallel to the development of business and the participation of legal experts." The endless new problems must be solved, so legal personnel without professional and reasonable training is unimaginable. The establishment of China's specialized judicial institutions has been popularized in juvenile courts from the beginning of the juvenile criminal court to the first comprehensive juvenile court in the People's Court of Tianning District, Changzhou City, Jiangsu Province in 1991. Although civil cases have been included in the scope of acceptance, civil cases can be merged, but the judge's ability to judge the case has been greatly tested. Against the background of the increase in the number of cases and the lag in professionalization, a new initiative was created in Lianyungang City, Jiangsu Province. The system of centralized jurisdiction means that all juvenile cases within the jurisdiction are collectively assigned to a specific juvenile court for trial. As a result, civil penal cases are not divided into uniform trials, and the disadvantages are equally obvious.

In contrast, most other countries or regions have established specialized trial teams. For example, Australia has a family court in the federal court system, Japan has a special "family tribunal", the United States has family courts in many states, Germany has family courts and family courts in various district courts, and the United Kingdom has family courts in the High Court. In Taiwan, China, there is a "Juvenile and Family Court" in Kaohsiung, and other local courts in Taiwan have family courts. Article 8 of the "Family Incident Law" in Taiwan, China also makes special requirements for the selection of family judges, which stipulates: "Judges dealing with family matters shall be selected from those who have a sense of gender equality, respect for multiculturalism, knowledge, experience and passion." Therefore, China can learn from extraterritorial practices, set up specialized agencies and select specialized judges, and try cases by sub-sectors or types, or more finely differentiated. This can not only effectively solve the existing problems and promote specialization, the team continues to grow, and the establishment of a specialized and specialized trial team can also effectively implement the value concept of maximizing the interests of minors.

C. Fully Implementing of the Special Procedures Assistance System

By analyzing the legal system of extra-territorial family litigation, it can be seen that there are special procedures for minor family litigation cases in both common law countries and civil law countries. Therefore, the establishment of special procedures to assist the minors' immediate interests in family litigation has become the focus of practice in China. China is also constantly exploring new special procedures for minors, and the active exploration and innovation of local courts in judicial practice has an important role in improving the existing juvenile judicial norms in China. For example,

the Minhang District People's Court in Shanghai explored the construction of a social watch system; the Juvenile Court of the Datong Intermediate People's Court insisted on the "three-three-three working mechanism" in the civil trial of minors. Another example is the system of expressing the interests of minors established by Nanjing courts, the judicial assistance system for children, and the burden of proof burden distribution system for the weak. However, due to the lack of pilot courts, the practical procedures have not been fully implemented, and most of the trial judges have also been waiting to see the slow progress in the reform. Therefore, effective special auxiliary procedures have not been promoted.

The assistance of special procedures can not only promote the efficient execution of family litigation to a certain extent, but also plays an important role in protecting the interests of minors in family litigation. Therefore, in addition to the above-mentioned pilot courts, which have already applied a more mature system, they should also build a more comprehensive system for protecting minors' family litigation that is suitable for China's national conditions on the basis of maximizing the interests of minors.

1) Establishing a social probation system: One of the special auxiliary agencies set up by the family court outside the country is the family investigator. The family investigator, as a special support agency set up by the family court, has an important function of investigating the situation of persons involved in juvenile interests in family litigation. And then make flexibly use of medical, psychological, sociological, economic and other professional knowledge for comprehensive analysis, and form an investigation report for judges' consideration and reference. In China, a corresponding social observation system has been created in recent years. This system, which was initially applied only in criminal cases, was slowly realized that it can also be applied to civil cases, especially family litigation cases. The selection of social guards should be carefully selected after some consideration. Through community centers, village committees and neighborhood committees recommend them, and they will formally become talent reserve cadres through civil servant examinations. Just like the Japanese investigator selection system, excellent professionals are selected in various industries to enrich the talent pool. When needed, the cases are able to give professional analysis, for minors' psychological, social experience, educational background and so on can make a comprehensive understanding of the analysis. The judgments made based on this are more reasonable and more consistent with the guiding concept of maximization of the interests of minors, so as to better safeguard the interests of minors.

2) Promoting the return of the mediation system: Mediation is a more flexible dispute resolution method. According to the characteristics of minors, mediation is combined in family litigation to bring mediation and judgment together. With effective mediation, it can make

judgment results easier for minors and the other party to accept, it can also reduce the psychological harm to minors in the judgment. Although the Several Opinions of the Supreme People's Court on Further Deepening the Reform of the Diversified Dispute Resolution Mechanism of the People's Court in 2016 reflected the normative measures of advance mediation, China has not currently conducted pre-litigation mediation and determined as statutory mandatory mediation as in Germany, Japan and Taiwan. Mediation has become a voluntary and often neglected choice of the parties, and does not play its role well. In family cases, especially in divorce cases, the issue of child rearing often becomes the focus of controversy. At this point, the parents in the lawsuit are inclined to fight for the child with an angrier factor, or to achieve other purposes and would conduct or say things that harm the interests of the minor, at this time mediation can minimize the harm to minors' legal interests as well as the physical and mental health in such cases. Therefore, it is necessary to effectively implement the combination of mediation and trial in practical judicial practice. In terms of specific operations, it is necessary to uphold the principle of maximizing the interests of minors, and make corresponding differences in interpretation and guidance for different cases according to the age, intelligence, and physical and mental development stages of minors. It can also reduce the psychological harm to minors in the judgment.

D. Establishing a New Mental Intervention and Defense Mechanism

Litigation is a huge episode in life for a minor who is still in contact with the affairs of the world, whether it is the pain caused by the family's divorce and the constant damage to stability, or the minor is facing a family lawsuit, or the important but overwhelming choices in life will become the most fragile and indelible mark in the mind of the minor. Therefore, minors in family cases often have fear and bad emotions. At this time, psychological counselors and emotional counselors with rich experience and strong professional knowledge are responsible for the psychological counseling of minors. Although this has been realized in practice, it is only limited to the process and form and not the minors who can successfully enact the family litigation. The new type of intervention and defense mechanism pays more attention to psychological warning before litigation. It gives minors a professional psychological defense before family litigation, allowing minors to relax and express themselves more accurately. It also makes judges abler to try cases. Grasp the psychological state of minors to facilitate better case trials; secondly, after the lawsuit, connect with the psychological counseling again, fully inquire about the mental condition of the minors, and heal the trauma after the lawsuit to reduce as much as possible the psychological shadow brought by family litigation has promoted the better execution of the verdict. Through this successive intervention, a mental intervention and defense mechanism from the beginning to the end, from the inside out, is formed to maximize the protection of the legitimate rights and interests of minors.

VI. CONCLUSION

Family litigation, unlike ordinary civil and commercial disputes, not only concerns the rights of each individual member of the family, especially minors, but also issues such as inheritance, support, and divorce relationships. Whether such cases are properly resolved is of significance to social stability and family happiness major. With the increasing number of family litigation cases in recent years, the types of cases involving minors have become novel and complicated, and maximizing the interests of minors requires people to continue to explore and research in combination with judicial practice experience. Although the two-year family litigation reform pilot project launched in 2016 in China has ended and gained a lot of effective practical experience, in this family trial reform, the primary reform goal is to maintain the stability of the marriage and family. Maximizing the protection of minors' interests has not received enough attention in the trial reform trials. Under the trial practice dedicated to maintaining the stability of marriage and family, to a certain extent, special procedures for special groups such as minors have been ignored. In fact, China's family litigation and trial reform should pay more attention to maximize the interests of minors, build a sound approach to the participation of minors, a special procedure assistance system, and a psychic defense relief mechanism to promote the continuous progress of family trial reform and achieve maximum benefits of the minors.

REFERENCES

- [1] Chen Aiwu. On the Specialization of Family Judgment Institutions—A Comparative Analysis Centered on Family Courts [J]. *Science of Law (Journal of Northwest University of Political Science and Law)*, 2012, (1): 154-156. (in Chinese)
- [2] Chen Aiwu. Family Litigation and Protection of Children's Interests [J]. *North Methodology*, 2016, (6): 130-132. (in Chinese)
- [3] Chen Aiwu. On Types of Family Matters and Procedural Jurisprudence [J]. *Applicable Law*, 2017, (19): 55-57. (in Chinese)
- [4] Chen Wei. Xie Jingjie. On the Establishment of the "Children's Best Interests Priority Principle" in China - Concurrently Discussing the Defects and Improvement of Related Laws such as the Marriage Law [J]. *Studies in Legal Business*, 2005, (5): 37-39. (in Chinese)
- [5] Fei Longfei. A Study on the Procedure for the Revocation of Guardianship of Minors [D]. Chongqing: Southwest University of Political Science and Law, 2016: 28-29. (in Chinese)
- [6] He Yan. Research on the Principle of Maximizing the Interests of Minors in Family Litigation [D]. Nanjing, Nanjing Normal University, 2016: 112-115. (in Chinese)
- [7] Max Weber. On Law in Economy and Society, [M] Translated by Zhang Naigen. *Encyclopedia of China Publishing House*, 1998: 86. (in Chinese)
- [8] Meng Jianru. On the Construction of the Adjustment of Family Disputes [D]. Guangxi, Guangxi University, 2017: 7-9. (in Chinese)
- [9] Peng Zhixin. Thinkings on Maximizing the Interests of Minors in Family Trials [N]. *Newspaper of the People's Court*, 2018-06-20, (007): 1-3. (in Chinese)
- [10] Qi Kaiyue. On Children's Procedural Participation in the Reform of the National Judicial Trial in Britain and Its Enlightenment to China [J], *Journal of Gansu Political Science and Law Institute*, 2017, (6): 127-128. (in Chinese)
- [11] Ren Fan. On the Procedural Protection of Minors in Family Litigation [J]. *Journal of Northwest University of Political Science and Law*, 2019, (2): 132-134. (in Chinese)
- [12] Wang Hong. On the Principle of Children's Best Interests [J]. *Modern Law Science*, 2003, (6): 31. (in Chinese)
- [13] Zhang Xudong. The Missing and Complementary Elements of the Protection of Juvenile Rights and Interests Litigation ---Based on Case Analysis [J]. *Journal of Jimei University (Philosophy and Social Sciences)*, 2012, (3): 51-56. (in Chinese)