

# Sample research paper on mothers should be convicted of a crime when they give bi...

[Law](#), [Criminal Justice](#)



Mothers should be punished for giving birth to Drug Addicted Children under the following justifications; Mothers are the most important unit in the impacting of morals to their children. In the event criminal tendencies of children stem from the same mothers, it is reasonable to charge mothers of the crime that associates them to lack of duty of care and absolute recklessness (IFC International). Similarly, the event that leads to the giving birth to criminally oriented children can be as a consequence of blatant intentions by the same mothers.

Mothers should be at a position that enforces them to go through a drug screening test before they can give birth to a child. However, this should be done during pregnancy. In the case the mother gives birth to a child who is drug addicted, it means that the mothers had not conformed to the duty of care principle. In this regard, it is the sole responsibility of the mother to ensure that her health well supports child bearing, and it should not be succeeded by bad consequences. According to ethics, it follows that, parents are the guardians of their children. What parent takes should not at any point yield to adverse instances to a child. A drug addicted child will be a social misfit hence due regard should be put into consideration so as to avoid such occurrences. Duty of care is a principle that rules and determines the direction of negligent cases in civil litigation. Any person who is in proximity can apply to the court. In essence, the case should be filed implicating that particular mother of a drug addicted child to have breached that fundamental obligation that law paces on parents. In this case, it must be regarded that, the relationship between a mother and the child should be direct. Similarly, due efforts must be ensured that the mother pays for the

effects and impacts her actions bring on the child. According to criminal law, it is established that, the commission of a crime comprises of two major elements. These elements are Actus Reus and Mens Rea. In order to convict a person of a criminal charge, it must be established that, both the elements are in play(Ontario Justice Network).

In these aspects, the Actus Reus refers to, the physical acts that can facilitate our minds with information that, the commission of an act that is punishable by law. It is as a result of the acts that we can conclude that, the likelihood of crime being committed is high. Similarly, it is mandatory that the Mens Rea is proved in a criminal litigation so as to implicate a person of an act that entails the Actus Reus. In return, the establishment and the confirmation of the existence of these factors culminate to the position that is held by the court. In the event a mother gave birth to a child who was a drug addicted, it is reasonable to institute criminal charges on her due to the following underlying reasons. First of all, the mere presence of a child who is drug addicted means that the first fundamental principle that guides criminal litigation was present. In essence, the child can be highlighted as the Actus Reus(Michigan Report Analysts). Before any further steps are done, it must be scientifically established that the mother was a drunkard at the moment. However, this does not hold since the previous actions of the mother before giving birth to a child can also be placed into consideration. Evidence should be collected to support the presupposition that the child had inherited the traits due to the habits and character of the mother. Evidence will be the prime principle that will be under this regard. Similar fact evidence, Opinion Evidence, Oral Evidence and Hearsay evidence should be considered in the

process that will create the sense that, the child's mother was an addict. In the case of similar fact evidence, it is recognized by law that some people tend to repeat the same acts(Allen ). The functionality behind the similar facts evidence relies on past activities and encounters that facilitate or have a proximal connection with the matters at hand. If a mother had given birth to a child before and it was realized that the child ended up to be a social misfit, it can be considered as a viable position to implicate her of a crime on a succeeding event thereafter. In this regard, the principle relies upon the motive of the parent, had it been by accident that the event came into play, the mother would not have taken the same trajectory that landed him in the same position. However, it is true to say that, though it may not be recognized in law that giving birth to drug addicted children is punishable, the same law as can be amended so as to accommodate instances such as those set by the occurrence evil oriented acts. The senate and the National Assembly can heed to the public outcry as it relates to such instances. In this context, it must be respected that, the function of laws is to regulate human indecent behavior that does not conform to the expectations of the society. Opinion evidence can also be used to implicate the parent of the resultant positions of their children. Experts can be incorporated into the process so as to come to the truth of the matters that pertain the behavior of the child and the mental position of the mother.

Rationality dictates that, it is the responsibility of the mother to ensure that their children end up conforming to the societal values and principles.

According to Psychologists, it is true to say that, the behavior acquired by children is mostly as a result of their parentage(NHPCC). At the age of

between two and six, it when children develop in terms of their mental positions, their ability to respond to stimuli under the impact of the subconscious mind regards the immediate people that are in his or her care. Mothers are the sole instruments in ensuring that their children are acceptable in the society as assets and not liabilities. When a mother who is an alcohol gives birth to a child, it is an obvious phenomenon that the child will live up appreciating the vice a normal thing. Researchers state that, such children start drinking as early as the age of seven. Imagine of an Instance that a seven year old becomes a drug addict. The imagined consequences of such an event are pretty ugly. Such a child will not definitely attend school. The event of school drop-out will not be in phase because the child will already have developed a mentality that is totally not receptive to development and enriching aspects of the society. In essence, failure by the mother to impact positively towards the conscious and the subconscious aspects of the child's mind is what forms the basis of filling litigation against such a mother. Drug addiction culminates to lawlessness and other associated socially, economically and politically oriented unacceptable instances.

Drug addiction substantially paralyses efforts geared towards the development due to its exhaustive effects on resources. A legal action can be taken against mothers who give birth to drug addicted children basing on a religious instance. In the event, the laws of the country are accommodative of religious inclinations. Acts such as giving birth to children who do not appreciate religious expectations can be taken to court. Taking the Christian faith, for example, a woman is supposed to give birth to children that

conform to the expectations of the society. On the other hand, legal process can be instituted on the basis of what entails drug addiction(Hope Uk). The meaning of drug addiction is diverse in that, it depends on the angle in which it is viewed hence classified. According to medical reports drug addiction, can mean the addiction to drugs that are of a medical purpose. In this case, a person taking more than prescribed medicine commits himself or herself to the effects of the drug in question. More than often, we have heard reports of people who are addicts of sedatives. However, such behavior is not allowed in law. In a case whereby the same thing is passed onto the child upon his or her birth, the mother is equally to be blamed for the behavior of the child. The Medical and Dentists Union can spearhead the process that implicates the mother to the criminal offence. It should however be noted that, the mother is placed on a context of blame to due to the following acts.

A child upon birth falls under the legal definition of a child according to the majority Act. A child does not have a mental position that can be said to adequately choose right or wrong. Actions by infants however adverse or the otherwise can be attributed to the person who assumes the fiduciary relationship with the child. If a child happens to kill another child in the presence of his or her mother or father, it can be held that such parents should be held responsible for the crime of their children(Dewey). On the other hand, drug addictions are instances that do not exist in abstract. An addicted child is not addicted over something that is not in reality. It is plausible that a child may be introduced to drug abuse in the immediate event that culminates to his or her existence on earth. It further follows that,

genetics significantly defines the traits and mannerisms that are acquired by individuals in response to inheritance.

In regard to the principles that foster the applicability of genetics, it is imperative that children become what their previous generations were. A closer view of this narrows down this pragmatic instance to the position that, parents are at the closest range in determining how their child will be. It has never been discovered that, a child can be born under absolute instances of drug addiction unless the parents played a role. A drunkard mother will automatically give birth to a child who falls suit in her endeavors. As a result of the effects that follow this phenomenon that culminates to the production of individuals who are opposed to societal expectations, it is imperative that, measures ought to be taken so as to curb the situation.

Child addiction is not something that can be halted and stopped by mere political utterances. Cogent and earnest decisions should be reached so as to facilitate the correctional approach in the event that we really regard the future of our society. In this regard, all mothers that give birth to drug addicted children should be reprehended in in the legal context. Such a move will serve the following effect; Fear will engulf the entire fraternity that covers the umbrella of womanhood. Let us take the example of death Penalty in the United States. In response to the existing instances in the nineteen sixties, it was observed that most people took other people's lives will little regard and appreciation. Also, the value of human life was diminishing each day as the ensuing daily occurrences mostly displayed a threatening reality on the human race. However, this instance of people killing each other received a new view and its consequential trajectory in the

event that death penalty to convicted perpetrators of the vice posed a great threat. As a matter of fact, instances of murder by people has diminished to such an extent that, it can be believed that such events never happened.

Similarly, there are no clear legal instances that explicitly provide for the fact that, mothers should not give birth to children who are drug addicts. In case a law is passed today that for every child born with an addiction trait, a mother is given a two year period of imprisonment, these conditional charges will subject the mother to an instance that will place her on the track of never giving birth again in case they were absolute drunkards. They would even change their lifestyles in the event they wanted to continue siring children(Health Reproduction Union). On the same effect, children who happen to be victims of a family dominated by drunkards can be given due care by their immediate caregivers. In this context, the future of our esteemed nation will be immensely safeguarded. The dark eminent future will be no more, our children will dwell upon a morally, socially and political nourished environment.

It is also noteworthy that, the basis of incriminating mothers of children born with a drug addiction can be attributed to morality. From the event that the mother is a drug addict of whichever the drug, be it Marijuana, Cocaine or Heroin, it is possible to state that the origin of the addiction can be on immoral grounds (Belkin). Instituting criminal charges to mothers giving birth to children will drug addiction will be a significant approach towards curbing the phenomenon that greatly impacts negatively towards the development of the society. Studies from medical instructions and community instituted



programs dictate that, immorality is closely related to drug addiction. A drug addicted person has a high chance of lacking the threshold to adequately come up with rational decisions and stands as far as matters that matter most in life are associated.

A parent who bears a drug addicted child should be sanctioned in the society. Punishment issued to the parent should, however, be placed upon the following recommended positions; rehabilitation theory, Utilitarian theory and Educative theory. From the view expressed by Utilitarian theorists, it is stated that, the punishment issued to such mothers should be placed upon the contemplation that, the punishment should server societal interests. In this case, such mothers should either be fined, imprisoned or removed from the community so that other members of the community adequately enjoy their lives as it is on normal conditions. Punishment issued should be accommodative a correctional and rehabilitation mechanism.

On the other hand, it is true to say that , not all mothers should be punished for giving birth to drug addicted children due to the following reasons;

Coming up with such a discretion means that, it is only the mothers who are liable for the conditions expressed or brought on board by their children.

According to Mark Lyn, a sociologist, he states that, it is the role of the mother and father to ensure that their children conform to societal values and expectations. Similarly, genetic states that, there are behaviors that are not directly influenced by either the mother or the father of a child, ancestors can impact on the way a child born in the same lineage. He can behave as his or he grandmother used to. In this case, a child may have dominant traits of the same hence have a strong liking for drugs at such an

early stage in life.

In summation, it is the responsibility of a mother to ensure that, their children conform to societal expectations. In the event issues such as drug addiction occur, it is significant to institute criminal proceedings against the respective mothers. At the end of it all, the above discussed justifications satisfy the reasons for the implications and the consequential charges on mothers who give birth to children that are addicted to drugs.

## **Works Cited**

Allen , Paula. " Identical Twins or Just Kissing Cousins?: The Scope of the " Similar Fact" Exceptio." *Similar Facts Focus* (2009): 23-45.

Dewey, William. " Friends of Nida." *Board of Scientific Advisors* (2013): 34-47.

Health Reproduction Union. *Center for Productive Rights* (2012): 32-34.

Hope Uk. " Why Consider the Christian Perspective?" *Drugs, Drink and Christian teaching* (2012).

IFC International. " Protecting Children in Families Affected by Substance Abuse." *Child Neglect and Abuse* (2009): 2-56.

Michigan Report Analysts. " Drug Addiction Screening Test." *Michigan Report* (2010): 1-4.

NHPCC. " Children talking to ChildLine about parental alcohol and drug misuse." *Childline* (2013): 20-32.

Ontario Justice Network. " Mens Rea / Actus Reus." *Ontario Justice Education Ntwork* (2009): 12-34.