# CHILDREN AND THE LAW

Winter 2010

## Topic Assignments

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<th>Assignment</th>
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<td><strong>I. The Status, Rights and Obligations of Children</strong></td>
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<td>1 Childhood in America</td>
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<tr>
<td>A. Contemporary Conditions and Needs</td>
<td>Preface; Summary of Contents, 1-9 (assigned for first class)</td>
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<td>B. Contemporary Juvenile and Family Court Systems</td>
<td>9-13 (assigned for the first class)</td>
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<td>2 The Law’s Evolving Conception of Children’s Status, Rights and Obligations</td>
<td>13-14 (assigned for first class)</td>
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<tr>
<td>A. The Status of Childhood</td>
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<td>B. The Parens Patriae Doctrine, Parental Prerogatives, and the Child’s Obligation to Obey</td>
<td>14-24; 24 n.1; 25-30; 30-31 nn.1-3; 32-49; Morse and Fourth Amendment note; 56-59 nn. 56; 59-70.70; 70-71nn.1-3; VSPL, Prologue and ch. 1**</td>
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<td>C. May Children Articulate Their Own Interests?</td>
<td>72-82; 82-85 nn. 2-6, 8</td>
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** VSPL will be available at Quick Copy; the other texts are available at the Bookstore.

Assignments will be supplemented by other written materials from time to time. By email, I will also post “current events” items, relating to the course’s subject matter, that I notice on various media websites; these postings are optional reading.

** Assigned reading will be discussed only briefly in class, usually by lecture.
### II. Abuse and Neglect

1. **Introduction**  
   283-288; VSPL ch.3**

2. **Discovering Abuse and Neglect: Reporting Statutes**  
   288-301

3. **The Child Protection System: A Composite Case**  
   301-304

4. **Limits on Intervention**  
   304-314

5. **Patterns of Abuse and Neglect**  
   A. **Neglect**  
   315-323  
   B. **Psychological Maltreatment**  
   323-326  
   C. **Abuse**  
   327-337  
   D. **Corporal Punishment**  
   337-344 nn.1-5  
   E. **Sexual Abuse**  
   347-356; 356 n.2  
   F. **Newborns With Positive Toxicologies**  
   357-362

6. **Duty to Investigate**  
   363-373

7. **The Prosecutor’s Role**  
   373-374

8. **The Reasonable Efforts Requirement**  
   375-381

9. **Termination of Parental Rights**  
   A. **Due Process Protections For Parents**  
   381-389 (omit dissent); 393-394 nn.1-3; 394-396  
   B. **When Should Parental Rights Be Terminated?**  
   396-413

10. **Social Class, Ethnic and Racial Bias**  
   A. **Overview**  
   414  
   B. **Poverty and Race**  
   414-420  
   C. **The Indian Child Welfare Act**  
   420-423  
   D. **Understanding Cultural Context**  
   424-425 n.1

11. **Finding a Cure**  
   426-431 nn.1-2
III. Foster Care

1. Challenges in Foster Care 432-41; VSPL ch.4**
2. The Court’s Role in Permanency Planning 441-445 n.1

3. The Child’s Right to a “Family” 445-457; 457-461 nn.1, 4-6, 461-471

4. The Child’s Right to Services and Protection From Harm 472-483, 483-490 nn.1, 5-10

5. Types of Placements
   A. Foster Parents 490-96
   B. Institutional Care 496-497; 500-503
   C. Guardianship 503; 509-512 nn.2-4
   D. Independent Living 513-18

6. Negotiation Problem Handout

IV. Criminal Abuse and Neglect

1. Abuse, Neglect and Child Endangerment 519-530, 532-540; VSPL ch 5**

2. Sexual Abuse
   A. The Nature of the Problem 540-543
   B. The Basis For Criminal Intervention 544-545 (omit Ferris); 546-553 (all notes)
   C. Proving the Case 554-578
   D. Prospective Restraints on the Offender 587; 596-598 nn.2, 4, 5; 599-600; 603-607 (omit n.8)

3. Child Pornography 608-618
V. Delinquency

1. Juvenile Crime in America 996-1002; VSPL ch.6, Epilogue**

2. The Juvenile Court as an Institution
   A. The Juvenile Court’s Original Conception 1003-1010 (also in VSPL)
   B. The Contemporary Juvenile Court 1011-1012

3. The Contours of Delinquency
   A. Culpability 1012-1018
   B. The Insanity Defense 1018-1021
   C. Transfer 1021-1039

4. Delinquency Procedure
   A. Overview 1039-1040
   B. Arrest and Custody 1040-1041; 1043 nn.1-2; 1043-1048; 1048 nn.1-4©, 5-6; Redding; 1056 n.2; 1058-1087
   C. The Adjudicatory Hearing 1087-1126; 1130-1131 notes
   D. Disposition 1131-1160
   E. Appeal 1160-1162**

VI. Regulation of Children’s Conduct

1. Child Labor Laws
   A. The Historical Background and the Present Situation 898-907 & note
   B. The Sources of Regulation 907-925

2. Alcohol Regulation
   A. The Minimum Legal Drinking Age 925; 929-932**
   B. Criminal and Civil Enforcement 932; 938-940**

3. Tobacco Regulation 940-942; 942 nn.1, 3, 5 **

4. Driving Privileges 946-949**

5. Health, Safety and Welfare Regulation
   A. Child Highway Safety 949-950**
   B. Gambling 951-952**
   C. Firearms 952-953 **
D. Other Harmful Conduct 953-954**

6. Juvenile Curfews 955-956; *City of Rochester*; 969-971 nn.2-3, 6-8

7. Status Offenses
   A. The Nature of Status Offense 972-983
      Jurisdiction
   B. The Deinstitutionalization Mandate 983, 989 n.2-5
   C. The Future of Status Offense 991-995**
      Jurisdiction

VII. Adoption

    Handout

(time permitting; will not be covered on the final examination if not covered in class)
Course Information and Policies

Attendance Policy

Regular class attendance is required and expected. During each class session, I will circulate a sign-in sheet for students to initial their attendance at that session. The attendance sheet will be conclusive evidence of attendance for the session when I leave the classroom with it. Students who have not initialed the sheet will be deemed absent. Students have the responsibility to make certain their initials appear on the sign-in sheet by the end of the session.

Beginning in the second week of class, you are permitted a total of ten absences during the semester, regardless of the reasons for these absences. If you have more than ten absences during the semester for whatever reason, you will be dropped from the course.

Beyond this requirement, I believe you are cheating yourself if your absenteeism from any law school course even approaches ten sessions per semester.

Office Hours

As I will mention during the first class session, my "office hours" are whenever I am in the office, which is most of the time. I encourage students to bring their questions (about the course or otherwise) to me whenever I am here.

Notice to Students With Disabilities

The information contained in this syllabus, like other information I will distribute this semester, is available in alternative formats on request. If you have a disability and need accommodation, please notify me or Associate Dean James R. Devine privately as soon as possible.

To request academic accommodations (for example, a notetaker), students must also register with Disability Services, AO38 Brady Commons, 882-4696. It is the campus office responsible for reviewing documentation provided by students requesting academic accommodations, and for accommodations planning in cooperation with students and instructors, as needed and consistent with course requirements. For other MU resources for students with disabilities, click on “Disability Resources” on the MU homepage.

Intellectual Pluralism

The School of Law community welcomes intellectual diversity and respects student rights. Students who have questions concerning the quality of instruction in this class may address concerns to either the Dean or Director of the Office of Student Rights and Responsibilities (http://osrr.missouri.edu). All students will have the opportunity to submit an anonymous evaluation of the instructor at the end of this course.