CHILDREN AND THE LAW
Winter 2017

Topic | Assignments*
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I. The Status, Rights and Obligations of Children | 
1. Childhood in America | 
A. Contemporary Conditions and the Role of Lawyers | Preface at v-vi; Summary of Contents xvi-xviii; 1-13 (assigned for first class) 
B. Contemporary Juvenile and Family Court Systems | 13-17 (assigned for the first class) 
2. The Law’s Evolving Conception of Children’s Status, Rights, and Obligations | 
A. The Status of Childhood | 17-18; VSPL Prologue and ch.1**

* The course has two required texts and one recommended text. The required texts are (1) the casebook, Douglas E. Abrams, Sarah H. Ramsey & Susan V. Mangold, Children and the Law -- Doctrine, Policy and Practice (5th ed. 2014), and (2) Douglas E. Abrams, A Very Special Place in Life: The History of Juvenile Justice in Missouri (2003) (“VSPL”). The recommended (but not required) text is Douglas E. Abrams, Sarah R. Ramsey, and Susan V. Mangold, Children and the Law In a Nutshell (5th ed. 2015). Unless otherwise indicated, this syllabus’ page references are to the casebook.

You may download the history book (VSPL) in its entirety at https://mospace.umsystem.edu/xmlui/handle/10355/9895; the casebook and Nutshell are available at the Bookstore. Assignments may be supplemented by other materials from time to time. By email throughout the semester, I will also send the class news articles and other brief “current events” items, relating to the course’s subject matter, that I notice on various media websites. Unless I mention otherwise, these email messages are optional reading only.

** Assigned reading will be discussed only briefly in class, usually by lecture.
B. The *Parens Patriae* Doctrine, Parental Prerogatives, and the Child’s Obligation to Obey 18-29 & note; 29-36 & nn.1-5; 37-49; 50-59 (omit Stevens dissent); 60-66 nn. 1-2, 4; 67-77 (omit Souter, Thomas, and Scalia ops.); 77 notes

C. May Children Articulate Their Own Interests? 78-88; 88-91 nn.1-2, 4-6

D. Statutory Influence 91-92; 98 n.1; Lecture

E. An International-Law Basis For Children’s Rights? 103-105, 105-111 (skim), 112-113**

F. Perspectives on Children’s Rights 113-114 (Wald article), 123 n.2; VSPL ch.2**

II. Abuse and Neglect

1. Introduction 279-284; VSPL ch.3**


3. The Child Protection System: A Composite Case 300-304

4. Limits on Intervention 304-310 & n.1

5. Patterns of Abuse and Neglect
   A. Neglect 313-319; 319-322 nn.1, 3-4
   B. Psychological Maltreatment 322-326
   C. Abuse 327-336
   D. Corporal Punishment 336-342
   E. Sexual Abuse 345-357
   F. Newborns With Positive Toxicologies 357-363

6. Duty to Investigate 364-374

7. The Prosecutor’s Role 374-375 & note
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<td>8.</td>
<td>The Reasonable Efforts Requirement</td>
<td>375-382</td>
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<td>9.</td>
<td>Termination of Parental Rights</td>
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<td>A.</td>
<td>Due Process Protections For Parents</td>
<td>383-395; 396-396 incl. notes</td>
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<td>B.</td>
<td>When Should Parental Rights Be Terminated?</td>
<td>399-413</td>
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<td>10.</td>
<td>Social Class, Ethnic, and Racial Bias</td>
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<td>A.</td>
<td>Overview</td>
<td>413-414</td>
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<td>B.</td>
<td>Poverty and Race</td>
<td>414-421</td>
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<td>C.</td>
<td>The Indian Child Welfare Act</td>
<td>421, 424-428</td>
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<td>D.</td>
<td>Understanding Cultural Context</td>
<td>428-430 &amp; n.1</td>
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<td>11.</td>
<td>Finding a Cure</td>
<td>431-438 (omit notes)</td>
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### III. Foster Care

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<td>1.</td>
<td>Introduction</td>
<td>439-444</td>
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<td>2.</td>
<td>Challenges in Foster Care</td>
<td>444-456; VSPL ch.4**</td>
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<td>3.</td>
<td>The Court’s Role in Permanency Planning</td>
<td>456-460</td>
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<td>4.</td>
<td>The Child’s Right to a “Family”</td>
<td>460-461 (omit Smith), 478-487 &amp; n.1</td>
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<td>5.</td>
<td>The Child’s Right to Services and Protection From Harm</td>
<td>488 (omit Marisol) 500-507 nn.5-10</td>
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<td>6.</td>
<td>Types of Placements</td>
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<td>A.</td>
<td>Foster Parents</td>
<td>508-515</td>
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<td>B.</td>
<td>Institutional Care</td>
<td>515, 518-522</td>
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<td>C.</td>
<td>Guardianship</td>
<td>522-525</td>
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<td>D.</td>
<td>Independent Living</td>
<td>531-53 nn.1-2</td>
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### IV. Criminal Abuse and Neglect

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<td>1.</td>
<td>Abuse, Neglect, and Child Endangerment</td>
<td>537-548, 549 bottom-558 VSPL ch 5**</td>
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2. **Sexual Abuse**

   A. **The Nature of the Problem**
   B. **The Basis For Criminal Intervention**
   C. **Legal Standards**
   D. **Proving the Case**
   E. **Prospective Restraints on the Offender**

3. **Child Pornography**

V. **Delinquency**

1. **Evolving America Attitudes About Juvenile Crime**

2. **The Juvenile Court as an Institution**

   A. **The Juvenile Court’s Original Conception**
   B. **The Contemporary Juvenile Court**

3. **The Contours of Delinquency**

   A. **Culpability**
   B. **The Insanity Defense**
   C. **Transfer**

4. **Delinquency Procedure**

   A. **Overview**
   B. **Arrest and Custody**
   C. **The Adjudicatory Hearing**
   D. **Disposition**
VI. Regulation of Children’s Conduct

(Topics and reading assignments may be trimmed due to time constraints.)

1. Child Labor Laws

   A. The Historical Background and the Contemporary Situation 897-906
   B. The Sources of Regulation Introductory Problem and 906-921; 921-924**

2. Alcohol Regulation

   A. The Effects of Underage Drinking 924-927**
   A. The Minimum Legal Drinking Age 928-931**
   B. Criminal and Civil Enforcement 931 (first para.); 934-937**

3. Tobacco Regulation 938-943**

4. Driving Privileges 943-945**

5. Status Offenses

   A. The Nature of Status Offense Jurisdiction 965-976
   B. The Deinstitutionalization Mandate 976-978

Course Information and Policies

Attendance Policy

Regular class attendance is required and expected. 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 David Mitchell 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). Students will have the opportunity to submit an anonymous evaluation of the instructor at the end of this course.