# CHILDREN AND THE LAW

Winter 2019

<table>
<thead>
<tr>
<th>Topic</th>
<th>Assignments*</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. The Status, Rights, and Obligations of Children (Chapter 1)</td>
<td></td>
</tr>
<tr>
<td>1. Childhood in America</td>
<td></td>
</tr>
<tr>
<td>A. Contemporary Conditions and the Role of Lawyers</td>
<td>Preface, v-vi; Summary of Contents xvii-xviii; 1-13 (assigned for first class)</td>
</tr>
<tr>
<td>B. Contemporary Juvenile and Family Court Systems</td>
<td>13-16</td>
</tr>
<tr>
<td>2. The Law’s Evolving Conception of Children’s Status, Rights, and Obligations</td>
<td></td>
</tr>
<tr>
<td>A. The Status of Childhood</td>
<td>17-18; VSPL Prologue and ch.1**</td>
</tr>
</tbody>
</table>


The casebook is available at the Bookstore or through various new and used sales outlets. You can read or download the entire history book (VSPL) at [https://mospace.umsystem.edu/xmlui/handle/10355/9895](https://mospace.umsystem.edu/xmlui/handle/10355/9895).

Assignments may be supplemented by other materials from time to time. Throughout the semester, I will also email the class news articles and other brief current affairs items, relating to the course’s subject matter, that I notice on various media websites. Emailing does not necessarily mean that I agree or disagree with the viewpoint expressed (if any), but only that the item seems interesting to juvenile-law students. Unless I specify 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, etc.  18-28 incl. Notes and Questions; 28-36; Problem 1-2, p. 34; 37-46; 47-59 (omit Stevens dissent); 59-63; 63-73 (omit Souter, Thomas, and Scalia ops.)

C. May Children Articulate Their Own Interests?  74-83; 83-86 nn.1, 3-5

D. Non-constitutional Influence  86-87; 97-98 n.1; Lecture

E. An International-Law Basis For Children's Rights?  100-102, 102-109 (skim), 109-110 notes**

F. Perspectives on Children’s Rights 110-111 (Wald article); Problem 1-8**, VSPL ch.2**

II. Abuse and Neglect (Chapter 4)

1. Introduction  279-283; VSPL ch.3**

2. Discovering Abuse and Neglect: Reporting Statutes  284-293, 293-299 & nn.1-4, 6-9

3. The Child Protection System: A Composite Case  299-303

4. Limits on Intervention  303-310

5. Patterns of Abuse and Neglect
   A. Neglect  311-318; 318-321 nn.1, 3-4
   B. Psychological Maltreatment  321-325
   C. Abuse  326-334
   D. Corporal Punishment  334-341
   E. Sexual Abuse  342-353
   F. Newborns With Positive Toxicologies  353-359

6. Duty to Investigate  359-368

7. The Prosecutor’s Role  368-369 & Note and Questions

8. The Reasonable Efforts Requirement  369-377
9. Termination of Parental Rights

A. Due Process Protections For Parents 378-385 (maj. op. only), 390-392**
B. When Should Parental Rights Be Terminated? 392-406

10. Social Class, Ethnic, and Racial Bias

A. Overview 406-412
B. Poverty and Race 412-417
C. The Indian Child Welfare Act 418, 421-424
D. Understanding Cultural Context 425-426 & n.1

11. Finding a Cure 428-438 (omit notes)

III. Foster Care

1. Introduction 441-452
2. Challenges For Youth In Foster Care 452-461; VSPL ch.4**
3. The Court’s Role in Permanency Planning 461-466
4. The Child’s Right to a “Family” 466 (omit Smith), 479-487 & n.1
5. The Child’s Right to Services and Protection From Harm 488 (omit Marisol) 501-504 nn.5-10
6. Types of Placements

A. Foster Parents 504-511
B. Institutional Care 511, 515-516
C. Guardianship 517-520
D. Independent Living 526-530 nn.1-2
### IV. Criminal Abuse and Neglect (Chapter 6)

1. Abuse, Neglect, and Child Endangerment  
   - VSPL ch 5**
   - 531-542, 544-551

2. Sexual Abuse
   - A. The Nature of the Problem 552-557
   - B. The Basis For Criminal Intervention 557-559
   - C. The Prosecutorial Decision 560-563
   - D. Proving the Case 564-566, 566-577**
   - E. Hearing the Child Victim 577-597 (omit dissenting ops.)
   - F. Prospective Restraints on the Offender 601, 607-612

3. Child Pornography  
   - 612-621 (omit O'Connor and Brennan ops.)

### V. Delinquency

1. Evolving America Attitudes About Juvenile Crime  
   - VSPL ch.6, Epilogue**
   - 931-939

2. The Juvenile Court as an Institution
   - A. The Juvenile Court’s Original Conception 939-945 (also in VSPL)
   - B. The Contemporary Juvenile Court 945-950

3. The Contours of Delinquency
   - A. Culpability 950-955
   - B. The Insanity Defense 955-958
   - C. Transfer 958-969 (skim J.R.L.); Problem 11-1

4. Delinquency Procedure
   - A. Overview 970-971
   - B. Arrest and Custody 971-973; 973-981; 989-990; 992-1010; 1010-1025 (omit Marshall dissent)
   - C. The Adjudicatory Hearing 1025-1066 (omit Stewart,
VI. Regulation of Children’s Conduct (Chapter 10)

1. Child Labor Laws
   A. The Historical Background and the Contemporary Situation 855-859 (skim), 859-864
   B. The Sources of Regulation Introductory Problem and 864-877; 877-880**

2. Alcohol Regulation
   A. The Effects of Underage Drinking 880-883**
   B. The National Minimum Legal Drinking Age 883-886 (skim), 886-889**

3. Tobacco Regulation 890-894**
4. Driving Privileges 894-897**
5. Status Offenses
   A. The Nature of Status Offense Jurisdiction 916-926
   B. The Deinstitutionalization Mandate 927-928

[Note: It is sometimes difficult to predict how much material a course will cover by the end of the semester. In the interests of time in late April, we may trim or rearrange some of the later material, or we may add some new material. In either event, I will give ample notice.]
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, 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 Associate Dean David Mitchell or me 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.
Learning Outcomes

Students will:

- learn substantive law, public policy issues, and practice considerations in such areas as child abuse and neglect, foster care, crimes against children, child labor laws and other protective legislation, and juvenile delinquency;

- learn the importance of cross-disciplinary collaborations with experts in fields such as psychology and medicine;

- learn several relevant international law issues, including the UN Convention on the Rights of the Child, international child labor, and U.S. tobacco exports to children overseas;

- be encouraged to use their knowledge of child advocacy to participate in public dialog in newspapers, blogs, the broadcast media, and other public forums throughout their careers;

- be encouraged to represent children on a pro bono basis, and to participate in bar association and other law revision initiatives, even if they specialize in other fields of law.