CHILDREN AND THE LAW
Fall 2006

Topic Assignments*

I. The Status, Rights and Obligations of Children

1. Childhood in America
   A. Contemporary Conditions and Needs
   Preface; Table of Contents, 1-10 (assigned for first class)
   B. The Lawyer’s Role
   10-14 (assigned for first class)

2. The Law’s Evolving Conception of Children’s Status, Rights and Obligations
   A. The Status of Childhood
   14-15 (assigned for first class)
   B. The Parens Patriae Doctrine, Parental Prerogatives, and the Child’s Obligation to Obey
   16-73; VSPL Prologue, ch.1
   C. May Children Articulate Their Own Interests?
   75-86 & nn.1-2, 4, 6, 9
   D. An International-Law Basis For Children’s Rights?
   103-05, 105-10 (skim), 111-13**
   E. Perspectives on Children’s Rights
   113-14, 120-21 & nn. 1-2, 4; VSPL ch.2

* The course has two required texts and one recommended text. The required texts are (1) Douglas E. Abrams and Sarah H. Ramsey, Children and the law -- Doctrine, Policy and Practice (2d ed. 2003) (casebook), 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 Sarah H. Ramsey and Douglas E. Abrams, Children and the Law in a Nutshell (2d ed. 2003). VSPL will be distributed in class; the other texts are available at the Bookstore. Unless otherwise indicated, page references are to the casebook. Assignments will be supplemented by other written materials from time to time.
II. Abuse and Neglect

1. Introduction 286-90; VSPL ch.3**

2. Discovering Abuse and Neglect: Reporting Statutes 291-305

3. The Child Protection System: A Composite Case 305-09

4. Limits on Intervention 309-18

5. Patterns of Abuse and Neglect
   A. Neglect 319-28
   B. Psychological Maltreatment 328-32
   C. Abuse 332-43
   D. Corporal Punishment 343-50
   E. Sexual Abuse 353-66
   F. Newborns With Positive Toxicologies 366-72

6. Duty to Investigate 373-83

7. The Prosecutor’s Role 383-84

8. The Reasonable Efforts Requirement 385-91

9. Termination of Parental Rights
   A. Due Process Protections For Parents 391-406
   B. When Should Parental Rights Be Terminated? 406-23

10. Social Class, Ethnic and Racial Bias
    A. Overview 424
    B. Poverty and Race 425-30
    C. The Indian Child Welfare Act 430-33
    D. Understanding Cultural Context 433-34

11. Finding a Cure 434-40

III. Foster Care

1. The Current Status of Foster Care 441-50; VSPL ch.4**
2. The Court’s Role in Permanency Planning 450-53

3. The Child’s Right to a “Family” 454-65 & nn.1, 4-6, 470-80

4. The Child’s Right to Services and Protection From Harm 498-508 & nn.3-6

5. Liability For Harm 511-19

6. Types of Placements
   A. Foster Parents 519-23
   B. Institutional Care 523-30
   C. Guardianship 530, 534-37
   D. Independent Living 538-42 (omit Note)

7. Negotiation Problem Handout

IV. Criminal Abuse and Neglect

1. Abuse, Neglect and Child Endangerment 544-55, 557-69; VSPL ch.5**

2. Sexual Abuse
   A. The Nature of the Problem 570-73
   B. The Basis For Criminal Intervention 573-83
   C. Proving the Case 584-90, 599-611, 613-21**

3. Child Pornography 643-56

V. Delinquency

1. Juvenile Crime in America 1 0 5 0 - 5 7 ; 9 4 2 - 51; VSPL ch.6, Epilogue**

2. The Juvenile Court as an Institution
   A. The Juvenile Court’s Original Conception 1057-65
   B. The Contemporary Juvenile Court 1065-67

3. The Contours of Delinquency
   A. The Infancy Defense 1067-72
B. The Insanity Defense 1072-76  
C. Transfer 1076-97  

4. Delinquency Procedure  
A. Overview 1097-99  
B. Arrest and Custody 1099-1147 (omit problems)  
C. The Adjudicatory Hearing 1147-63 & nn.1, 3, 4, 6-18; 1173-92  
D. Disposition 1192-1208, handout, 1215 & nn.2-7, 9  
E. Appeal 1224-29**  

VI. Regulation of Children’s Conduct  

1. Child Labor Laws  
   A. The Historical Background and the Present Situation 942-51  
   B. The Sources of Regulation 951-69  

2. Alcohol Regulation  
   A. The Minimum Drinking Age 969-73**  
   B. Do Criminal and Civil Enforcement Work? 973-74, 978 & nn.1-6, 980-82**  

3. Tobacco Regulation 983-90**  

4. Driving Privileges 991-92 & nn.1-3, 6**  

5. Health, Safety and Welfare Regulation  
   A. Child Highway Safety 995-98**  
   B. Gambling 1000-01**  
   C. Firearms 1001-03**  
   D. Other Harmful Conduct 1003-05**  

6. Juvenile Curfews 1005-18 & nn.2-6, 10-12  

7. Status Offenses  
   A. The Nature of Status-Offense Jurisdiction 1024-34  
   B. The Deinstitutionalization Mandate 1035-43  
   C. The Future of Status-Offense Jurisdiction 1044-49  

VII. Adoption (time permitting; will not be covered on the final examination if not covered in class) – Handout
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.