JUVENILE JUSTICE
LAW 6930, SECTION 109F

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OFFICE HOURS: BY APPOINTMENT

CLASS MEETINGS
Holland Hall 359
Mondays, 5:00 – 6:50pm

TEXTS

There Are No Children Here: The story of two boys growing up in the Other America
Alex Kotlowitz
Anchor; Reissue edition (January 5, 1992)

No Matter How Loud I Shout: A Year in the Life of Juvenile Court
Edward Humes
Simon & Schuster (May 7, 1997)

Trout: A True Story of Murder, Teens, and the Death Penalty
Jeff Kunerth
University Press of Florida (April 15, 2012)

There is no casebook assigned for this class; all other assigned readings are listed in the Syllabus and will be posted to the “Juvenile Justice Law – Fall 2013” TWEN site.

COURSE DESCRIPTION

This course will expose students to the legal, ethical, and social issues surrounding juvenile law and practice. The course will focus on dependency law, child abuse, child neglect, youth behavior in school settings, juvenile delinquency and criminal prosecutions involving children. Through in-depth analysis of relevant case law, articles, statutes, guest speakers and student reports, the course will allow students to explore trends in juvenile law and contemplate how lawyers in various arenas can best effectuate positive change in the lives of children.
ASSIGNMENT REQUIREMENTS

All written assignments must be submitted via TWEN and will be graded blindly. Do not put your name on your assignments. Failure to follow this instruction will result in a 3-point deduction on your grade for the assignment.

Assignments must be submitted via TWEN no later than the time and date specified, with your UFID only on the front page. Electronic assignments must be submitted as an attachment in one of the following formats:

- Microsoft Word
- PDF

You must use the following file naming requirements for your TWEN submissions. Failure to substantially adhere to the required naming convention will result in a 3-point deduction on your grade for the assignment.

“Assignment”.“YourUFID”
- EX: PaperOne.1234-5678
- EX: PaperTwo.1234-5678

Do not use spaces or special characters in naming your files for electronic submission, as it may cause the file to be misread by some computing systems.

Unexcused late assignments will result in the grade for the assignment being lowered by at least 5 points – the later the assignment, the greater the point deduction. This policy will be strictly applied; all date and time deadlines for written assignments are included in the syllabus and posted on TWEN, and you will have plenty of time to complete and submit your assignments. You should always build in time for your submissions to upload to TWEN before the time deadline, and you should check to ensure the upload has been successful. No excuses for late assignments will be entertained after the deadline has passed.

Late assignments may only be excused if you receive permission prior to the assignment deadline.

ATTENDANCE POLICY

Attendance will be taken during each class period. Unexcused absences will not be permitted. Absences may only be excused if you receive permission prior to the class you cannot attend.

The University of Florida’s policy on observance of religious holidays excuses students’ absence from a class or academic activity upon prior notification to the instructor. Accommodations will be made for students who must miss a class period due to a religious observance.
COMPUTER POLICY

Because this class is driven by active participation and discussion, **computers and handhelds may not be used in class unless specifically authorized.**

GRADE REQUIREMENTS

*Information on current UF grading policies can be found on the University Registrar’s website and in the UF Law Student Handbook:*

https://catalog.ufl.edu/ugrad/current/regulations/info/grades.aspx
http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9

Your grades will be assigned as followed:

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Percentage of Final Grade</th>
</tr>
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<tbody>
<tr>
<td>Analysis One</td>
<td>30</td>
</tr>
<tr>
<td>Analysis Two</td>
<td>30</td>
</tr>
<tr>
<td>Analysis Three</td>
<td>30</td>
</tr>
<tr>
<td>Participation</td>
<td>10</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
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Assignments will be graded on a point system, with each assignment’s maximum point value correlating to its percentage of your final grade (ie, each paper will be worth a maximum of 30 points; your class participation will be worth a maximum of 10 points).

**There is no final examination for this course.**

System Analysis Papers

You will be required to write three analytical papers over the course of the semester, each of which will account for 30% of your overall grade in the course. Your papers should answer the question posed in the assignment prompt, which will be posted on TWEN, and analyze the juvenile justice system thoroughly and thoughtfully.

The prompt will ask you to take a position on a juvenile justice issue, and to support your position with the material we have covered in class. Therefore, there is no one “right” or “wrong” answer. Superior papers will address the prompt thoughtfully and analytically, focusing on a well-reasoned and strongly-supported legal argument. You should demonstrate a comprehensive understanding of the themes of the course, the purpose and conclusions of the readings, and the analysis and holdings of the cases we have reviewed. Although there is no minimum requirement for the number of different references you
should include, a superior essay will draw from a variety of sources read and discussed over the entire course of the semester. You will not be graded on the position you take, but rather on the strength of your analysis and the persuasiveness of your argument.

Although the substance of your papers will count much more heavily than the form, you will be expected to turn in professional quality work that has been spell-checked and corrected, and which is written in a coherent and competent manner.

Your papers must be written in a closed universe, relying solely on the required and recommended reading and video materials contained in the syllabus. Outside research will not be allowed, and reference to outside sources will negatively impact your grade.

You will not receive a grade after submission of your papers. However, if you wish to receive feedback and suggestions for future improvement, I will be happy to talk with you about the quality of your work; please contact me to schedule a meeting if you would like to discuss your paper after it has been submitted.

“Field Study” Group Presentation

The class will be divided into small groups of no more than 6 students. Each group will attend one out-of-class “field study” visit to meet with stakeholders in Florida’s juvenile justice system. Following each “field study,” the group members will work together to prepare and lead a presentation that introduces your classmates to the practical application of juvenile justice as you experienced it.

Groups will be assigned after Drop/Add has ended. Presentation dates are noted in the Class Schedule section of this syllabus. Group presentations will be calculated into your overall Participation grade.

Participation

Class participation plays a vital role in your understanding of the materials and of the impact of juvenile justice systems on our society. Assigned readings should be completed before the class meeting, as indicated by the Class Schedule in this syllabus. Failure to read and prepare for class will impact both your understanding of the discussions and your academic performance in the class. Your participation should be both active and meaningful – analyzing the course materials, positing thoughtful questions, and contributing to a classroom culture of learning.

Your participation in class discussions and activities, including your Group Presentation, will comprise 10% of your final grade for this class. Additionally, outstanding participation may boost a borderline final grade by one-half letter (ie – A- to A; B to B+).
ACCOMMODATIONS

Students requesting classroom accommodation must first register with the Dean of Students Office. The Dean of Students Office will provide documentation to the student, who must then provide this documentation to the instructor when requesting accommodation.

TECHNICAL & COMPUTING ISSUES

You will be required to access the Westlaw TWEN website to obtain materials for this class. If you have any problems with the site, or any other computing issues, please contact your Westlaw Rep and/or Technology Services:

http://www.law.ufl.edu/about/services/technology-services
TENTATIVE CLASS SCHEDULE

Please note: All assignments are subject to change as the semester develops.

Reading assignments for each week are posted on TWEN, with links to the cases and articles. Additional reading assignments may be posted on TWEN throughout the semester. It will be your responsibility to check TWEN for additional reading assignments, which will be posted online no later than Fridays at 9pm.

Week 1: Monday, August 19

Class Expectations

A Brief History of Juvenile Justice in America

NO READING ASSIGNMENTS

August 23 – Drop/Add ends

Week 2: Monday, August 26

History Continued: The Olden Days

Group Discussion: “Field Study” Preferences

Required Readings

- *Ex Parte Crouse*, 4 Whart. 9 (Pa. 1839)
- *People v. Turner*, 55 Ill. 280 (1870)
- *Commonwealth v. Fisher*, 213 Pa. 48 (1905)

Recommended Reading

- “The Early History of the Court”

“The Field Study” Preference Form must be submitted via TWEN by 5pm

Week 3: Classes Cancelled on Monday, September 2 (Labor Day Holiday)

Constructive Monday: Tuesday, September 3 – NO CLASS

Week 4: Monday, September 9

History Continued: The Civil Rights Era

Required Readings

- *In re Gault*, 387 U.S. 1 (1967)
Week 5: Monday, September 16
Who Are These Kids, Anyway…?
Debunking the “Superpredator” Myth

Class Discussion: There Are No Children Here

System Analysis Paper #1 Due via TWEN by 5pm on Sunday, September 15

Required Readings
- “Superpredators and Other Myths About Juvenile Delinquency”

Required Listening
- This American Life: Harper High School, Part One
  http://www.thisamericanlife.org/radio-archives/episode/487/harper-high-school-part-one
- This American Life: Harper High School, Part Two
  http://www.thisamericanlife.org/radio-archives/episode/488/harper-high-school-part-two

Recommended Readings
- “Fill Churches, Not Jails: Youth Crime and ‘Superpredators’”
- Race/Ethnicity and Gender Effects on Juvenile Justice System Processing
  o Part IX – “Review of Findings” (pages 58-66)
- Locked Up and Out
  o “Risk Factors for LGBT Youth in Louisiana” (pages 13-16)
  o “LGBT Youth Inside Louisiana’s Secure Care Facilities” (pages 18-29)
- The Child As Other: Race and Differential Treatment in the Juvenile Justice System
- DOJ Investigation of the Shelby County Juvenile Court Report
  o Part III, Section C – “Findings of DMC in JCMS” (pages 30-46)
- Complaint: United States v. City of Meridian
  o “Background Regarding Population Affected by Practices of Defendants” (pages 8-9)

Week 6: Monday, September 23
The Criminalization of Childhood: Status Offenses

Group Presentation: Restorative Justice

Required Readings
- Status Offenses and the Juvenile Justice and Delinquency Prevention Act (pages 555-570)
- Juvenile Status Offenses: Treatment and Early Intervention (pages 1-9)
- Juvenile Status Offenses Fact Sheet
Week 7: Monday, September 30
The Criminalization of Childhood: School Offenses

Group Presentation: School Resource Officers

Required Readings
- DOJ: Findings Regarding Department of Justice Investigation
- Complaint: United States v. City of Meridian
  - “Statement of Facts” (pages 8-31)
- M.M. v. State, 997 So.2d 472 (Fla. 5th DCA 2008)
- S.L. v. State, 96 so.3d 1080 (Fla. 3d DCA 2012)

Recommended Readings
- Delinquency in Florida’s Schools: A Seven-Year Study
- “Shameful Treatment of Children in Meridian, Mississippi”
- “Thousands of Student Arrests Alarm Florida Justice Leaders”

Week 8: Monday, October 7
The Criminalization of Childhood: Sex Offenses
GUEST LECTURER: Rob Mason
Chair, Juvenile Justice Steering Committee

Group Presentation: The Role of the Defender

Required Readings
- National Center on Sexual Behavior of Youth: Fact Sheet
- Adolescent Sexual Behavior and the Law (pages 1-17)
- Florida Statute chapter 847.0141: Florida’s Juvenile Sexting Statute
- 2013 National Juvenile Defense Standards
  - Part I (pages 17-31)
- “Juvenile Injustice”

Recommended Readings
- Child as Victim and Perpetrator: Laws Punishing Juvenile “Sexting”
  - Parts II – IV, pages 140-153
- Adolescent Sexual Behavior and the Law
  - Skim Appendix A: State Laws Relating to Teenage Sexuality, pages 18-32
- 2013 National Juvenile Defense Standards
  - Read Part II, pages 34-50
  - Read Part X, pages 152-162
Week 9: Monday, October 14
Crime & Punishment: An Overview of the Delinquency Process

Documentary: Homeless: The Motel Kids of Orange County

Class Discussion: No Matter How Loud I Shout

System Analysis Paper #2  Due via TWEN by 5pm on Sunday, October 13

NO READING ASSIGNMENTS

Week 10: Monday, October 21
Crime & Punishment: Police Interrogations

Group Presentation: Juvenile Detention Center

Required Readings
- State v. Pearson, 804 N.W. 260 (Iowa 2011)
- Effective Juvenile Interview & Interrogation (pages 7-12)

Week 11: Monday, October 28
Crime & Punishment: Juvenile Arrest & Pre-Trial Incarceration

Group Presentation: “Courtroom Observation (Detention Hearings)

Required Readings
- Amendments to the Florida Rules of Juvenile Procedure
  - Majority and Minority Reports discussing the Juvenile Rules Committee’s recommendation that the Florida Supreme Court adopt revisions to Rule 8.100, regarding the shackling of juveniles in the courtroom (pages 4-17)
- In Re: Amendments to the Florida Rules of Juvenile Procedure
  - First eight paragraphs, regarding the shackling of juveniles in the courtroom, under the heading “Amendments”
- Hughes v. Judd, 8:12-cv-568-T-23MAP – Plaintiff’s Verified Amended Complaint
  - Allegations (pages 1-5)

Recommended Readings
- Juvenile Detention Alternatives Initiative Report
  - Chapter 3: “Elements of a Structured, Objective Admissions Process” (pages 16-38)
- The Dangers of Detention: The Impact of Incarcerating Youth
- Hughes v. Judd, 8:12-cv-568-T-23MAP – Plaintiff’s Verified Amended Complaint
  - Statement of Facts (pages 8-22)
• **Hughes v. Judd**, 8:12-cv-568-T-23MAP – Magistrate’s Report and Recommendation
  - Section II b & c (pages 8-20); Section IV (pages 24-47)

**Week 12: Monday, November 4**
Crime & Punishment: Diversion & Disposition

Documentary Shorts: *Out of Control; A Football Game Gives Hope*

Group Presentation: Teen Court

**Required Readings**
- *E.A.R. v. State*, 4 So. 3d 614 (Fla. 2009)
  - Section I A-C; Section II D
- No Place For Kids
  - “How Should States Go About Reforming Juvenile Corrections?” and “Conclusions” (pages 28-39)

**Recommended Readings**
- The Missouri Model: Reinventing the Practice of Rehabilitating Youthful Offenders
  - “Nuts and Bolts of the Missouri Model” (pages 13-35)
- “Juvenile Facility Worker Accused of Sexually Assaulting Young Girls”
- “Bodies to be Exhumed from Notorious Florida Reform School for Boys”

**Week 13: Class Cancelled on Monday, November 11 (Veteran’s Day Holiday)**

**Week 14: Monday, November 18**
Crime & Punishment: Direct File

Group Presentation: The Role of the Prosecutor

**Required Readings**
- Prosecutorial Discretion
  - “Conclusions” (pages 275-286)
- Judicial Waiver: Fla. Stat. ch. 985.556
- Direct File & Statutory Exclusion: Fla. Stat. ch. 985.557
- Indictment of Juveniles: Fla. Stat. ch. 985.56

**Recommended Readings**
- The Role of Prosecutors in Juvenile Justice Reform
  - Part III: “The Role of Prosecutors in Correcting Racial Disparities in the Juvenile Justice System” (pages 40-74)
• Cheat Sheet – reference material for Florida waiver statutes

**Week 15: Monday, November 25**
Crime & Punishment: Juveniles Sentenced as Adults

Class Discussion: *Trout*

**Required Readings**

*System Analysis Paper #3 Due via TWEN by 5pm on Monday, December 2*