LAW 6714 Child, Parent, and the State

 (3 credits), Fall 2021

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Class meets in HH - 360 Mondays and Wednesdays from 10:30 AM - 11:55 AM

My goal in teaching this course is to help you think critically about the law governing children. By now you already know how to read a case. In this course, we will explore broad themes that run throughout the law, distill cases, interpret statutes, and identify assumptions that underlie this body of law. I hope to make this class interesting for everyone, including those students who do not intend to practice law in this area.

It is important to remember that we come to this class from various backgrounds, with many different beliefs about how the world should work, and what the law should be. My goal is not to change any fundamental beliefs that you hold. Instead, when you leave this course, my hope is that you not only have a good working knowledge of the subjects that we have covered, and can apply law from cases and statutes to real life situations, but that you understand that there are assumptions that underlie the law in this area, what these assumptions are, and can think critically about cases, statutes and the body of law that governs children.

OFFICE HOURS

Monday and Wednesdays from 9-10 AM. You may also schedule a meeting by contacting me at steinberg@law.ufl.edu.

GRADES & EVALUATION

In order to receive credit for the course, you must participate in class discussions of the readings, in-class assignments, quizzes, and take a final exam. I will provide more information regarding the examination later in the course.

 The final exam, graded anonymously, will constitute 75% of your final grade. Attendance and participation in class discussion/in-class assignments will constitute the remaining 25%.

We will have a short quiz on Canvas after each guest speaker presentation. These quiz grades will be factored into your participation.

LEARNING OUTCOMES

Upon completion of this course, you should:

* understand basic concepts of the law related to children,
* be aware of lawyer’s roles and ethical problems in representing children, and
* appreciate the difficulty of developing and applying rules related to child, government and parent interaction and conflict.

COURSE MATERIALS

*Children and the Law: Doctrine, Policy, and Practice (Abrams, Mangold, and Ramsey) 7th Edition*

ATTENDANCE

Attendance will be taken at each class meeting. Students are allowed four absences during the semester. Students are responsible for ensuring that they are not recorded as absent if they come in late. A student who fails to meet the attendance requirement will be dropped from the course. The law school's policy on attendance can be found [here](https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies#:~:text=co%2Dcurricular%20activities.-,Attendance,regular%20and%20punctual%20class%20attendance.&text=UF%20Law%20policy%20permits%20dismissal,of%2012%20credits%20per%20semester.).

Attendance in class is required by both the ABA and the Law School. If you miss more than four classes, your grade for the semester may be adversely affected. If you have a legitimate reason for missing class, you should contact me before or soon after class ends for your absence to be excused.

EXAM DELAYS AND ACCOMMODATIONS

The law school policy on exam delays and accommodations can be found [here](http://www.law.ufl.edu/student-affairs/current-students/forms-applications/exam-delays-accommodations-form).

ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES

Students requesting accommodations for disabilities must first register with the Disability Resource Center (<https://disability.ufl.edu/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean for Student Affairs (Assistant Dean Brian Mitchell). Students with disabilities should follow this procedure as early as possible in the semester.

Students with disabilities who experience learning barriers and would like to request academic accommodations should connect with the Disability Resource Center. Click [here](https://disability.ufl.edu/students/get-started/) to get started with the Disability Resource Center. It is important for students to share their accommodation letter with their instructor and discuss their access needs as early as possible in the semester.

GRADING POLICIES

This course follows the Levin College of Law’s grading policies found [here](https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies). The below chart describes the specific letter grade/grade point equivalent in place:

|  |  |
| --- | --- |
| Letter Grade | Point Equivalent |
| A  | 4.0 |
| A- | 3.67 |
| B+ | 3.33 |
| B | 3.0 |
| B- | 2.67 |
| C+ | 2.33 |
| C  | 2.0 |
| C- | 1.67 |
| D+ | 1.33 |
| D  | 1.0 |
| D- | 0.67 |
| E (Failure) | 0.0  |

ONLINE COURSE EVALUATION

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Click [here](https://gatorevals.aa.ufl.edu/students/) for guidance on how to give feedback in a professional and respectful manner. Students will be notified when the evaluation period opens and may complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students [here](https://gatorevals.aa.ufl.edu/public-results/).”

RECORDINGS OF CLASS DISCUSSIONS

Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor.

A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or lecturer during a class session.

Publication without permission of the instructor is prohibited. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor Code and Student Conduct Code.”

WORKLOAD AND CLASS PREPARATION

Students should expect to spend at least two hours outside of class reading and preparing for every hour of class.

DIVERSITY POLICY

GTC includes a diverse group of students, staff and clients. We celebrate differences in culture, race, religion, sexual orientation, gender identity and expression, age, life choice, and physical and mental abilities. We strive to create a safe space where each person can fully self-express and feel supported and safe physically, socially and personally. Our expectation is that each individual involved in the clinic be respectful of the humanism in all.

RELIGIOUS HOLIDAYS

The Florida Board of Education and state law govern university policy regarding observance of religious holidays. The following guidelines apply:

Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith. Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence. Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances. If a faculty member is informed of or is aware that a significant number of students are likely to be absent from class because of a religious observance, the faculty member should not schedule a major exam or other academic event at that time.

A student who is to be excused from class for a religious observance is not required to provide a second party certification of the reason for the absence. Furthermore, a student who believes that he or she has been unreasonably denied an education benefit due to religious beliefs or practices may seek redress through the student grievance procedure.

COURSE ETHICS

Academic honesty and integrity are fundamental values of the University community. Students should understand the UF Student Honor Code located [here](https://sccr.dso.ufl.edu/process/student-conduct-code/).

UF students are bound by The Honor Pledge which states, “We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: ‘On my honor, I have neither given nor received unauthorized aid in doing this assignment.’ The Honor Code specifies a number of behaviors that are in violation of this code and the possible sanctions. Click [here](https://sccr.dso.ufl.edu/process/student-conduct-code/) to read the Honor Code.

Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel. If you have any questions or concerns, please consult with me.

HEALTH AND WELLNESS

U Matter, We Care: If you or a friend is in distress, please contact umatter@ufl.edu or 352 392-1575 so that a team member can reach out to the student.

Counseling and Wellness Center: 392-1575; and the University Police Department: 392-1111 or 9-1-1 for emergencies. [http://www.counseling.ufl.edu/cwc/Default.aspx (Links to an external site.)Links to an external site.](http://www.counseling.ufl.edu/cwc/Default.aspx)

Sexual Assault Recovery Services (SARS): Student Health Care Center: 392-1161.

University Police Department: 392-1111 (or 9-1-1 for emergencies).  [http://www.police.ufl.edu/ (Links to an external site.)Links to an external site.](http://www.police.ufl.edu/)

Any student who has difficulty accessing sufficient food or lacks a safe place to live is encouraged to contact the Office of Student Affairs.  If you are comfortable doing so, you may also notify me so that I can direct you to further resources.

**Tentative Course Outline**

*Please expect our outline and assigned readings to change during the course of the semester. I will send out an email in Canvas to let you know of changes as they arise.*

 **Week One (Week of August 23rd)**

Monday:

Overview of Course

Wednesday:

Status, Rights, and Obligations of Children; Text, pages 1-17

**Week Two (Week of August 30th)**

Monday

Status, Rights, and Obligations of Children; Text, pages 18-59

Wednesday

Status, Rights, and Obligations of Children; Text, pages 66-75

**Week Three (Week of September 6th)**

Monday

Status, Rights, and Obligations of Children; Text, pages 76-124

Wednesday

TBA

**Week Four (Week of September 13th)**

Monday

Defining the Child-Parent Relationship; Text pages 125-159

Wednesday

Defining the Child-Parent Relationship; Text, pages 160 – 176 and 193 – 220

**Week Five (Week of September 20th)**

Monday

Representing Children; Text, pages 203 – 227

Wednesday

Representing Children; Text, pages 228 – 245, 259 – 268, 272 – 275

**Week Six (Week of September 27th)**

Monday

Regulating Children’s Conduct, 861 – 865, 873 – 884 and 912 – 924

Wednesday

Abuse and Neglect; Text, pages 283 – 289, 303 – 306, 313 – 325. Relevant Florida Statutes to be provided (read before class!)

**Week Seven (Week of October 4th)**

Monday

Abuse and Neglect; Text, pages 400 – 421

Wednesday

Guest Speaker, Joshua Silverman, Esq.

Abuse and Neglect; pages 358 – 384

**Week Eight (Week of October 11th)**

Monday

Foster Care; Text, pages 433 – 451

Wednesday

Guest Speaker, Magistrate Nancy Wilkov, Dependency Court Magistrate, Alachua County

Foster Care; Text, pages 459 – 479, 491 (start with note 3), -- 497

**Week Nine (Week of October 18th)**

Monday

Foster Care; Text, pages 497 – 509 and 519 -- 525

Wednesday

Criminal Abuse and Neglect; Text 527 – 533, 540 – 544, and 550 – 562

**Week Ten (Week of October 25th)**

Monday

Criminal Abuse and Neglect; Text 562 – 578 and 597 – 620

Guest Speaker, Lua Lepianka, Assistant State Attorney

Wednesday

Medical Decision-Making, Text 689 – 728

**Week Eleven (Week of November 1st)**

Monday

Medical Decision-Making, Text, 734 – 766

Guest Speaker, Dr. Cameron Rosenthal, University of Florida Child Protection Team

Wednesday

Adoption; Text 621 – 627, 652 – 660, 662 – 671

Guest speaker, Mary K Wimsett, Esq.

**Week Twelve (Week of November 8th)**

Monday SPECIAL CLASS TIME

Class will be held via Zoom at noon. Professor Jane Spinak will give the Weyracuh lecture. Attendance is required and there will be a short Canvas quiz after her lecture for students to complete.

Reading assignment to be provided.

Wednesday

Delinquency; Text (TLO, Safford, and Schall) 986 – 1002, 1005 – 1008, 1026 – 153,

**Week Thirteen (Week of November 15th)**

Monday

Text (Gault and McKeiver) 1040 – 1055, 1070 – 1075 additional relevant statutes to be provided.

Rebecca Shinholser, Assistant State Attorney and Danielle Eisembinger, Assistant Public Defender, reading assignment TBA

Wednesday

Delinquency; Text1097 – 1116

**Week Fourteen (Week of November 23rd)**

Monday

Postscript and Review; Text 119 (at bottom)