

Children and the Law
(Law 964, 2 credits)
Spring 2014

Course Syllabus

Instructors: Andrew Ellis, JD, aellis@adaweb.net
Tara Wright, JD, LMSW

Purpose of Course: An introduction to the legal status and rights of children, with an emphasis on the Idaho Child Protection Act. Topics include: the historical status of children, the parent-child relationship, the legal representation of children, abuse and neglect, foster care, termination of parental rights, guardianships and adoption.

Texts: Abrams and Ramsey, *Children and the Law: Doctrine, Policy, and Practice*, 4th ed. (West 2010) [A&R]
Idaho Child Protection Manual, 3rd ed. (Idaho State Supreme Court 2011).
Available at http://www.isc.idaho.gov/cp/manual/Idaho_CP_Manual-3rd_Edition.pdf
[CP Manual]

Expectations: Participants in this class are expected to attend each class session having read the assigned material and prepared to fully engage in classroom discussion.

Attendance: Attendance in class is expected. Class participation will be a component of the student's final grade. Missing class periods may result in a lowering of the student's final course grade. Please let the instructors know in advance via e-mail if you will be missing class sessions.

Guest Speakers: The classroom experience will be augmented by presentations by Idaho attorneys and other professionals who work within the fields of law studied in this course. Guest speakers attend class to share their real world experiences; students are expected to actively listen and respectfully engage with the guest presenters.

Paper: Each student will research and write a thorough yet concise paper on a topic germane to the subject of Children and the Law. *This paper will not be eligible for the upper-division writing requirement.* The paper topics must be approved by the class instructors. A list of example topics will be presented in class. All students must turn in a one-page description of his/her proposed paper topic by class on February 8, 2014. The final draft of the paper will be due April 8, 2013. The paper will be graded on the quality of the legal argument (or the uniqueness of an interdisciplinary approach), the

thoroughness of the research, and the quality of the writing (including grammar, spelling, syntax, paragraph structure, and citations).

After submission on April 8, 2014, the papers will be circulated to all students in the class. Class members are expected to read their classmates' papers prior to the accompanying presentation and to actively participate in the presentation.

Papers will be graded by the instructors and returned to the students by April 29, 2014.

Presentation: Each student will present his/her paper to the class and teach on the topic of the paper. Presentations should be approximately 25 minutes, and will begin in April 2014. Presentations will be graded based on the student's level of preparation, on whether the presentation is informative and gave the class participants insight into the core issues relevant to the topic, and on how well the presenter engaged the class. Innovative and informative presentation approaches are encouraged.

Response: Each student will select one of their fellow student's papers and prepare an oral Response to be delivered at the time of their fellow student's presentation on their topic to the class. The Respondent must attend the class presentation of their fellow student and be prepared to offer a five (5) minute oral response at the conclusion of their fellow student's presentation. For the Response, it is expected that the student will carefully read their fellow student's paper, conduct their own research on the subject presented, and respond to the presentation to either supplement the information, concur with their fellow student's conclusions, or present a dissenting view.

Grades: Final grades for this course will breakdown as follows:

1. Classroom Participation (35%)
2. Written Paper (40%)
3. Class Presentation (20%)
4. Response (5%)

NOTE: This syllabus and the course requirements are subject to change and revision.

Anticipated Reading Assignments: (Specific reading assignments for upcoming will be announced in class.)

- Tuesday, January 14, 2014: A&R pp.1-11, pp. 15-32
 - Introduction, *Meyer, Pierce*

- The Status, Rights, and Obligations of Children
 - A&R, pp. 1 – 127

- Abuse and Neglect of Children
 - A&R, pp. 284 – 434 (less pp. 380-413)
 - CP Manual, pp. 8 – 19

- Parties to a Child Protection Case: Paternity and Maternity, ICWA, and Representing Children
 - A&R, pp. 128 – 283 (less pp. 182 – 196)
 - CP Manual, pp. 1 – 8
 - Indian Child Welfare Act, 25 U.S.C §§1901-1963
 - CP Manual, pp. 125 – 147

- Foster Care / Child Protective Act Case
 - A&R, pp. 435 – 519
 - *Child Welfare Legislative History* (Committee on Ways and Means, US House of Representatives, 2011 Green Book) Available at <http://greenbook.waysandmeans.house.gov/2011-green-book/chapter-11-child-welfare/child-welfare-legislative-history>
 - CP Manual, pp. 20 – 94
 - Child Protective Act (I.C. §§16-1601 – 1643)
 - [*Doe 134 Idaho 760 \(2000\)*](#)
 - [*IDHW v. Doe, 151 Idaho 300 \(2011\)*](#)

- Termination of Parental Rights
 - A&R, pp. 380 – 413
 - CP Manual, pp.95 – 110
 - Termination of Parent and Child Relationship (I.C. §§16-2001 – 2015)

- Adoption and Guardianship
 - A&R, pp. 618 – 709 and pp. 182 – 196
 - CP Manual, pp. 111 – 124
 - Adoption of Children (I.C. §§16-501 – 1515)
 - Guardians of Minors (I.C. §§ 15-5-201 et seq.)