SYLLABUS

Children's Rights
Professor Steven H. Hobbs
Spring 2012

Class Meets: Wednesday 3:30 p.m. – 5:20 p.m.

Texts: Children, Parents and the Law, by Teitlebaum & Harris, 2nd ed.

Office Hours: Room 310, Tuesday, 2:30 – 4:30 p.m.

Course Requirements: Class attendance and informed participation is expected. There will be a written, eight-page paper based on the course material and the ABA Standards of Practice for Lawyers who Represent Children in Abuse and Neglect Cases and the Model Rules of Professional Conduct. There will also be a research paper on a topic involving children and the law. The research paper should be 20 pages long, double-spaced. Additionally, each student will have the opportunity to direct class discussion based on the assigned reading. You should be prepared to summarize the material and formulate discussion starters involving the legal and policy underpinnings of the readings. Additionally, to the extent practicable you should find a recent news article, YouTube video, or report related to the reading. This portion of the course is designed to offer an opportunity to enhance your communication skills. Finally, please make plans to attend the conference, “Doing What’s Right for Alabama’s Children” on January 25th. Please attend at least two hours of the conference.

Computer Use: Computers should only be used as an aid to the classroom process.

Grade Determination: Your final grade will be based on the ethics paper (40%) the final research paper (50%), and class participation (10%).

READING ASSIGNMENTS

1) 1-15 Discourse on Rights
2) 541-566 Role of Counsel for Children
3) 573-628 Child Abuse and Neglect
4) 629-660 Navigating the Child Welfare System
MEMORANDUM OF THE ROLE OF THE CHILD'S ATTORNEY

A partner in your firm has asked you to write a memorandum based on the facts below. Your memo should be about eight pages in length and should follow this format: heading, questions presented, brief answer, statement of facts, discussion and conclusion. You should use proper citation form for an office memo. **The memo is due on March 2.**

Your memo should be based on class readings, the ABA Standard of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases (available at [http://www.ABA.net.org/child/childrep.html](http://www.ABA.net.org/child/childrep.html),) and the Model Rules are identical to the ethics code that has been adopted in your state. Assume that the Standards have just been adopted by the ABA and have not been discussed by your bar association. Assume there is no helpful case law. You do not need to do any research beyond the class readings, the Model Rules and the Standards.

A partner in your firm has been appointed to represent an 8-year-old girl, Mary, in an abuse and neglect proceeding. The state law under which the appointment was made requires that an attorney be appointed as “a guardian ad litem to represent the child” in all abuse and neglect cases. The law requiring attorneys for children in theses proceedings has been on the books for a
while, but there has been no case law development defining the role and there is a fair amount of disagreement about the role.

The partner would like a general explanation of the role and would like particular advice on the following issues. Should the partner interview the child, or would an interview be harmful on these facts? What should be the interview's purpose if one is conduced? Should the attorney keep the child's statements confidential or should the attorney tell the court or parents what the child says? How much weight should the attorney put on the recommendation of the Department of Social Services social worker in charge of the investigation of the case?

The facts of the case that she knows so far are these:

Mary was a student in the 3rd grade at a local elementary school. Her teacher had noticed that she changed from being an attractive and outgoing child to being withdrawn and quiet. She no longer wanted to go out with her friends at recess and seemed moody and depressed. The teacher referred Mary to the school counselor. In talking with the counselor Mary mentioned that her stepfather had hurt her and in response to additional questions she eventually told the counselor that her stepfather had touch her "down there" and pointed to the vaginal area. The counselor reported the matter to the Department of Social Services which followed up with an investigation. The investigating social worker interviewed Mary's mother and stepfather. Both denied that any abuse had occurred and had no explanation for Mary's behavior change. The social worker learned from the department records that Mary's older sister, now age 17, had been removed from the home five years earlier and placed with a relative because of sexual abuse by her father. Mary's mother divorce her father two years ago and remarried last year.

A physical exam of Mary was inconclusive about whether any sexual abuse had occurred, but the physician did note that Mary had some bruises. The social worker felt that the parents were “hiding something,” and that there was a high likelihood that sexual abuse had occurred. Mary was removed from the home and placed in foster care. During her first week in foster care, she was evaluated by a court appointed child psychologist who reported that Mary said that her stepfather had fondled her on several occasions and that just recently he had twice come into her room at night nude, had gotten into bed with her and had kept rubbing up against her.
The social worker had met with Mary after her first week in foster care and reported that Mary missed her mother and 3-year-old brother and wanted to go home. Mary said her mother and brother needed her because her mother could not handle her brother all by herself. Mary's mother and stepfather want her back home and still say that there is no basis for her abuse claim. They said Mary may have gotten her ideas from an older cousin whose parents let her watch "dirty" movies and that Mary was angry at her stepfather for spanking her when she talked back to her mother. The hearing on the abuse petition is scheduled for next week.

EXAMINATION/GRADING

- **Exams / Policy for Make-up Tests**

A written essay-type examination at the end of every course is the accepted testing method in the Law School. At least fifty percent of the final grade in a course must be based on an examination or part thereof of the written essay type. Under some circumstances, a paper(s) or problem(s) may be substituted for all or part of the final examination. Authority for a “departure” may be granted in accordance with these standards and procedures.

In second and third year courses, up to fifty percent of the final grade may be based on a paper(s) or problem(s) without being considered a “departure.”

Professors are required to give to students and to other persons affected, due notice of the rules and regulations in effect in their course, when such rules or regulations depart from faculty standards and procedures. Due notice may be given by (1) written announcement timely posted on an official bulletin board; or (2) oral or written announcement timely made in class for the course to which the departure is to apply.

**Final examinations normally are not required in seminars and workshops.**

We will make accommodations to move an exam to later when a student has 4 exams which must be completed within 5 calendar days. However, any rescheduled exam must take place no later than 2 working days after its scheduled time.

- **Missing an Exam/Paper**

Final papers must be turned in at the submitted scheduled time, unless the Dean’s Office permits a student to submit a paper at a time other than the regularly scheduled time upon a showing of any of the following bona fide emergencies or situations arising either before or during the examination:

(a) sickness which clearly disables the student from commencing or continuing with the examination or poses a significant threat to the health of others;
(b) sickness of, or accident involving, a spouse or dependent which requires the student to be with the spouse or dependent;
(c) an accident which necessarily prevents the student’s attendance or continued attendance for the examination;
(d) death of a close family member;
(e) scheduling conflicts beyond the student’s control when
(f) the time regularly scheduled for the student’s examination conflicts with the time
regularly scheduled for another examination that the student must take, or
(g) the time regularly scheduled for the student’s examination conflicts with an important
meeting or event at which the student must appear as a representative of the Law School;
or
(h) other extraordinary circumstances or hardship as determined by the Dean’s Office.

If a student misses submitting a final paper without the Dean’s prior permission, he or she
will normally receive a grade of “F” for that course.

If a student is permitted to submit a paper at a time other than the regularly scheduled
time, he or she normally will receive a grade of “P” (pass), “D” (unsatisfactory), or “F” (fail). At
the discretion of the dean, a regular grade for the course may be assigned.

• **All Papers are Written Under the Honor System**

  Papers submitted for this seminar shall be the exclusive work of the individual student. Sources and references used in the paper shall be cited where appropriate. Endnotes or footnotes may be used for this purpose.

• **Student Post-Seminar Review**

  The American Bar Association recommends that a law school have a policy which encourages faculty members to engage in reasonable post-seminar review with students, preferably individual review upon request. Absent good cause, students should also have a right to reasonably review their papers. This does not mean that faculty members are obligated to review papers individually with all students in every course. A reasonable policy may take into account the workload of individual teachers, the number of papers in the course, the academic needs of the particular students requesting review, and the availability of review in courses throughout the school. Faculty members may choose to carry out such a policy using alternative means, including engaging in individual review of papers upon student’s request, by holding a general review concerning the papers open to all students, or by providing an outline or an exemplary good paper.

• **Grading Procedure for Tests and Assignments**

  Subject to the provisions regarding Class Attendance, Class Participation and Final Examinations, course grades in the Law School are primarily determined by the grades on final examinations. When a student is dropped from a course because of excessive absences or lack of participation, the Dean determines, after consultation with the professor involved whether the student receives a withdrawal or an “F” for the course.

  Grades are distributed to students by the Student Records Office on an announced day after all examinations have ended. Professors do not distribute grades.

  The system of evaluation used to grade the exam is at the faculty member’s discretion. Although a number of systems exist, two of the most common involve grading sheets and the “gestalt” approach. Faculty members who use grading sheets prepare these documents before the first exam is graded, deciding in advance how many points of the total available for a question will
be awarded for spotting an issue and discussing it in a first-rate fashion. Then, when reading each student’s exam, the faculty member compares the student’s answer to the “ideal” answer and awards the appropriate number of points. Another approach is the “gestalt” approach, in which the faculty member reads the exam answer and judges it as a whole, without trying to assign a specific number of points to parts of the answer for spotting and discussing particular issues. Grades will be assigned in accordance with the Law School’s grading curve for seminars.

- Anonymous System of Grading
  1. The anonymous system of grading will not apply in this seminar.

CODE OF ACADEMIC CONDUCT STATEMENT

The Code of Academic Conduct must be contained in all course syllabi. All students in attendance at the University of Alabama are expected to be honorable and to observe standards of conduct appropriate to a community of scholars. The University expects from its students a higher standard of conduct than the minimum required to avoid discipline. Academic misconduct includes all acts of dishonesty in any academically related matter and any knowing or intentional help or attempt to help, or conspiracy to help, another student. The Academic Misconduct Disciplinary Policy will be followed in the event of academic misconduct.

COURSE PREREQUISITES STATEMENT

The course in Business Organizations is strongly recommended.

ATTENDANCE POLICY STATEMENT

Every student is required to attend all classes. A student may miss class only for good cause, such as:

(a) sickness which disables the student from attending class or poses a significant threat to the health of others,
(b) sickness of, or accident involving, a spouse or dependent, which requires the student to be with the spouse or dependent,
(c) an accident which necessarily prevents the student’s attendance in class,
(d) the death of a family member or friend,
(e) an interview for a summer clerkship or for a permanent position after graduation, if the interview cannot reasonably be scheduled to avoid conflict,
(f) a meeting or event at which the student must appear as a representative of the Law School, or
(g) other good cause as is warranted under the circumstances.

Deadlines for activities such as law review, moot court, or other course assignments do not constitute good cause for missing class.
**Excessive Absences**

Reasons for absences will not be reviewed until and unless the student has missed a total of three class hours per semester credit hour in a course. A professor may adopt a stricter attendance review rule provided the professor gives due notice of the “Departure.” In seminars and workshops it is likely that no absences will be permitted without a review of the reason(s) therefore.

When a student has exceeded the number of absences in a course, as established by the above paragraph and at the time of each succeeding absence, all absences from classes in that course are subject to review. The Dean reviews the student’s absences to determine the reasonableness of each absence and of all absences considered as a whole. If the Dean determines that the absences are for good cause and that it is in the best interest of the student to allow the student to complete the course during that semester, no sanction will be imposed. For failure to comply with the attendance rule established under paragraph 3 of this section, the normal sanction is to drop the student from the course with the grade to be determined as provided in “Course Grades.” However, with the Dean’s permission, the student’s grade as otherwise determined in the course may be lowered as the sanction in extraordinary circumstances.

**Practicalities**

The ABA Standards mandate regular and punctual attendance.

**GRADE REQUIREMENT STATEMENT - No specific grade is required**

**DISABILITY ACCOMMODATION STATEMENT**

Students with disabilities are encouraged to register with the Office of Disability Services, 348-4285. Thereafter, you are invited to schedule appointments to see me during my office hours to discuss accommodations and other special needs.

**CULTURAL DIVERSITY STATEMENT**

“A university is a place where the universality of the human experience manifests itself.”

--Albert Einstein

In keeping with the spirit of Einstein's viewpoint, the Department of Communication Studies is committed to providing an atmosphere of learning that is representative of a variety of perspectives. In this class, you will have the opportunity to express and experience cultural diversity as we focus on issues such as: sex, gender and communication in small groups, communication in the multicultural group, and cross-cultural and intercultural work group communication. In addition, writing assignments and daily activities have been designed to encourage individuality and creative expression. You are encouraged to not only take advantage of these opportunities in your own work, but also, learn from the information and ideas shared by other students.
CLASSROOM DECORUM STATEMENT

The Code of Student Conduct requires that students behave in a manner that is conducive to a teaching/learning environment. Students who engage in behavior that is disruptive or obstructive to the teaching/learning environment will be subject to disciplinary sanctions outlined by the Code of Student Conduct. Disruptive /obstructive behavior is not limited to but may include the following: physical abuse, verbal abuse, threats, stalking, intimidation harassment, hazing, possession of controlled substances, possession of alcoholic beverages...(you may also include a statement detailing any behavior that you consider to be particularly disruptive or annoying such as cell phones, beepers, reading the newspaper etc.).

USE OF PLAGIARISM DETECTION SOFTWARE STATEMENT

The University of Alabama is committed to helping students to uphold the ethical standards of academic integrity in all areas of study. Students agree that their enrollment in this course allows the instructor the right to use electronic devices to help prevent plagiarism. All course materials are subject to submission to Turnitin.com for the purpose of detecting textual similarities. Turnitin.com will be used as a source document to help students avoid plagiarism in written documents.