Adoption Law
Syllabus – Spring 2014

Course: Adoption Law 838-001

Credit Hours: 3

Professor: Professor Steven H. Hobbs shobbs@law.ua.edu
Room 310 348-5247

Office Hours: Room 310 – Wednesday, 10:00 am – 11:30 am

Class: Tuesday and Thursday / 10:45 am – 12:00 pm
Room 275

COURSE DESCRIPTION

This course offers a survey of adoption law. Students will learn historical and contemporary perspectives of adoption law including the application, selection and approval processes. Facets of various types of adoption such as intercountry, transracial, transcultural, stepparent, second-parent, kinship and same-sex adoptions will be considered. Also, recent developments in adoption law such as post-adoption contact, amendments of confidentiality statutes, and efforts to eliminate barriers to adoption will be discussed. In this interdisciplinary course, law students will discuss psychological and sociological consequences of adoption as well as statutes, cases and regulations that govern adoption and the lawyer’s role throughout the adoption process.

COURSE OBJECTIVES:

I. To understand the historical context of Adoption Law and how a new parent-child relationship was created statutorily.

II. To understand the legal and constitutional prerequisites for ending the parental rights and obligations of birth or legal parents of a child in the adoption process.

III. To identify who is eligible to be adopted and who may adopt.

To understand how prospective parents are evaluated to determine their suitability for becoming adoptive parents.

IV. To understand the state regulatory and judicial requirements for pursuing a valid adoption process.

To understand the role played by agencies, public and private; attorney’s; social workers; and other intermediaries and how the law regulates their participation.
To consider the ethical obligations of attorneys who represent the various participants in the adoption process.

V. To understand the historical and social context and challenges of placing Native American children in homes outside of their culture
   To understand how the federally enacted Indian Child Welfare Act regulates the custody and placement of Indian children.

VI. To understand the social, culture, emotional and political challenges of transracial adoptions.
   To understand how the United States Constitution and federal legislation shapes the practice of transracial adoptions.

VII. To understand how the adoption process works in the international context.
   To understand how the Hague Convention on Intercountry Adoption works with the adoption laws of nations and governmental subdivisions.
   To comprehend the regulatory process for bringing children from one nation to another.

VIII. To understand the regulatory process that governs the interstate placement of children as mandated by the Interstate Compact for the Placement of Children.

IX. To understand the legal ramification of obtaining a final order of adoption, especially in creating a new, legal, parent-child relationship.

X. To understand how adoptions occur in a variety of social contexts and family types.

XI. To understand the historical and contemporary issues framed by the need for confidentiality and sealed adoption records.

XII. To understand the evolving movement to make the adoption process more open.

XIII. To understand the legal and social challenges when an adoption is disrupted or dissolved.

XIV. To understand the legal consequences for adoption agencies who fail to meet state mandated obligations to deal honestly and competently with the parties to an adoption.

**COURSE REQUIREMENTS:** Active class participation and final exam/paper. Please make plans to attend the conference, “Doing What Matters for Alabama’s Children” on January 28th. Please attend at least two hours of the conference.

**REQUIRED TEXT:** Adoption Law: Theory, Policy and Practice, 2nd ed. by Mabry and Kelly and supplementary material when necessary to study a topic more deeply.
DESCRIPTION OF ASSIGNMENTS AND DUE DATES:
The reading assignments, 1-25, are designed to each take one to three class periods to cover. We will proceed seriatim.

I. History
   1. 1-16

II. Prerequisites to Adoption
   2. 17-33
   3. 33-56
   4. 56-91
   5. 91-111;
   Supplemental material – Adoption and Safe Family Act

III. Identifying Adopters and Adoptees
   6. 113-134
   7. 134-148

IV. The Adoption Process
   8. 149-174
   9. 174-186
   10. 767-793

V. Indian Adoptions
   11. 271-292
   12. 292-322
   13. 322-347

VI. Transracial Adoptions
   14. 369-410

VII. Intercountry Adoptions
   15. 411-444, (444-454), 813-824

VIII. Interstate Adoptions
   16. 455-502, 807-812

IX. Consequences of Adoption
   17. 503-519, (519-531)

X. Particular Types of Adoptions
   18. 187-204
   19. 205-222
   20. 222-251
   21. 251-269
XI. Confidentiality and Sealed Adoption Records
   22. 533-553
   23. 553-570

XII. Post-Adoption Contact
   24. 571-610

XIII. Changing Status of Adoptions
   25. 611-636

XIV. Attorney’s Roles in Adoption
   26. 637-666

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

Final examinations must be taken at the regularly scheduled time, unless the Dean’s Office permits a student to take a specially scheduled examination 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 a final examination 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 take an examination 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. The Registrar’s Office sets the time for all makeup
examinations, which may occur after the scheduled date.

• **All Examinations are Taken Under the Honor System**

Every aspect of the examination process is subject to the provisions of the Honor Code of the Law
School. Examinations normally have stated time limits, and students must strictly adhere to the stated
limits. The burden is on the student to hand in the examination within the time limit in the classroom
where the examination was distributed initially. At the announcement that time is up, all papers are to be
handed in to the designated classroom in the box provided. Any paper that does not meet the announced
deadline will not be accepted and should be delivered by the student to the Records Office, room 262.
Such papers will be marked “Late” with the clock time at which the paper is received by the Records
Office. The professor has full discretion to assess a grade penalty for late papers.
Exception as directed by the professor, a student may answer the examination in any part of the Law Building
that is freely open to students generally.

• **Student Post-Examination Review**

The American Bar Association recommends that a law school have a policy which encourages faculty
members to engage in reasonable post-examination review with students, preferably individual review
upon request. Absent good cause, students should also have a right to reasonably review their examination
papers. This does not mean that faculty members are obligated to review examinations individually with
all students in every course. A reasonable policy may take into account the workload of individual
teachers, the number of examinations 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
examinations upon student’s request, by holding a general review concerning the examination open to all
students, or by providing an outline or exemplary good examination answers.

• **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.

- **Anonymous System of Grading**

  1. Each examination is identified by an anonymous number to be assigned by lottery; students do not put their names or other identifying marks (such as “graduating senior” or some other subtle identification) on the examination.

  2. The Law School Student Records Office safeguards the secrecy of the anonymous numbers by handling the mechanics of matching grades with names.

  3. A professor does not learn the student name associated with a grade until after the professor has turned in the grades based on the examination, together with any formula to be applied by the Student Records Office in computing final grades. Thereafter, the professor may change a grade only upon proper justification and with the approval of the Dean. Generally, proper justification is for such reasons as the professor has made an error in computation or has missed a page while grading the examination. If a grade is changed, a note stating the change and the reason therefore will be put in the student’s file.

  4. At the time the examination grades are turned in, the professor may submit a written formula to be applied by the Student Records Office in computing the final grades. Any student, upon request to the Student Records Office, may learn whether that student’s final grade was affected by a formula in addition to the final examination. If the grade was affected, the student is informed of the formula and the effect thereof on the student’s final grade.

  5. Except as provided in paragraph 4 of this sanction, the professors do their own grading and any computations involved in determining the course grade. Faculty secretaries and the Student Records Office are not used for this purpose. Although it is not the general practice to do so, class participation or lack thereof may be considered in determining the student’s final course grade, provided the professor has given the class due notice of the “Departure.” In courses other than seminars and workshops the professor may raise or lower a student’s grade as otherwise determined in that course, not more than one grade level (i.e., .333) for class participation or lack thereof. In seminars, class participation or lack thereof may not count for more than 50% of the final course grade. In workshops class participation or lack thereof may be the sole determinant of the grade.

    For serious failure on the part of the student to participate in class as required by the professor, the student may be dropped from the course with the grade to be determined as provided in “Course Grades.”

**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** - None - Family Law I 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.