

CHILD, PARENT, AND THE STATE
UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW
FALL, 2024 SYLLABUS – LAW 6714 – 3 CREDITS

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Office Hours: Wednesdays 9 -11 AM

MEETING TIME: Tuesdays and Fridays 10:30 AM – 11:55 AM

LOCATION:

COURSE DESCRIPTION AND OBJECTIVES:

My goal in teaching this course is to help you think critically about the law governing children. 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.

STUDENT LEARNING OUTCOMES:

At the end of this course, students should be able to:

- understand 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.

REQUIRED READING MATERIALS:

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

Please be sure to register for the Canvas course and have any required materials with you in print or easily accessible electronic form in class. You are responsible for checking your Canvas page and the e-mail connected to the page on a regular basis for any class announcements or adjustments.

COURSE EXPECTATIONS AND GRADING EVALUATION:

Your course grade will be based on primarily on your final examination. I will give you detailed information about your exam, as well as practice exam questions, later in the semester.

I may boost borderline grades based on active and thoughtful class-participation. I may also lower borderline grades based on excessive absences, tardiness, or disruptive behavior.

CLASS ATTENDANCE POLICY:

Attendance in class is required by both the ABA and the Law School. Attendance will be taken at each class meeting. Students are allowed four unexcused absences during the course of 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.

UF LEVIN COLLEGE OF LAW STANDARD SYLLABUS POLICIES:

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link: <https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>.

ABA OUT-OF-CLASS HOURS REQUIREMENTS: ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every "classroom hour" of in-class instruction. Each weekly class is approximately 3 hours in length, requiring at least **6 hours of preparation**.

COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS

Please expect our outline and assigned readings to change during the semester. I also did my best to indicate the main cases covered in the assigned readings to help you as you prepare, but this is not an exhaustive list. I will send out an email in Canvas to let you know of changes as they arise.

If not otherwise indicated, pages are from your assigned textbook, *Children and the Law* ("Text")

Chapter 1: The Status, Rights, and Obligations of Children

August 20: Syllabus; Text pages 18-31 (Meyer, Pierce)

August 23: Text, pages 31-35, 39-60 (Prince, Tinker, Morse)

August 27: (Class to start at 11 AM) Text, pages 66-80 (Troxel, Yoder)

August 30: Text, pages 80-103 (Bellotti, Endrew F.)

September 3: Text pages 142-159
(Michael H., In re C.K.G.)

Chapter 2: Defining the Child-Parent Relationship

September 6: Text, pages 159 – 171 and 193 – 198 (SoHoo, Wendy G-M, In re Thomas C.)
Florida Statute 743.015 Disabilities of nonage; removal

September 10: Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings; Dependency Flowchart #1:
https://www.flcourts.gov/content/download/215991/file/Floridas_Dependency_Flow_Chart_pag

[e1.pdf](#); Dependency Flowchart #2:
https://www.flcourts.gov/content/download/215992/file/Floridas_Dependency_Flow_Chart_page2.pdf,

Chapter 3: Representing Children

September 13: Text, pages 225-228, 240-255; (Kingsley, Kenny A., In re A.D.) Florida Statute 39.01305 Appointment of an attorney for a dependent child with certain special needs; 39.822 Appointment of guardian ad litem for abused, abandoned, or neglected child

September 17: Text, 913-924, 926-935 (City of Rochester, In the Matter of Leif Z.)

Chapter 10: Regulating Children's Conduct

September 20: Text page 305 (starting with the chart) - 321 (In re Juvenile Appeal, In re S.T.); Florida Statute 39.301- Initiation of protective investigations; Florida Statute 39.401- Taking a child alleged to be dependent into custody; law enforcement officers and authorized agents of the department; Florida Statute 39.501 - Petition for dependency

Chapter 4: Abuse and Neglect

September 24: Text pages 344-347, 358-366 (In re T.G., DeShaney); Florida Statute 39.01- Definitions; Florida Statute 39.001 - Purposes and intent; personnel standards and screening; 39.621 - Permanency determination by the court

September 27: Text pages 366-372, 375-387 (In re N.M.W., Alma S.); Florida Statute 39.806 - Grounds for termination of parental rights; Florida Statute 39.810 - Manifest best interests of the child

Chapter 5: Foster Care

October 1: Text 438-44; 480-490 (In the interest of T.G, M.D.) Florida Statute 39.701 - Judicial review.

October 4: Asynchronous class. Please watch: Judge Madelin F. Einbinder: The Judge and Child Partnership: Engaging Youth in Court Hearings <https://www.youtube.com/watch?v=Cv-9aebFPdk>; Overview of the dependency system (from perspective of a former foster child – created for current foster kids): <https://www.flcourts.gov/Resources-Services/Education-Outreach/Court-System-Videos/Dependency-Court-Make-Your-Voice-Heard>; Overview of specialized court systems: <https://www.flcourts.gov/Resources-Services/Office-of-Problem-Solving-Courts/Mental-Health-Courts>

October 8: Text 514-525 (P.P.)

Chapter 7: Adoption

October 11: Text 631 – 649, (Stanley, Lehr, Michael H)

October 15: Guest Speaker, Mary K Wimsett – Adoptions

Please read Heart of Adoptions v. JA, 983 So. 2d 189 (pull from Westlaw, Lexis, etc.)

October 18: Homecoming

Chapter 6: Criminal Abuse and Neglect

October 22: Text 527 – 534, 540-545 (Ogin, Crawford)

October 25: (Craig, J.C.); Florida Statute 90.803 (23) - Hearsay exceptions; Statement of Child Victim

October 29: Text pages 689-706, 714-720 (Parham, Newmark)

Chapter 8: Medical Decision-Making

October 30: Weyrauch Lecture at noon

November 1: NO CLASS

Chapter 11: Delinquency

November 5: Asynchronous class on interviewing children. Please watch the follow video. Additional videos may be provided to supplement this lesson:

<https://www.youtube.com/watch?v=OYLWkVHvgOM>

November 8: Text pages 982-1002 (TLO, Safford); Delinquency Flowchart:

<https://www.flcourts.gov/content/download/402738/file/Delinquency-Flowchart-2018.pdf>

November 12: Text pages 1009 – 1038 (Joseph H. x 2, Schall)

November 15: Text pages 1040-1055; 1070-1075 (Gault, McKeiver)

Review

November 19: Review