

Child, Parent, and the State
UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW
SPRING, 2023 SYLLABUS – LAW 6714 – 3 CREDITS

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Office Hours: Mondays and Wednesdays 9-10 AM

MEETING TIME: Mondays and Wednesdays 10:35 AM -12 PM

LOCATION: HH270

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:

Upon completion of this course, students should:

- 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 in an 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:

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

The final exam, graded anonymously, will constitute 80% of your final grade. Attendance and participation in class discussion/in-class assignments will constitute the remaining 20%.

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 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](#).

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** outside of class including reading the assigned materials.

COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS:

This syllabus is offered as a guide to the direction of the course. Our pace will depend in part on the level of interest and the level of difficulty of each section and is subject to change.

Tentative Course Outline

Please expect our outline and assigned readings to change during the semester. THIS IS ONLY A DRAFT OUTLINE. 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

Wednesday, January 18th: Syllabus; Text pages 18-31 (Meyer, Pierce)

Monday, January 23rd: Text, pages 31-35, 39-60 (Prince, Tinker, Morse)

Wednesday: Text, pages 66-80 (Troxel, Yoder)

Monday, January 30th: Text, pages 80-103 (Bellotti, Andrew F.)

A View from the Bench – Overview of Florida’s Dependency Court System, Unified Family Court, and Mental Health Court

Wednesday, February 1st: Guest Speaker, The Honorable Denise Ferrero
<https://circuit8.org/courts-judges/judge-denise-r-ferrero/>

These videos may help you prepare for Judge Ferrero’s visit as they explain what happens in dependency court and mental health court, two of the courts she presides over:

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>

Chapter 2: Defining the Child-Parent Relationship

Monday, February 6th: Text pages 142-159
(Michael H., In re C.K.G.)

Wednesday, February 8th: Text, pages 159 – 171 and 193 – 198 (SoHoo, Wendy G-M, In re Thomas C.) Florida Statute 743.015 Disabilities of nonage; removal

Chapter 3: Representing Children

Monday, February 13th: [Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings](https://www.flcourts.gov/content/download/215991/file/Floridas_Dependency_Flow_Chart_page1.pdf); Dependency Flowchart #1: https://www.flcourts.gov/content/download/215991/file/Floridas_Dependency_Flow_Chart_page1.pdf; Dependency Flowchart #2: https://www.flcourts.gov/content/download/215992/file/Floridas_Dependency_Flow_Chart_page2.pdf,

Wednesday, February 15th: regular class canceled – see specially set class time scheduled for tomorrow.

Thursday, February 16th: **Special Class time** 12-1 PM – Weyrauch Lecture in Family Law, Professor Susan Appleton ***Attendance is required.** Lecture will be held in the Chesterfield Smith Ceremonial Classroom

Monday, February 20th: 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

Chapter 10: Regulating Children's Conduct

Wednesday, February 22nd: Text, 913-924, 926-935 (City of Rochester, In the Matter of Leif Z.);

Chapter 4: Abuse and Neglect

Monday, February 27th: 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

Wednesday, March 1st: 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

Monday, March 6th: 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

Wednesday, March 8th: Text pages 409-412 (Adoptive Couple); Additional readings on ICWA may be provided.

-Spring Break-

Chapter 5: Foster Care

Monday, March 20th: Text 438-44; 480-490 (In the interest of T.G, M.D.) Florida Statute 39.701 - Judicial review.

Wednesday, March 22nd: Text 514-525 (P.P)

Chapter 6: Criminal Abuse and Neglect

Monday, March 27th: Text 527 – 534, 540-545 (Ogin, Crawford) Florida Statute 827.03 - Abuse, aggravated abuse, and neglect of a child; penalties; Florida Statute 827.04 - Contributing to the delinquency or dependency of a child; penalty

Wednesday, March 28th: Text 573-596 (Craig, J.C.); Florida Statute 90.803 (23) - Hearsay exceptions; Statement of Child Victim

Monday, April 3rd: Guest speaker, Dr. Cameron Rosenthal, Medical Director, UF Child Protection Team

Chapter 7: Adoption

Wednesday, April 5th: Text 630-648, 677-682 (Stanley, Lehr, Michael H.)

Chapter 8: Medical Decision-Making

Monday, April 10th: Text pages 689-706, 714-720 (Parham, Newmark)

Chapter 11: Delinquency

Wednesday, April 12th: Text pages 982-1002 (TLO, Safford); Delinquency Flowchart:
<https://www.flcourts.gov/content/download/402738/file/Delinquency-Flowchart-2018.pdf>

Monday, April 17th: Text pages 1009 – 1038 (Joseph H. x 2, Schall)

Wednesday, April 19th: Text pages 1040-1055; 1070-1075 (Gault, McKeiver)

Review

Monday, April 24th: Review