

LAW 250: Children and Law

Spring 2019

Dr. Hayden Henderson

Course Meeting Times: Wednesday, time TBD

Room: Musick Law Building

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Office Hours: By appointment

Course Description: Welcome to Children and Law. I hope this will be an interesting and informative learning experience for you.

This course will provide a basic introduction to issues regarding children and the law. We will focus on many legal issues and controversies that at their heart are multidisciplinary concerns. Topics of focus will be discussed and presented from psychological, sociological, philosophical and political perspectives. This course will examine topics such as children's suggestibility, decision-making, and risk and resiliency all as they apply to legal settings. Popular domestic and international case examples will be critically examined. Themes of the course will be framed through the interaction of the child, the parent, and the state. At the end of this course, students will be familiar with the legal system, and have an understanding of how to appraise and conduct developmental research with an application to legal settings.

To increase your understanding of legal arguments and empirical research, readings will consist of primary sources. As such, a course package of readings is required, in replacement of a traditional textbook.

In addition, this course will help you hone your critical thinking skills. An emphasis will be placed on class participation, in-and-out of class writing, and preparing a research paper (topics to be provided). It is expected that you will have read the required material prior to lecture so that you can actively participate in any discussion or assignment during the class meeting. Class participation is an important element to this class, and will be included in your final grade.

Learning Objectives

- 1) For students to gain an appreciation of multidisciplinary perspectives on children's rights and role within the legal system.
- 2) For students to obtain a working knowledge of international and domestic case law as it pertains to children.
- 3) For students to understand and analyze the role of the parent, the child, and the state as it pertains to the legal system.

Prerequisite(s): None

Required Text: Workbook of selected readings.

Structure of the Course: While material presented in class will be highly related to the required readings, it will not entirely overlap. For exams, you will be responsible for all material covered in lecture as well as information from your required readings. There will be no review guide or exam outline provided prior to exams.

Grades:

Exams: 60%

Examinations will measure students' mastery of material covered in the course readings and class lectures using a multiple choice and short answer format. There will be three examinations. No make-up exams will be given unless (a) you have a valid reason for not being able to take the exam on its originally scheduled date and time, AND (b) you make arrangements with me to take the make-up exam at least 24 hours before the exam's originally scheduled date and time. The grade for a missed exam will be 0.

Written Research Paper: 25%

To encourage you to adopt an active and creative research perspective on children and law, you will be required to write a research paper. Your instructor will provide a selection of paper topics at the beginning of the course. The paper will be an APA-style paper including an introduction section, main argument and discussion (including about 5-7 references, minimum, to original source material). Precursors to your paper will be due throughout the semester, to ensure that you begin early and have plenty of time for feedback and editing.

1. I expect you to work on your paper proposal throughout the course. I encourage you to begin as soon as possible. If you have questions, comments, or concerns, please use time during the semester to meet with me regularly about your proposal.
2. You must submit your chosen research question (from a list provided) to me formally before completing your paper.
3. You must turn your final paper in on time. For every 24-hour period that your final paper is turned in late, I will reduce the grade on the assignment by an entire letter grade.

(Sample Syllabus)

Participation: 15%

To pass this course, you will need to participate. You must read all assigned readings prior to each class meeting and come prepared to discuss and challenge the content covered. Arriving to class on time and paying attention (e.g., no texting, Facebook, etc.) will be included in participation. However, simple attendance is not your entire participation grade; participation involves active engagement in class. If at any time during the semester I feel the class is not adequately prepared or engaged I reserve the right to assess participation through “pop” quizzes that may be given during any class period.

Grading:

Exam 1	20%
Exam 2	20%
Exam 3 (Cumulative)	20%
Final Research Project	
Outline	5%
Final Paper	20%
Participation	15%
Total Grade	100%

Portable Electronic Devices and Learning: Portable electronic devices, such as cell phones, laptops, or tablets, are not allowed in the classroom for any purpose but active note taking. Recording of lectures using devices is forbidden. Gchatting, browsing tumblr, posting on instagram, texting, emailing, facebook, snapchatting, pinning on Pinterest, and other uses of portable electronic devices unrelated to learning are not appropriate during class time. Further, they are distracting to both the instructor and those around you. Please be respectful of the students around you and the learning process by not using electronic devices to distract yourselves or others. To facilitate this, I will make all lectures slides available for download, so you do not feel pressured to copy the information down verbatim that I relay during class. Thank you for your attention!

Students with disabilities: Any student requesting academic accommodations based on a disability is required to register with Disability Services and Programs (DSP). A letter of verification for approved accommodations can be obtained from DSP. I encourage any student with disabilities to contact the DSP office to receive appropriate accommodations. DSP is located at 3601 Watt Way Grace Ford Salvatori Hall, Room 120 and is open 8:30am-5:00pm M-F; phone: 213-740-0776; website: www.usc.edu/disability. If you have questions, come talk to me!

Academic honesty & plagiarism: USC seeks to maintain an optimal learning environment. General principles of academic honesty include the concept of respect for the intellectual property of others, the expectation that individual work will be submitted unless otherwise allowed by an instructor, and the obligations both to protect one’s own academic work from misuse by others as well as to avoid using another’s work as one’s own. All students are expected to understand and abide by these principles. Scampus, the Student Guidebook, contains the Student Conduct Code in Section 11.00, while the recommended sanctions are located in Appendix A: <http://scampus.usc.edu/1100-behavior-violating-university-standardsand-appropriate-sanctions/>.

Students will be referred to the Office of Student Judicial Affairs and Community Standards for further review, should there be any suspicion of academic dishonesty. Further, students who engage in academic misconduct will receive a failing grade for the course. The Review process can be found at: <http://www.usc.edu/student-affairs/SJACS/>.

Writing Center: The writing center is committed to helping students focus on the process of critical thinking, drafting, and revision that leads to clearly expressed ideas, coherent argument, and persuasive reasoning. Students may visit the Writing Center by making an appointment. For additional information or assistance, please visit <http://dornsife.usc.edu/writing-center/>.

Counseling Services: Students sometimes experience significant confusion and distress when trying to manage school, work, relationships, and family responsibilities. USC provides free and confidential consultations to help students deal with academic stress, relationship problems, family/roommate conflicts, personal growth, crisis events (e.g. rape, divorce, assault) and other mental health issues (e.g., anxiety, depression, suicidal ideation). Counseling Services is located at the Engemann Student Health Center and can be called at (213) 740-7711. For more information, please visit <https://engemannshc.usc.edu/counseling/>.

Final Caveat: This syllabus is provided for your information and may change as necessary. You are responsible for learning all the material contained in this syllabus as well as any modifications that are made during class time. If you have any questions, comments, or concerns about the syllabus or course requirements, please approach me. I'm here to help!

***Tentative Schedule**

Week	Topic	Reading/Assignments
Week 1, Lecture 1	<p style="text-align: center;">Introduction to Children and the Law</p> <p><i>Court system</i> Courts defined and explained: Criminal, civil, dependency, family, probate (voluntary guardianships), and administrative (e.g. teacher discipline).</p> <p><i>Child in the eyes of the law</i> Children are immature and dependent therefore others (e.g., state or parents) are responsible. As a result, children are different in the eyes of the law.</p> <p><i>Responsibility vs. rights</i> How do we balance the responsibility to care for children and their individual rights? Who is responsible for decision making of children? How mature is children's decision making capacities? Are children different from adults? If so, why and how is this rectified in the eyes of the law?</p>	<p>Yaffe, G. (Forthcoming). Chapter 1: Immaturity and reduced culpability. <i>The age of culpability: children and the nature of criminal responsibility</i> (pp. 36-71), Oxford University Press.</p> <p>-Selected excerpts of reading</p>

<p>Week 1, Lecture 2</p>	<p style="text-align: center;">Introduction to Children and Law: Multidisciplinary Perspectives</p> <p><i>Psychology</i> How are children assessed and their competency in legal settings determined? What are the outcomes of being under the care of a parent?</p> <p><i>Anthropology</i> How does culture influence children's rights and responsibilities? How do we define and view children in different cultures?</p> <p><i>Sociology</i> Societal constructs of the child, parent and the state's role (e.g., physical abuse, domestic violence).</p>	<p>UN General Assembly. (1989) Convention on the rights of the child. <i>United Nations Treaty Series</i>, 1577, 3.</p> <p>Freeman, M. (2012). Chapter 3: towards a sociology of children's rights. In M. Freeman (Ed.), <i>Law and childhood studies: current legal issues</i> (p.29-38). Oxford, United Kingdom: Oxford University Press</p>
<p>Week 2, Lecture 3</p>	<p style="text-align: center;">Child Abuse: Introduction to Physical Abuse Versus Discipline</p> <p><i>Discussion question:</i> Why is it bad to beat your child?</p> <p>Definitions and laws regarding physical abuse of children (domestic and international).</p>	<p>Runyon, K. M. & Urquiza, J. A. (2010). Child Physical Abuse: Interventions for Parents Who Engage in Coercive Parenting Practices and Their Children. In J. E. Myers (Ed.), <i>The APSAC handbook on child maltreatment</i> (pp. 195-212). Thousand Oaks, CA: SAGE.</p> <p>Roberts, J. V. (2000). Changing public attitudes towards corporal punishment: the effects of statutory reform in Sweden. <i>Child Abuse & Neglect</i>, 24, 1027-1035. doi:10.1016/S0145-2134(00)00155-1</p>
<p>Week 2, Lecture 4</p>	<p style="text-align: center;">Child Sexual Abuse</p> <p>Review of the definitions of sexual abuse.</p> <p>Reporting of child sexual abuse and types of criminal</p>	<p>Berliner, L. (2010). Chapter 14. Child sexual abuse: definitions, prevalence, and consequences. In J. E. Myers (Ed.), <i>The APSAC handbook on child maltreatment</i></p>

	<p>charges.</p> <p>How does the legal system handle sexual abuse (e.g., criminal vs. dependency court).</p>	(pp. 215-232). Thousand Oaks, CA: SAGE.
Week 3, Lecture 5	<p>Child Sexual Abuse: Distinguishing Child Abuse Versus Appropriate Parenting</p> <p>Sexual abuse versus caretaking: Bathing case example (class exercise).</p> <p>International perspectives of sexual abuse versus cultural practices.</p>	Fontes, A. L. (2005). Considering culture in child abuse and neglect practice: Tips for attorneys. In M. R. Ventrell & D. N. Duquette (Eds.), <i>Child welfare law and practice: representing children, parents, and state agencies in abuse, neglect, and dependency cases</i> (pp.151-174). Aurora, Co: Bradford Publishing Company.
Week 3, Lecture 6	<p>Child Abuse: Effects of Physical and Sexual Abuse</p> <p>Psychological sequelae of child sexual abuse.</p> <p>Legal outcomes of children who are victims of physical or sexual abuse:</p> <ul style="list-style-type: none"> ● Removal from home for foster care ● Limitation on visitation with parent ● Supervision of contact and monitoring by the court 	Thomas D. Lyon. "1. American Psychological Association, National Association of Counsel for Children, American Professional Society on the Abuse of Children, and California Professional Society on the Abuse of Children in support of Respondent. <i>Stogner v. California.</i> " (2003)
Week 4, Lecture 7	<p>Child Abuse: Exposure to Domestic Violence</p> <p>Harm reduction: exposure to domestic violence versus removal.</p> <p><i>How do we protect children from domestic violence without punishing mothers/victims?</i></p> <p><i>How is the non-abusive parent treated within the legal system (e.g., failure to report abuse)?</i></p>	<p>Levendosky, A. A., & Graham-Bermann, S. A. (2001). Parenting in battered women: The effects of domestic violence on women and their children. <i>Journal of Family Violence, 16</i>, 171-192.</p> <p>Lyon, T. D. (1999). Are battered women bad mothers? Rethinking the termination of abused women's parental rights for failure to protect. In H. Dubowitz (Ed.), <i>Neglected children: research, practice, and policy</i> (pp. 237-260). Newbury Park, CA: Sage.</p>
Week 4, Lecture 8	<p>Child Abuse: Child Custody & High Conflict Parenting</p> <p>Child custody, parental fitness, and high conflict divorces.</p>	Maccoby, E. E., Depner, C. E., & Mnookin, R. H. (2014). Custody of children following divorce. In E.M.

(Sample Syllabus)

	<i>Should we ask children to provide an opinion regarding custody cases?</i>	Hetherington & J.D. Arasteh (Eds.), <i>Impact of divorce, single parenting, and stepparenting on children</i> (pp. 91-112). New York, NY: Psychology Press.
Week 5, Lecture 9	EXAM 1 Turn-in selected topic for paper	
Week 5, Lecture 10	<p style="text-align: center;">Introduction to Children’s Eyewitness Memory</p> <p>Children’s memory and developmental perspectives (i.e., non-maltreated samples).</p> <p>Children’s memory for stressful events.</p> <p>Witness to another’s crime versus experience on the self (i.e., sexual or physical abuse).</p> <p>Accuracy with respect to children’s own experiences (i.e., more accurate because they are involved with the perpetrator).</p>	<p>Goodman, G. S., Ogle, C. M., McWilliams, K., Narr, R. K., & Paz-Alonso, P. M. (2014). Memory development in the forensic context. In P. J. Bauer & R. Fivush (Eds.), <i>The Wiley handbook on the development of children’s memory</i>. Chichester, UK: John Wiley & Sons, Ltd. doi: 10.1002/9781118597705.ch39</p>
Week 6, Lecture 11	<p style="text-align: center;">Children’s Eyewitness Memory: Suggestibility</p> <p>Suggestibility and children’s memory.</p> <p>Popular misconceptions about children as witnesses.</p> <p>False allegations, pressure and coercion.</p> <p><i>What makes children unique in these situations?</i></p>	<p>Bruck, M., Ceci, S. J., Thapar, A., Pine, D. S., Leckman, J. F., Scott, S., ... & Taylor, E. (2015). Children’s testimony: A scientific framework for evaluating the reliability of children’s statements. In <i>Rutter’s Child and Adolescent Psychiatry</i> (pp. 250-260). John Wiley & Sons, Ltd.</p> <p>Buck, J. A., Warren, A. R., Bruck, M., & Kuehnle, K. (2014). How common is “common knowledge” about child witnesses among legal professionals? Comparing interviewers, public defenders, and forensic psychologists with laypeople. <i>Behavioral Sciences & the Law</i>, 32, 867-883.</p>

<p>Week 6, Lecture 12</p>	<p style="text-align: center;">Case Example of Children’s Suggestibility</p> <p>Review of specific examples of children’s suggestibility in interviews and court case</p> <ul style="list-style-type: none"> ● Video (McMartin case) 	
<p>Week 7, Lecture 13</p>	<p style="text-align: center;">Forensic Interviewing of Children: Introduction</p> <p><i>What is different about interviewing children?</i> How to generate narratives and accurate statements</p> <p>10-step and NICHD protocol</p> <ul style="list-style-type: none"> ● Instructions ● Question types ● Allegations and follow-up questioning ● Episodic vs. scripted responses <p>Frequency of interviews (i.e., multiple interviewers)</p>	<p>Lyon, T. D. (2014). Interviewing children. <i>Annual Review of Law and Social Science</i>, 10, 73-89. doi:10.1146/annurev-lawsocsci-110413-030913</p> <p>Goodman, G. S., & Quas, J. A. (2008). Repeated interviews and children's memory: It's more than just how many. <i>Current Directions in Psychological Science</i>, 17, 386-390. doi:10.1111/j.1467-8721.2008.00611.x</p>
<p>Week 7, Lecture 14</p>	<p style="text-align: center;">Forensic Interviewing of Children: Reluctance and Recantation</p> <p>Psychological perspectives on child abuse and legal proceedings</p> <p><i>How does a child’s reluctance impact upon an interview?</i></p> <p><i>What are the motives for children recantation?</i></p> <p><i>How does recantation fit into a model of child sexual abuse?</i></p>	<p>Hershkowitz, I., Lamb, M. E., & Katz, C. (2014). Allegation rates in forensic child abuse investigations: Comparing the revised and standard NICHD protocols. <i>Psychology, Public Policy, and Law</i>, 20, 336-344. doi:10.1037/a0037391</p> <p>Malloy, L. C., Lyon, T. D., & Quas, J. A. (2007). Filial dependency and recantation of child sexual abuse allegations. <i>Journal of the American Academy of Child & Adolescent Psychiatry</i>, 46, 162-170. doi:10.1097/01.chi.0000246067.77953.f7</p>
<p>Week 8, Lecture 15</p>	<p style="text-align: center;">Children’s Court Testimony: Introduction</p> <p>How do attorneys’ question children in court? What are the expectations of children in court settings?</p>	<p>Zajac, R., O’Neill, S., & Hayne, H. (2012). Disorder in the courtroom? Child witnesses under cross-examination. <i>Developmental Review</i>, 32, 181-204. doi: 10.1016/j.dr.2012.06.006</p>

Week 8, Lecture 16	<p>Children's Court Testimony: Process and Outcomes</p> <p><i>Children's performance in the courtroom: what effect does the courtroom have on accuracy?</i></p> <p><i>Trauma of court: The impact of court testimony on children.</i></p>	<p>Saywitz, K. J., & Nathanson, R. (1993). Children's testimony and their perceptions of stress in and out of the courtroom. <i>Child Abuse & Neglect, 17</i>, 613-622.</p> <p>Quas, J. A., Goodman, G. S., Ghetti, S., Alexander, K. W., Edelstein, R., Redlich, A. D., ... & Haugaard, J. J. (2005). Childhood sexual assault victims: Long-term outcomes after testifying in criminal court. <i>Monographs of the Society for Research in Child Development, i</i>-139.</p>
Week 9, Lecture 17	<p>Children's Testimony: Accommodations</p> <p>Accommodations provided in testimony</p> <ul style="list-style-type: none"> ● Videotaped testimony ● Closed-circuit TV ● Truth-lie understanding <p><i>International perspectives and laws: Canadian regulations and Canadian Bill C-2</i></p>	<p>Gilbert, M. (2016). Around the World: Testimony Aids for Children in Canada. <i>Child. Legal Rights Journal, 36</i>, 59-61.</p> <p>Bala, N., Birnbaum, R., Cyr, F., & McColley, D. (2013). Children's voices in family court: Guidelines for judges meeting children. <i>Family Law Quarterly, 47</i>, 379-408.</p>
Week 9, Lecture 18	Exam 2	
Week 10, Lecture 19	<p>Field Trip: Edmund D. Edelman Children's Court</p> <ul style="list-style-type: none"> ● Students to observe court & meet with various agencies in the court ● Tour of courtroom prior to hearings taking place ● Students meet with Judges and staff of dependency 	

(Sample Syllabus)

	court	
Week 10, Lecture 20	<p style="text-align: center;">Psychology of Adolescence</p> <p>Review of adolescent brain and behavioral development:</p> <ul style="list-style-type: none"> ● Neuropsychological research and perspectives ● Adolescent brain functions versus adults ● Incentive based ● Emotion regulation ● Impulsivity <p>Juveniles responsible for crimes versus competency of juveniles to make decisions.</p>	Aronson, J. D. (2015). Neuroscience and Juvenile Justice. <i>Akron Law Review</i> , 42, 917-930.
Week 11, Lecture 21	<p style="text-align: center;">Juvenile Offenders: Introduction</p> <p>History of juvenile court and early philosophy.</p> <p>The differences between the juvenile delinquency courts and adult criminal courts.</p> <ul style="list-style-type: none"> ● Rehabilitation ● Deterrence ● Incapacitation ● Retribution 	Mnookin, R. H., & Weisberg, D. K. (2000). 7. Juvenile Delinquency. In <i>Child, Family, and the State: Cases and Material on Children and the Law</i> (pp.1205-1363). New York, NY: Aspen Publishers, Inc. -Selected excerpts of reading
Week 11, Lecture 22	<p style="text-align: center;">Treatment of Juvenile Offenders Internationally</p> <p><i>How are juvenile offenders treated internationally?</i> <i>How does treatment differ from American standards and practices?</i></p> <p>Youth Criminal Justice Act-Canadian perspectives</p>	Bala, N., Carrington, P. J., & Roberts, J. V. (2009). Evaluating the youth criminal justice act after five years: a qualified success 1. <i>Canadian Journal of Criminology and Criminal Justice</i> , 51, 131-167. doi:10.3138/cjccj.51.2.131
Week 12, Lecture 23	<p style="text-align: center;">Juveniles & Death Penalty</p> <p>Those under the age of 18 at the time of the crime, how</p>	<i>Graham v. Florida</i> , 560 U.S. (2010) Michaels, A. (2016). A Decent

	<p>does this impact sentencing?</p> <ul style="list-style-type: none"> ● Life without parole ● Death penalty ● Length of sentences 	<p>Proposal: Exempting Eighteen-to-Twenty-Year-Olds from the Death Penalty. <i>New York University Review of Law & Social Change</i>, 40, 139-180.</p>
<p>Week 12, Lecture 24</p>	<p>Sentencing Leniency Towards Former Child Victims</p> <p>Children who have been abused and grow-up to become abusers:</p> <ul style="list-style-type: none"> ● History of offenders and sentencing ● Victim impact statements and sentencing 	<p>Petitelerc, A., Gatti, U., Vitaro, F., & Tremblay, R. E. (2013). Effects of juvenile court exposure on crime in young adulthood. <i>Journal of Child Psychology and Psychiatry</i>, 54, 291-297.</p>
<p>Week 13, Lecture 25</p>	<p>Children as Decision Makers</p> <p>Children's medical decision making competencies.</p> <p>Challenges to medical professionals, parents and children.</p> <p>Outline of draft paper due</p>	<p>Lipstein, E. A., Brinkman, W. B., Fiks, A. G., Hendrix, K. S., Kryworuchko, J., Miller, V. A., ... & Fox, D. (2015). An emerging field of research: challenges in pediatric decision making. <i>Medical Decision Making</i>, 35, 403-408.</p>
<p>Week 13, Lecture 26</p>	<p>Children's Confessions and Miranda Waivers</p> <p>Review of Miranda rights.</p> <p>What are the differences in children versus adults Interrogation of minors by police officials?</p> <p><i>What is Miranda competency of minors?</i></p>	<p>Feld, B. C. (2006). Juveniles' competence to exercise Miranda rights: An empirical study of policy and practice. <i>Minnesota Law Review</i>, 91, 26-100.</p> <p>-Selected excerpts of reading</p>
<p>Week 14, Lecture 27</p>	<p>Children's False Confession</p> <p>Rates of false confessions among juveniles</p> <p>Case Examples</p> <ul style="list-style-type: none"> ● Central Park Five ● Stephanie Crow 	<p>Redlich, A. D. (2009). The susceptibility of juveniles to false confessions and false guilty pleas. <i>Rutgers Law Review</i>, 62, 943-957.</p> <p>Malloy, L. C., Shulman, E. P., & Cauffman, E. (2014). Interrogations, confessions, and guilty pleas among serious adolescent offenders. <i>Law and Human Behavior</i>, 38, 181-193.</p>

Week 14, Lecture 28	<p>Children as Decision Makers: Divorce and Custody</p> <p><i>Discussion question:</i> Children involved in their custody cases.</p> <ul style="list-style-type: none"> Who gets the child? The state as the parent, parental action short of abuse, how does this influence custody issues? <p>Video: Dear Zachary: A letter to a son about his father</p> <p style="text-align: center;">Final Paper Due</p>	<p>Bala, N. (2014). Bringing Canada's Divorce Act into the new millennium: enacting a child-focused parenting law. <i>Queen's Law Journal</i>, 40, 425-482.</p> <p>-Selected excerpts of reading</p>
Week 15, Lecture 29	<p>Children as Decision Makers: Medical Decisions</p> <p>Children's ability and rights to make decisions regarding treatment of:</p> <ul style="list-style-type: none"> Mental Illness Medical (Parent vs. who) <p>Children's rights to seek medical intervention or procedures:</p> <ul style="list-style-type: none"> Abortion (rights of minors to obtain abortions and rights of parents to be informed) Gender Identity and reassignment surgery 	<p>Saks, E. R. (2014). College students with mental health disorders: When may their Parents Be Told. <i>Southern California Review of Law and Social Justice</i>, 24, 329-342.</p> <p>Braverman, P. K., Adelman, W. P., Alderman, E. M., Breuner, C. C., Levine, D. A., Marcell, A. V., & O'Brien, R. (2017). The adolescent's right to confidential care when considering abortion. <i>Pediatrics</i>, 139, e20163861. doi:10.1542/peds.2016-3861</p>
Week 15, Lecture 30	<p>Children as Decision Makers: International Perspectives</p> <p>International perspectives from United Kingdom legal case</p> <p><i>Review of Charlie Gard case and similar cases</i></p>	

	Video: Fight for baby Charlie Gard Exam Review Session	
	EXAM 3 Cumulative	