

LAW 250: Children and Law

Spring 2020

Dr. Hayden Henderson

Course Meeting Times: Wednesday, 3:30-6:50 PM

Room: Mudd Hall MHP B7B (*Tentative Room)

Instructor Office: Musick Law Building Room 416

Office Hours: Tuesday 2:00 pm - 3:00 pm

Instructor Telephone: 830-955-2729

Instruction Email: hhenderson@law.usc.edu

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, only excerpts of a book (Children and the Law, 6th edition) will be assigned in addition to research papers. Students will also read a non-fiction book titled 'No Matter How Loud I Shout', which will be discussed in class and in a writing assignment.

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 Texts:

1. Children and the Law in a Nutshell, 6th Edition, by Douglas Abrams, Susan Mangold, and Sarah Ramsey
2. No Matter How Loud I Shout: A Year in the Life of Juvenile Court by Edward Humes
3. Excerpts from 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 an opportunity to ask review questions prior to the exam, **but NO exam outline provided prior to exams.**

Grades:

Exams: 50%

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 two 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 12 hours before the exam's originally scheduled date and time. The grade for a missed exam will be 0.

Written Research Paper: 35%

To encourage you to adopt an active and creative research perspective on children and law, you will be required to write two research papers throughout the course. 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). The first paper will be due in the middle of the course and will provide feedback that will be useful for the final paper due at the end of term.

1. 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 questions (from a list provided) to me formally before completing your paper.
3. You must turn both papers in on time. For every 24-hour period that a paper is turned in late, I will reduce the grade on the assignment by an entire letter grade.

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:

Midterm	25%
Final	25%
Research Project	
First Paper	10%
Final Paper	25%
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, facebooking, 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!

Term Schedule-

***tentative* order of classes / reading, however, content will remain the same.**

Week	Topic	Reading/Assignments
Week 1, Jan 15	<p style="text-align: center;">Introduction to Children and the Law: Multidisciplinary Perspectives</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><i>Bronfenbrenner's Ecological Systems Theory</i> Can we consider children's legal rights separate from the environments in which they interact?</p>	<p>-Selected excerpts of reading (see blackboard)</p> <p>-Children and the Law in a Nutshell, Chapter 1 (pp. 1-46)</p> <p><i>See blackboard for additional references.</i></p>
Week 2, Jan 22	<p style="text-align: center;">Child Abuse and Neglect</p> <p style="text-align: center;">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</p>	<p>-Children and the Law in a Nutshell, pp. 108-127</p> <p>Roberts, J. V. (2000). Changing public attitudes towards corporal punishment: the effects of statutory reform in Sweden. <i>Child Abuse &</i></p>

	<p>(domestic and international).</p> <p style="text-align: center;">Introduction to Neglect and Other Forms of Maltreatment</p> <p>Definitions and laws regarding neglect and other forms of maltreatment of children (domestic and international).</p>	<p><i>Neglect</i>, 24, 1027-1035. doi:10.1016/S0145-2134(00)00155-1</p> <p>Hayes, B. E. & O’Neal, E. N. (2018). The effects of individual- and national-level factors on attitudes toward child maltreatment. <i>Child Abuse & Neglect</i>, 83, 83-93. doi: 10.1016/j.chiabu.2018.07.012</p>
<p>Week 3, Jan 29</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 charges.</p> <p>Sexual abuse versus caretaking: Bathing case example (class exercise).</p> <p>Causes, effects of CSA</p>	<p>-Children and the Law in a Nutshell, Chapter 5 (pp. 195-251)</p>
<p>Week 4, Feb 5</p>	<p style="text-align: center;">Domestic and Intimate Partner Violence</p> <p>How are children affected by domestic violence and intimate partner violence?</p> <p>Causes and effects of DV and IPV on future outcomes</p> <p style="text-align: center;">Class Discussion:</p> <p>Are battered women bad mothers?</p>	<p>Lyon, Thomas D., Are Battered Women Bad Mothers? Rethinking the Termination of Abused Women's Parental Rights for Failure to Protect. To appear in H. Dubowitz, ed., <i>NEGLECTED CHILDREN: RESEARCH, PRACTICE AND POLICY</i>. Available at SSRN: https://ssrn.com/abstract=57951</p>
<p>Week 5, Feb 12</p>	<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>Children’s Eyewitness Memory: Suggestibility</p> <p>Suggestibility and children’s memory. Popular misconceptions about children as witnesses. False allegations, pressure and coercion. <i>What makes children unique in these situations?</i></p> <p>Case Example of Children’s Suggestibility</p> <p>Review of specific examples of children’s suggestibility in interviews and court case</p> <p>Video (McMartin case)</p>	
<p>Week 6, Feb 19</p>	<p><i>Child Interviewing Lab – Forensic Interviewing</i></p> <p><i>Practical session on conducting a forensic interview</i></p>	
<p>Week 7, Feb 26</p>	<p><i>Forensic Interviewing of Children</i> <i>*Tom Lyon Speaking*</i></p> <p><i>What is different about interviewing children?</i> <i>How to generate narratives and accurate statements</i></p> <p><i>10-step and NICHD protocol</i></p> <ul style="list-style-type: none"> ● <i>Instructions</i> ● <i>Question types</i> ● <i>Allegations and follow-up questioning</i> ● <i>Episodic vs. scripted responses</i> <p><i>Frequency of interviews (i.e., multiple interviewers)</i></p> <p><i>Psychological perspectives on child abuse and legal proceedings</i></p> <p><i>How does a child’s reluctance impact upon an interview?</i></p> <p>*1st Essay Topic Due*</p>	
<p>Week 8, March 4</p>	<p>MIDTERM</p>	

<p>Week 9, March 11</p>	<p style="text-align: center;">*First paper due*</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 style="text-align: center;">Children’s Court Testimony: Process and Outcomes</p> <p>Children’s performance in the courtroom: what effect does the courtroom have on accuracy? Trauma of court: The impact of court testimony on children.</p> <p style="text-align: center;">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>International perspectives and laws: England, Scotland, Australia, New Zealand</p>	<p>Children and the law in a nutshell, Chapter 5, Section C (pp. 223-235)</p>
	<p>Spring Break March 15-22</p>	
<p>Week 10, March 25</p>	<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> <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 	<p>HOW SHOULD JUSTICE POLICY TREAT YOUNG OFFENDERS? MacArthur Foundation Brief Report (2017)- See Blackboard</p> <p>Children and the Law in a Nutshell, Chapter 10 (pp. 457-479)</p>

	<ul style="list-style-type: none"> ● Deterrence ● Incapacitation ● Retribution <p style="text-align: center;">Treatment of Juvenile Offenders Internationally</p> <p>How are juvenile offenders treated internationally? How does treatment differ from American standards and practices?</p>	
<p>Week 11, April 1</p>	<p style="text-align: center;">Juveniles & Death Penalty</p> <p>Those under the age of 18 at the time of the crime, how does this impact sentencing?</p> <ul style="list-style-type: none"> ● Life without parole ● Death penalty ● Length of sentences <p style="text-align: center;">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 style="text-align: center;">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>What is Miranda competency of minors?</p> <p style="text-align: center;">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 style="text-align: center;">Children and the Law in a Nutshell, Chapter 10 (pp. 491-512; 556-558)</p>

<p>Week 12, April 8</p>	<p style="text-align: center;">Children as Decision Makers</p> <p style="text-align: center;">Children as Decision Makers: Divorce, Custody, etc.</p> <p>Discussion question: 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>Week 13, April 15</p>	<p style="text-align: center;">Children as Decision Makers: International Perspectives</p> <p>International perspectives from United Kingdom legal case</p> <p>Review of Charlie Gard case and similar cases</p> <p>Video: Fight for baby Charlie Gard</p>	
<p>Week 14, April 22</p>	<p style="text-align: center;">Children as Decision Makers: Medical Decisions</p> <p>Children’s medical decision making competencies.</p> <p>Challenges to medical professionals, parents and children.</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>Children and the law in a nutshell, chapter 7 (pp. 317-346)</p>
<p>Week 15, April 29</p>	<p style="text-align: center;">Discussion on ‘No Matter How Loud I Shout’</p> <p style="text-align: center;">Exam Review Session; Final Paper Due</p>	

	NON-CUMULATIVE FINAL EXAM Date/Time/Location TBD	
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