

Juvenile Law- Fall 2020

Syllabus

Course Description

This course focuses on core concepts in juvenile law and procedure emphasizing juvenile dependency and juvenile delinquency. We will explore the constitutional basis for intervention by the state in family life. We will also discuss formal process for adjudicating dependency and delinquency cases.

Learning Objectives

After taking this course students will be able to identify, articulate and discuss the due process implications of state child welfare systems, including the rights of parents and children. Students will also be able to understand the practical challenges facing lawyers and clients in juvenile court.

Office Hours

I can be contacted by phone or email to make an appointment to meet at student's convenience.

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Cell (503) 931-5389

Final

The final examination is a take home paper no more than 10 pages in length.

Text:

Readings are from Abrams, Ramsey, Mangold, Children and the Law, Doctrine Policy and Practice (7th Ed.), except where noted. If you purchased the 5th edition, I think it will work for this class. I will separately send a copy of the 7th edition table of contents so you can make the adjustment on the reading.

Reading assignments

8/25 1-38, (The status, rights and obligations of children- to note on In Re Gault)

9/1 37-75, (Tinker, Morse, and Troxell); Mahanoy Area School District v. B.L. through Levy, 141 S.Ct. 2038 (2021)

9/8 66- 89 (Yoder and Bellotti), 113-122 (academic readings on children's rights—Wald, Hafen, Federle, Woodhouse, Meyer, Volokh, Dailey)

9-15 125-176 (Defining the Concept of Parent)

9/22 439-460, ORS 419B100; *Dept. of Human Services v. D.H.*, 269 Or App 863 (2015), *Dept. of Human Services v. D.W.M.*, 296 Or App 109 (2019), *Dept of Human Services v. T. J.*, 302 Or App 531 (2020);

Lessening the Sting of ASFA: The Rehabilitation Relapse Dilemma Brought About By Drug Addiction And Termination of Parental Rights, 45 Fam. Ct. Rev. 524 (2007); Victimized Twice: The Reasonable Efforts Requirement In Child Protection Cases When Parents Have A Mental Illness, 11 Whittier J. Child & Family Advocacy 3 (2011); *Dept. of Human Services v. A. D. J.*, 300 Or App 427 (2019); *Department of Human Services v. C. S. C.*, 303 Or App 399 (2020).

9/29 387-412; *Dept. of Human Services v. T.M.D.*, 365 Or 143 (2019). THE TYRANNY OF TIME: VULNERABLE CHILDREN, “BAD” MOTHERS, AND STATUTORY DEADLINES IN PARENTAL TERMINATION PROCEEDINGS, 11 Virginia Journal of Social Policy and the Law 176 (Winter 2004)

10/6 413-431, In the Name of the Child: Race, Gender and Economics in Adoptive Couple v. Baby Girl, 67 FLA. L. Rev. 295 (2015); A Response to Professor Berger’s In the Name of the Child: Race, Gender, and Economics in Adoptive Couple v. Baby Girl, 67 Fla. L. Rev. F. 1 (2015)

10/13 Dependency Practice Panel

10/20 952-980, 981-1006

10/27 1006-1062

11/3 1063-1124

11/10 1124-1152; *Roper v. Simmons*, 543 U.S. 551 (2005); *Graham v. Florida*, 560 U.S. 48 (2010), *Miller v. Alabama*, 567 U.S. 460 (2012); *Jones v. Mississippi*, 141 S.Ct. 1307 (2021)

11/17 Delinquency Practice Panel