COURSE NAME: Children in the Law

COURSE NUMBER: Law 8733

PROFESSOR: Kisthardt

ESSENTIAL PREREQUISITES: None

DESIRABLE PREREQUISITES: Family Law

COURSE BOOKS: Children and the Law

METHOD OF GRADING & APPRAISAL OF STUDENT FOR GRADE: Paper 50%, Presentation 20%, Midterm Exam 30%

SUMMARY DESCRIPTION OF COURSE: In this seminar we will examine the ways in which the legal system treats children differently than adults and the justifications for such treatment. With these differences in mind we will focus on the central question of who should make decisions for the child. An attempt will be made to ascertain the respective decisional authority that should be granted to parents, children and the state in various contexts. We will also discuss the various roles that attorneys can assume in "representing" children.

OBJECTIVES: Students will develop an understanding of the issues that confront children in our society. They will be able to articulate the differences in the roles lawyers can play in the child protection system. They will be able to identify an appropriate paper topic, conduct research, provide an annotated outline and complete a research paper.

COURSE CONTENT: Areas of discussion include education, privacy rights of minors, medical decision making for children, abuse & neglect and adoption. Please see the attached syllabus for a more detailed description of the topics covered.


RELEVANCY OF COURSE FOR CAREER PURPOSES: Students who practice in Jackson County are subject to mandatory appointment in juvenile cases.
Children In The Law
Professor Mary Kay Kisthardt
Fall 2011

Course Schedule: The class will meet in Room 2-300B on Tuesdays and Thursdays from 10:00-11:15 with the exception of the last three weeks when we will be extending the class to 11:30 to accommodate the presentations.


Contact Information: My office is in the Holmes Suite, 1-507. My phone number is 816-235-2373. My e-mail address is kisthardtm@umkc.edu. I am generally in my office every day, please feel free to stop by at any time. If you would like to set up a specific appointment time, please see me in class or e-mail me.

Objectives: In this seminar we will examine the ways in which the legal system treats children differently than adults and the justifications for such treatment. With these differences in mind we will focus on the central question of who should make decisions for the child. An attempt will be made to ascertain the respective decisional authority that should be granted to parents, children and the state in various contexts. We will also discuss the various roles that attorneys can assume in representing children.

Assignments: An examination based on the reading material, a paper and a presentation based on the paper will be required. Some suggested topics for the research paper are listed below. You are free to write on other topics subject to my approval. The presentation will last approximately thirty minutes and will take place during the final three weeks of the semester. Please plan accordingly. During most of the semester we will be discussing readings from the text. It is imperative that you be fully prepared to engage in these discussions. The reading assignments are sometimes lengthy, but we need to cover the material before the presentations begin. The exam will be given on November 3. The general Law School attendance policy is in effect and can be found at [http://law.umkc.edu/current-students/policies.asp](http://law.umkc.edu/current-students/policies.asp)

**Guidelines for the paper and presentation**

Paper
The approximate length of the paper should be between 20 and 25 pages. I am less concerned about length than I am about you adequately addressing the topic. You will be required to submit a one paragraph summary of your proposed paper, and an annotated outline. Due dates for these will be announced. The paper should be written in a standard journal format using bluebook citation form and is due on December 1. The paper may be used for Research and Writing certification. However, you will need to make this declaration (by filing the standard form with the Administrative Office) when you submit your topic paragraph and there will be additional requirements such as a mandatory first
draft. Those not submitting for R & W credit are nevertheless encouraged to submit drafts for feedback. All students are subject to the Law School’s Academic Honesty and Plagiarism Policies which can be found at [http://law.umkc.edu/current-students/policies.asp](http://law.umkc.edu/current-students/policies.asp) and are required to submit the Student Self-editing Checklist with their papers. The checklist can be accessed by downloading a brief piece entitled Training Independent Learners from SSRN at [http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1130308](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1130308) (Click on One-Click Download).

Presentation
In preparing your presentation please consider what two or three things about your topic you think are the most important things for your classmates to know. The presentation should be designed to highlight the important aspects of your topic, not to reiterate all the points that you will make in your paper. The presentation is very short, only 30 minutes, and therefore it is essential that you distill the information you want to present into this time frame.

One class before your presentation you will be required to provide an outline of the presentation to me. If you wish to distribute written material you may submit it to me two class periods before your presentation and I will have it reproduced and available for you to distribute either in advance of your presentation or on the day of your presentation.

During the presentation you may use PowerPoint slides or any other audio or visual aids you wish. Our classroom is equipped with a projector, computer, VHS player and DVD player. The easiest way to access PowerPoint slides is to put them on a flash drive or e-mail them to your account and access the account from the computer.

Please let me know if you have any questions about the presentation or the paper. I am looking forward to you providing an enriching educational experience for your colleagues.

**Grading:** Your grade will be based on the exam (30%), your paper (50%) and your presentation (20%).

**Classroom guidelines:** My goal is to create a classroom environment that fosters collaborative learning. In order to accomplish this, it is important that all of us remain fully engaged in the discussions. As such, computer use is allowed for the purposes of taking notes only and accessing web sites relevant to the current class discussion. Cell phone use is absolutely prohibited in the classroom unless you are a caregiver who must be available by phone or are expecting an urgent message. If either of these exceptions applies to you, please let me know.
COURSE OUTLINE

I. “Children’s Rights”

B. Perspectives on Children’s Rights 114-127
C. The Law’s Evolving Conception of Children’s Status, Rights and Obligations 15-36, 65-82

II. Defining the Parent-Child Relationship

C. Guardianship and Psychological Parents 182-196

III. Adoption

A. Who May Adopt? 618-632
B. Agency Adoptions and Private Placements 635-640
D. Open Adoption, 681-682, 686-687
E. International Adoption 693-695
F. Post Adoption Issues: Search for Identity 704-709
G. Procedural Issues (handouts)

IV. Abuse and Neglect

A. Introduction 284-287
C. Patterns and Causes of Abuse and Neglect, 323, note 3 - 332
D. Sexual Abuse 345-347, 351-56
E. Termination of Parental Rights, Mo. Rev. Stat. 211.447
G. Roles of Attorneys

V. Education

A. First Amendment Rights in the Schools, 36-60
B. Search & Seizure Issues, 1016-1035, 60-64

VI. Medical Decision-Making for the Child

A. Decision-Making Authority, 710-720  
B. Medical Neglect, 747-763  
C. Withholding Medical Care  
   Infants 764-770  
   Older Children 770-775

**Disabled Student Services**

UMKC endeavors to make all activities, programs and services accessible to students with disabilities. A Campus Coordinator for Disabled Student Services is available to arrange for reasonable accommodations. If you need accommodations, it is important that you contact the Coordinator as soon as possible to arrange for providing appropriate documentation and the prescribing of reasonable accommodations in the classroom and for exams. For information call (816) 235-5696. Speech and hearing impaired use Relay Missouri, 1-800-735-2966 (TT) or 1-800-735-2466 (Voice.) For questions or further information, see Adela Fleming in the Law School Administrative Suite.

Possible Paper Topics

Guardianship as an Alternative to Adoption  
Termination of Parental Rights after the Adoption and Safe Families Act  
Children with Disabilities in the Schools: IDEA  
Corporal Punishment of Children  
The Child’s Right to Protection in Foster Care  
Foster Care Placements  
Prospective Restraints on the Sexual Abuse Offender: Civil Commitments and Community Notification  
Open Adoption  
International Adoption  
Medical Experimentation involving Children  
Newborns with Positive Toxicologies  
Child Labor Laws  
Commitment of Children to Psychiatric Facilities  
Child Pornography  
Property Rights of Children  
Regulation of Children’s Conduct: Alcohol and Tobacco  
Regulation of Children’s Conduct: Curfews  
The Child’s Right to Bring Suit  
First Amendment Rights & Regulation of Internet Use