SYLLABUS

CHILD WELFARE PRACTICE AND THE LAW
Social Work Mini-Course, Winter 2012, SW 799-008
Saturdays, March 10, 17, 24 and 31, 2012
8:30 to 12:30
Classroom - 2752 SSWB

Donald N. Duquette,
Clinical Professor of Law and Director,
Child Advocacy Law Clinic, University of Michigan Law School
duquette@umich.edu
Office hours: by appointment

Course Description: The courts are an inevitable component of America’s child welfare social work practice. An effective social worker must understand the courts, legal process, laws governing child protection and foster care and, importantly, feel comfortable and confident in practicing the social work profession in a legal setting. This survey course will cover the central legal principles and substantive law of child welfare including reporting of suspected child abuse and neglect, the constitutional and other rights of children and parents, legal process in child protection and foster care, Federal law governing foster children, the structure of the courts and the interface between the various courts. Students will learn the role and ethics of lawyers and judges, basics of confidentiality and privilege, the most relevant rules of evidence, and the various legal options for permanency. Students will learn and practice their own courtroom presentation skills and how to assist children in court as witnesses or litigants. An important goal of the course is to demystify the court and legal process so that the social worker will be comfortable and effective in the court setting.

Edition, 2010), defines the scope and duties of this new legal specialty in child welfare law and prepares experienced lawyers for a national certifying examination. Child Welfare Law Specialty certification is now available in 32 U.S. jurisdictions. Don also directs the National Quality Improvement Center on the Representation of Children in the Child Welfare System (QIC-ChildRep), a five year, $6 million project of the U.S. Children’s Bureau. The QIC-ChildRep is to gather, develop and communicate existing knowledge on child representation, promote consensus on the role of the child’s legal representative, and provide the first ever randomized experimental design research on legal representation of children.

C-Tools: There is no textbook for this course. All materials will be made available online via the C-Tools website. Students are expected to check the course website regularly for announcements and additional resources.

Assignments: Please do the assigned readings as found on C-Tools prior to every class. Students will be asked to submit a brief 1 to 2 page reflection paper on particular issues raised in the previous class. Three such papers will be required – 1) reflections on Class #1, due prior to class #2; 2) reflections on Class #2, due prior to class #3; and 3) reflections on class #3, due prior to class #4. Each student is asked to visit a family court in session sometime during the class and write a brief reflection paper on that experience. Any student unable to visit a courtroom for a valid reason should contact the professor to work out an alternative assignment.

Grading: Grades are based on class preparation and participation (20%); the four reflection papers (40%) and a final exam (40%).

CLASS TOPICS:

Class #1, March 10

Introduction to law and legal process as it applies to child protection and foster care; structure of court system; overview of process and fundamental constitutional rights in play; . Intro to the social workers’ role in the legal process; Role and ethics of lawyers for the child, parent and the agency.

Class #2, March 17

Mandatory reporting of suspected child abuse and neglect; child protection investigations; 4th Amendment search and seizure requirements; Removal and placement of children; mandatory petitions; State and Federal requirements for reasonable efforts; safety assessments; Basics of rules of evidence; practice testimony at preliminary hearing; social worker liability.

Class #3, March 24

Family court jurisdiction and adjudication; Federal and state foster care timeframes; case plan development and implementation; judicial review; the state’s duty of care to children in foster care; legal rights of children in foster care (Chafee Act, Fostering Connections); aging out of foster care. Confidentiality and privilege; Social worker as witness; assisting
children and others in court as witnesses or participants; child witness protections.

Class #4, March 31

Permanency planning; concurrent planning; termination of parental rights; adoption options; guardianship; Indian Child Welfare Act; Non-adversarial case resolution (NACR); Negotiation.