

Children, Social Science, and the Law
HDFS 766 (Section 4), Fall 2005
Wednesdays, 12:00 noon – 2:30 PM
1430 Linden Drive, Room 101

SYLLABUS

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Office Hours: Immediately after class and by appointment

The goal of this course is to examine areas of the law relating to children in which social science evidence bears on legal policy and practice. Throughout the course, the underlying question will be, “How can social science and the law inform each other in matters that affect children?”

DISABILITIES AND INCLUSION

I am committed to including individuals with disabilities fully in this course. If you need accommodation to participate fully in the course, please inform me as soon as possible so that we can make appropriate arrangements. I will treat this information as confidential.

REQUIREMENTS

- (1) Readings. The text for this course is Bottoms, Kovera, & McAuliff (Eds.) (2002), *Children, Social Science, and the Law*, published by Cambridge University Press. This book has been ordered at the University Bookstore and at Underground Textbook Exchange. A list of additional required readings will be provided in class.
- (2) Attendance and participation. Come to each class ready to discuss the readings and related issues, to share your ideas, and to facilitate the contributions of others.
- (3) Reading commentaries. Each week (except as noted in the class schedule that follows), write a commentary reacting to the assigned readings. A good length for these commentaries is about 500 words; however, content is much more important than length. At the end of your commentary, propose a discussion question for that week’s class. In advance of class, you’ll distribute your commentary to all class members by e-mailing it to the class listserv (hdfs766-4-f05@lists.wisc.edu), and then read the commentaries of other students. Based on class consensus, we will choose a weekly deadline for posting commentaries, and decide on any other details for this assignment.
- (4) Examinations. Two exams will be given during class, on October 26 and November 30. The first exam will cover material from Classes 2 through 7 (September 14 – October 19), and the second, material from classes 9 through 13 (November 2 – November 30). The exam format is closed book, open notes. During the exam, you may consult any notes and materials that *you* have written. Students who study together may share notes in advance of the exam, and consult those notes during the exam. Before writing each exam, I will give you an opportunity to suggest exam questions, and then a list of exam study questions.

- (5) Presentation. At one class meeting, make a presentation to the class about an issue of your choice related to children, social science, and law. You will have 50 minutes for presentation and discussion. You may decide how you would like to arrange the format and timing of your presentation (e.g., questions from the class during or after your presentation).
- (6) Issue paper. An issue paper is due on Friday, December 16, at 12:00 noon. The purpose of an issue paper is to inform a decision maker about a specific topic, and to recommend a course of action. Your issue paper should incorporate social science evidence in an analysis of a legal issue concerning children. Late papers will not be accepted.

Issue paper instructions:

Format

- Page 1: Title page with the following information:
- Paper title
 - Name of the person to whom the issue paper is addressed
 - Your name
 - Your contact information
 - The date

- Pages 2-3: In **two pages** of single-spaced text:
- Define the issue or problem that your paper addresses
 - Document the scope and importance of the issue or problem
 - Present a concise review and analysis of social science evidence related to the issue or problem
 - Propose a specific solution or innovation to address the issue or problem

- Page 4: Provide a list of references that you cited in the text.

Throughout your paper, use a 12-point font and 1-inch margins.

Submitting your paper

Submit your paper by e-mailing it to me as an attachment, in either Microsoft Word format or (if you use another word processing program) rich text format.

GRADING

Course grades will be determined as follows:

- Reading commentaries, attendance, and participation 30%
- Exams 30% (15% each)
- Presentation 10%
- Issue paper 30%

SCHEDULE OF CLASS TOPICS

(Subject to change based on class progress and student interests)

<u>Class</u>	<u>Date</u>	<u>Topic</u>
1	September 7	Course Introduction and Overview
2	September 14	Children's Rights
3	September 21	Juvenile Delinquency and the Juvenile Court
4	September 28	Legal Research Resources
5	October 5	Adolescent Capacities and Culpability
6	October 12	Juveniles and the Death Penalty
7	October 19	Adolescent Reproductive Rights
8	October 26	Exam #1
9	November 2	Children of Lesbian and Gay Parents
10	November 9	Child Maltreatment
11	November 16	Child Witnesses
12	November 23	Children in Foster Care
13	November 30	Research and Advocacy
14	December 7	Exam #2
15	December 14	Students' Choice

SCHEDULE OF CLASS TOPICS AND READINGS

(Subject to change based on class progress and student interests)

Class Date Topic

1 September 7 Course Introduction and Overview

2 September 14 Children's Rights

(1) Schmidt, M.G. & Reppucci, N.D. (2002). Children's rights and their capacities. In Bottoms et al. (pp.76-105)

(2) Meyer v. Nebraska, 262 U.S. 390 (1923).

(3) Pierce v. Society of Sisters, 268 U.S. 510 (1925).

(4) Wisconsin v. Yoder, 406 U.S. 205 (1972).

3 September 21 Juvenile Delinquency and the Juvenile Court

(1) Sheperd, R. E., Jr. (1999) The juvenile court at 100 years: A look back. Juvenile Justice, 6. [Access this article online at <http://www.ncjrs.org/html/ojjdp/jjjournal1299/2.html>.]

(2) Salekin, R. (2002). Juvenile transfer to adult court. In Bottoms et al., pp.203-232.

(3) Commonwealth v. Fisher, 27 Pa. Super. 175 (1905).

(4) In re Gault, 387 U.S. 1 (1967).

4 September 28 Legal Research Resources [No reading commentary due this week]

5 October 5 Adolescent Capacities and Culpability

(1) Woolard, J. (2002). Capacity, competence and the juvenile defendant: Implications for research and policy. In Bottoms et al., pp.270-298.

(2) Grisso, T., Steinberg, L., Woolard, J. et al. (2003). Juveniles' competence to stand trial: A comparison of adolescents' and adults' capacities as trial defendants. Law and Human Behavior, 27, 333-363

(3) Cauffman, E. & Steinberg, L. (2000). (Im)maturity of judgment in adolescence: Why adolescents may be less culpable than adults. Behavioral Sciences & the Law, 18, 741-760.

Class	Date	Topic
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6 October 12 Juveniles and the Death Penalty

- (1) Steinberg, L. & Scott, E.S. (2003). Less guilty by reason of adolescence: Developmental immaturity, diminished responsibility, and the juvenile death penalty. American Psychologist, 58, 1009-1018.
- (2) Roper v. Simmons (No. 03-633).
Syllabus
Brief for the American Psychological Association, and the Missouri Psychological Association as *Amici Curiae* Supporting Respondent.

7 October 19 Adolescents' Reproductive Rights

- (1) Gardner, W., Scherer, D., & Tester, M. (1989). Asserting scientific authority: Cognitive development and adolescent legal rights. American Psychologist, 44, 895-902.
- (3) Melton, G. B. (1990). Response to Gardner et al.: Knowing what we do know: APA and adolescent abortion. American Psychologist, 45, 1171-1173.
- (4) Scherer, D., & Gardner, W. (1990). Response to Melton: Reasserting the authority of science. American Psychologist, 45, 1173-1174.
- (5) Planned Parenthood of Missouri v. Danforth, 428 U.S. 52 (1976).
- (6) Bellotti v. Baird, 443 U.S. 622 (1979).

8 October 26 Exam 1

9 November 2 Children of Lesbian and Gay Parents

- (1) Patterson, C. J., Fulcher, M., & Wainright, J. (2002). Children of lesbian and gay parents: Research, law, and policy. In Bottoms et al., pp.176-201.
- (2) Patterson, C. J., & Redding, R. (1996). Lesbian and gay families with children: Public policy implications of social science research. Journal of Social Issues, 52, 29 - 50.

10 November 9 Child Maltreatment

- (1) Kempe, C. H., Silvertnan, F. N., Steele, B. F., Droegemuller, W., & Silver, H.K. (1962). The battered child syndrome. Journal of the American Medical Association, 181, 17-24.
- (2) Santosky v. Kramer, 455 U.S. 745 (1982).

Class	Date	Topic
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11 November 16 Child Witnesses

- (1) Schaaf, J., Alexander, K., Goodman, G., Ghetti, S., Edelstein, R., & Castelli, P. (2002). Children's eyewitness memory: True disclosers and false reports. In Bottoms et al., pp.342-377.
- (2) Lyon, T. (2002) Expert testimony on the suggestibility of children. In Bottoms et al., pp. 378-411.
- (3) Ceci, S., & Bruck, M. (1993). The suggestibility of the child witness: A historical review and synthesis. Psychological Bulletin, 113, 403-439.

12 November 23 Children in Foster Care

- (1) Allen, M. L., & Bissell, M. (2004). Safety and stability for foster children: The policy context. The Future of Children, 14, 49-73.
- (2) Mnookin, R. (1973). Foster care – in whose best interest? Harvard Educational Review, 43, 599-638.
- (3) Smith v. Organization of Foster Families, 431 U.S. 816 (1977).

13 November 30 Research and Advocacy

- (1) Bazelon, D. (1982). Veils, values, and social responsibility. American Psychologist, 37, 115-121.
- (2) Grisso, T., & Steinberg, L. (2005). Between a rock and a soft place: Developmental research and the child advocacy process. Journal of Clinical Child and Adolescent Psychology, 34, 619-627.
- (3) Roesch, R., Golding, S., Hans, V., & Reppucci, N. D. (1991). Social science and the courts: The role of amicus curiae briefs. Law and Human Behavior, 15, 1-11.

14 December 7 Exam #2

15 December 14 Students' Choice