Syllabus

Vermont Law AND GRADUATE School
The State, Families and Child Protection
Spring 2022
Course # FAM 7719
Room: Oakes 207
Days/time: Monday/Wednesday 9:55 - 11:10 am

Professor Ken Schatz
(preferred pronouns: he, him, his)
kschatz@vermontlaw.edu; 802-598-5959

Course Description: The three credit course for Master’s, Professional Certificate and JD students considers rules, policy and procedures in child abuse and neglect cases, including termination of parental rights. The course explores the sensitive interplay between family independence and autonomy and the state’s obligation to protect children. Students will be graded on their class engagement, responses to short quizzes and a final paper on a topic of their choosing. (have you figured out how you will assess students?)

Course Materials:

Child Welfare Law and Practice; Representing Children, Parents and State Agencies in Abuse,Neglect and Dependency Cases, 3rd edition 2014 Edited by Marvin Ventrell and Donald N.Duquette


Course Learning Outcomes

- Understanding of child abuse and neglect and its impact on children and families
- Understanding of the child protection legal process
- Understanding of the child protection system, including the role of the State, families and service providers
- Understanding of challenges and issues for children, families and stakeholders involved in the child protection system
- Awareness of alternative approaches to address child abuse and neglect, including restorative justice.

(If you do create a Canvas page you might invite your students to visit the page)
(Ken, you may wish to add something here about course culture/value/expectations and also a “trigger warning” that discussing family dynamics and trauma may be challenging and people should practice appropriate self-care – or something like that.)

Topics:
I. History of Child Protection
   a. Parens Patriae
   Concept that allows the government to intervene in a
   family to protect children whose welfare is at risk
   b. Federal and State Legal Standards
   c. Child in Need of Care and Supervision (CHINS)
   d. Best Interest of the Child
   e. Reasonable Efforts to keep families together or reunify families
   f. Permanency for Child, including Reunification, Termination of Parental
   Rights and Adoption

II. Preliminary Proceedings
   a. Child Abuse and Neglect Reports
   b. Role of Child Protection agency
   c. Role of Law Enforcement
   d. Mandatory Reporting laws
   e. CHINS (Child in Need of Supervision) Petitions, including Affidavit

III. Court
   a. Emergency Care Orders
   b. Temporary Care Hearings, Merits, Disposition, Post Disposition
   c. Termination of Parental Rights
   d. Burden of Proof
   e. Establishing parentage/genetic testing
   f. Confidentiality

IV. Roles and Responsibilities
   a. Right to Counsel for Parents
   b. Role of Prosecutor
   c. Role of Child’s Attorney
   d. Role of Guardian Ad Litem
   e. Role of Law Enforcement
   f. Role of Child Protection agency; case plans, disposition reports,
   permanency plan
   g. Timeframes

V. Placement Options
   a. Custody to State, Conditional Custody Orders
b. Child Placement; kinship, foster care, residential placements  
c. Permanent Guardianship  
d. Reunification

VI. Termination of Parental Rights  
a. Hearing Procedures  
b. Burden of Proof  
c. Disposition options  
d. Adoption – voluntary and open

e. Post disposition reviews.

VII. Alternative Approaches  
a. Restorative justice, including family group conferencing  
b. Mediation  
c. Child Welfare Family Treatment Courts

Challenges and Issues to be addressed:

1. Disparate State Responses to BIPOC families  
2. Impact of Opioid Epidemic  
3. Child Protection in an era of less restrictive drug laws  
4. Failures to Protect; impact of child fatalities  
5. Oversight of Child Welfare System  
6. Interplay of Federal and State laws  
7. Archaic Data systems  
8. Differing perspectives of stakeholders; including legislature, courts, parents, other family members, lawyers and child protection agencies  
9. Reform advocacy in child protection

(as this gets further developed, I assume the specific assignments will be listed)