

SOCIAL POLICY, LAW, & CHILD WELFARE (HDFS 5500)

*Fall 2006, Human Development & Family Studies,
University of Connecticut*

Professor: [Preston A. Britner, Ph.D.](#)

Class: Thursdays, 9-11:30 a.m., Family Studies (FS) Rm. 18
Graduate Seminar

Contacts: My office hours are Wednesdays and Thursdays, 1-2 p.m., in FS 303C; you may also reach me most days in person (by appointment/drop-in), by phone/voicemail at 486-3765, or by e-mail: britner@uconn.edu

Catalog Copy:

Application of theory and research on child development, family relations, and intervention/prevention practices to legal, policy, and child welfare contexts.

Course Description/Orientation:

This class will acquaint students with: various areas in which public policies and laws affect children and families, and in which developmental/family research and practice are germane to legal policy (and case law); the methods through which empirical research findings may influence case law and legislation (*amicus curiae* and policy briefs); and, the relationship between the fields of family studies/social science, policy, and law, and how this knowledge can affect study design/dissemination and clinical/practical work. Key areas of focus will include: relevant prevention vs. intervention approaches to promoting child/family welfare and mental health; and, family violence prevention and intervention efforts.

Course Grading/Requirements:

- 30% Topical Research Paper (~15 double-spaced pages; critical review)
[Due Oct. 19]
 - 25% Co-Lead one class (on that topic)
 - 15% *Amicus Curiae* (Friend of the Court) Brief (6-8 double-spaced pages)
[Due Nov. 16]
 - 15% Policy Briefing Memo (4-6 double-spaced pages)
[Due Nov. 30]
 - 10% 5-minute oral presentation of policy briefing memo (or *amicus curiae* brief)
[Dec. 7]
 - 5% Class participation
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- 100%

Assignments are due (promptly) at the start of class. Late assignments will be lowered one grade (e.g., B+ to B) for each day (or partial day) they are late; they should be delivered to me in my office. If you will not be able to attend a class, please call or email me in advance.

The University of Connecticut *Student Code* will apply to students, and the School of Family Studies standards of academic climate and integrity will apply to the students and faculty member in this course. Please familiarize yourself with the definitions of academic misconduct. Cheating/plagiarism will not be tolerated and will result in a failing grade in the course, notification of the Dean of Students, and support for expulsion from the University. Any questions about what is proper vs. improper should be directed to the instructor.

All academic policies outlined in the HDFS Graduate Handbook are applicable [see <http://web1.uits.uconn.edu/familystudies/graduate/gradhandbook.html>].

Class Leadership (25%):

For one class period, you will co-lead class with the instructor. In most instances, you will be responsible for about a 45- to 60-minute segment of the class. If necessary, you may ask us all to read some materials in our preparation for that class (please disseminate in class the previous week or earlier). Please coordinate the class with the instructor no later than one week *before* you lead class. In most cases, you should plan on:

- some lecture/dissemination of the research findings, cases, policies, and issues
- a discussion that you co-facilitate (with instructor)
- perhaps some role play, case, or other activity which helps to involve the class and convey an important point (e.g., court case role play; determination on a child's "competency"; a Congressional vote on an "inclusion" law; etc.)

Research Paper (30%):

This paper should be approximately 15 double-spaced, typed pages; it is an APA-style (5th ed.) critical review of the scientific psychological literature on the topic of your choice (most likely, this will overlap with the class you co-lead, and will provide the empirical background for the 2 briefs you will write). More details will follow, but you should consider a structure consisting of: a clear statement of the issue; a critical review of the available literature (noting strengths and limitations of research methodology); conclusions about what is known from the convergent findings, and what is still not conclusively known; and, recommendations for future research.

***Amicus Curiae* Brief (15%):**

Having become "expert" on a psychological/family studies topic relevant to the law, you are now charged to translate your findings into a recommendation for a judge who is hearing a case. In just 6-8 double-spaced pages, present: an introduction to the issue you are addressing (e.g., should a 5-yr-old's testimony be admissible?), and how it is directly relevant to the case at hand; a short summary of the research findings (including "both sides" as applicable); your conclusion as a scientist/ researcher/expert about what the research suggests (and limitations); and, a direct recommendation to the judge about what s/he should do in this case. If your topic does not lend itself to recommendations for a specific case, please see the instructor with your ideas about how to write a relevant brief.

Policy Briefing Memo (15%):

A briefing memo is one of the major forms of communication between Members of Congress and their staff; it is also used for translating research for a variety of applied audiences. The construction of such a document, after you have written your extensive review, will provide you with practice in preparing a succinct summary of information for practitioners and policy makers. The memo should address a specific issue on which an intervention or policy is being considered. Your task is to: summarize the issue; present the relevant perspectives and the associated research support; and, make a recommendation for action. Your memo should be 4-6 double-spaced pages. It may be somewhat redundant with your *amicus curiae* brief. The key is to remember your audience.

Oral Brief (10%):

You will also have 5 minutes in class to present your argument orally, as if the class was the legislative body or community entity you seek to address.

Required Readings:

Bottoms, B. L., Kovera, M. B., & McAuliff, B. D. (Eds.) (2002). *Children, social science, and the law*. New York: Cambridge University Press. [paperback]

Nurcombe, B., & Partlett, D.F. (1994). *Child mental health and the law*. New York: The Free Press.

A packet of PowerPoint slides covering most class lectures will also be available at the Co-Op. Readings are listed under each class on the Semester Schedule on the day they are "due." Come prepared to discuss the readings and raise any questions or ideas you might have about the readings.

You should also own a copy of:

American Psychological Association (2001). *Publication manual of the American Psychological Association (5th ed.)*. Washington, DC: APA.

Additional Readings:

The instructor will make these readings available to you. Readings are listed under each class on the Semester Schedule on the day they are "due." Please come prepared to discuss all required and additional readings.

Optional Readings:

These are relevant sources that may be of assistance to you if you are focusing on that week's topic for your research.

Resources:

Key journals to consult

- *Behavioral Sciences and the Law*
- *Law and Human Behavior*
- *Law and Psychology Review*
- *Psychology, Public Policy, and Law*

Also

- *American Psychologist*
- *Child Development*
- *Developmental Psychology*
- *Family Relations*
- *Journal of Family Psychology*
- *Journal of Marriage and Family*
- *The Journal of Primary Prevention*

Other library tools to look for sources:

Use the Library data bases (especially LEXIS NEXIS Academic Universe and PsycINFO, which are both linked directly off the library's home page, <http://www.lib.uconn.edu/> as Shortcuts) to find books, chapters, and journal articles (PsycINFO) and legal materials and policy-relevant news/current events (LEXIS NEXIS Academic Universe).

Other campus resources:

See UConn's Human Rights Calendar of Events at <http://www.humanrights.uconn.edu/>
There will be a number of relevant events during the Fall, and you are encouraged to participate in this and/or other relevant activities on the campus.

The University Writing Center (in CUE) is available for assistance with all writing projects. The HDFS Writing Center (1st floor, FS) may also be helpful to you.

Other good general sources; most are available from the instructor:

- (1989). Special issue: Children and their development: Knowledge base, research agenda, and social policy application. *American Psychologist*, 44 (2), 95-455.
- Anderson, J. E. (1997). *Public policymaking: An introduction (3rd ed.)*. Boston: Houghton Mifflin.
- Bogenschneider, K. (2002). *Family policy matters: How policymaking affects families and what professionals can do*. Mahwah, NJ: Erlbaum.
- Friedman, L. M (1993). *Crime and punishment in American history*. New York: Basic Books.
- Garbarino, J. (1992). *Children and families in the social environment (2nd ed.)*. New York: Aldine de Gruyter.
- Glendon, M. A. (1989). *The transformation of family law: State, law, and family in the United States and Western Europe*. [divorce; custody]
- Hall, K. L. (Ed.), *The Oxford companion to the Supreme Court of the United States* (1992). [summary of every major case]
- Hayes, C. D. (Ed.) (1982). *Making policies for children: A study of the federal process*. Washington, DC: National Academy Press.
- Kagan, S. L., with Neville, P. R. (1993). *Integrating services for children and families: Understanding the past to shape the future*. New Haven, CT: Yale University Press.
- Lorion, R. P., Iscoe, I., DeLeon, P. H., & VandenBos, G. R. (Eds.; 1996). *Psychology and public policy: Balancing public service and professional need*. Washington, DC: American Psychological Association.
- McInnis-Dittrich, K. (1994). *Integrating social welfare policy and social work practice*. Pacific Grove, CA: Brooks/Cole. [good for child welfare examples]
- Melton, G. B. (Ed.) (1987). *Reforming the law: Impact of child development research*. New York: Guilford. [general]
- Reppucci, N. D., Weithorn, L. A., Mulvey, E. P., & Monahan, J. (Eds.) (1984). *Children, mental health, and the law*. Beverly Hills, CA: Sage.
- Sales, B. D., & Shah, S. A. (Eds.) (1996). *Mental health and law: Research, policy and services*. Durham, NC: Carolina Academic Press.

SCHEDULE OF CLASSES

Readings: N&P refers to the Nurcombe & Partlett (1994) book
B refers to the Bottoms et al. (2002) book

1 (8/31) Introduction to the course

- What does social science/family studies have to contribute to law and policy?
- Law: the tensions of the child-family-state triad, and an idea of the key issues
- Policy: basics of legislation, and a brief guide to internet & library resources

2 (9/7) Family Law I: Perspectives
Searching internet and library resources

Reading:
B, Ch. 1; N&P, Ch. 1, 2, & 3

Optional:
Bazelon, D. (1982). Veils, values, and social responsibility. *American Psychologist*, 37, 115-121.

3 (9/14) Family Law II: Cases

Reading:
N&P, cases: *Brown v. Board of Educ. of Topeka* (p. 480); *Wisconsin v. Yoder* (p. 461); *Prince v. Mass.* (p. 476)

Optional:
Roesch, R., Golding, S. L., Hans, V. P., & Reppucci, N. D. (1991). Social science and the courts: The role of amicus curiae briefs. *Law and Human Behavior*, 15, 1-11.
Reppucci, N. D., & Aber, M. (1987). Views of public policy psychologists. *The Clinical Psychologist*, Spring, 36-38.

4 (9/21) Child custody

Reading:

N&P, Ch.5 & case 6 (pp. 422-433) & cases: *Anna J. v. Mark C.* (p. 464);

In the Matter of Baby M (p. 484).

B, Ch. 7 & 8.

5 (9/28) Child abuse/family violence

Reading:

N&P, Ch. 6 & case: *Deshaney v. Winnebago Co. DSS* (p. 482); B, Ch. 13.

Optional:

Britner, P. A., & Reppucci, N. D. (1997). Prevention of child maltreatment: Evaluation of a parent education program for teen mothers. *Journal of Child and Family Studies*, 6, 165-175.

Cicchetti, D., & Carlson, V. (Eds.) (1989). *Child maltreatment: Theory and research on the causes and consequences of child abuse and neglect*. New York: Cambridge University Press.

Reppucci, N. D., Britner, P. A., & Woolard, J. L. (1997). *Preventing child abuse and neglect through parent education*. Baltimore, MD: Paul H. Brookes.

6 (10/5) Foster care and adoption

Reading:

B, Ch. 6

Optional:

- Alpert, L. T., & Britner, P. A. (2005). Social workers' attitudes toward parents of children in child protective services: Evaluation of a family-focused casework training program. *Journal of Family Social Work, 9*(1), 33-64.
- Blacher, J. (Ed.) (1994). *When there's no place like home: Options for children living apart from their families*. Baltimore, MD: Paul H. Brookes.
- Britner, P. A., & Mossler, D. (2002). Professionals' decision-making about out-of-home placements following instances of child abuse. *Child Abuse & Neglect: The International Journal, 26*(4), 317-332.
- Goldstein, J., Freud, A., & Solnit, A. J. (1979). *Beyond the best interests of the child* (2nd ed.). New York: The Free Press.
- Mnookin, R. H. (1973). Foster care: In whose best interest? *Harvard Educational Review, 43*, 599-638.
- Redding, R. E., Fried, C., & Britner, P. A. (2000). Predictors of placement outcomes in treatment foster care: Implications for foster parent selection and service delivery. *Journal of Child and Family Studies, 9*, 425-447.
- Steinhauer, P. D. (1991). *The least detrimental alternative: A systematic guide to case planning and decision making for children in care*. Buffalo, NY: University of Toronto Press.

7 (10/12) Children/juveniles and the courts (including children as witnesses)

Reading:

N&P, case: *Coy v. Iowa* (p. 465); B, Ch. 14 & 16.

Optional:

B, Ch. 5

- Mulvey, E. P., & Britner, P. A. (1996). Research on law and mental health issue affecting minors. In B. D. Sales & S. A. Shah (Eds.), *Mental health and law: Research, policy, and services* (pp. 319-356). Durham, NC: Carolina Academic Press.

8 (10/19) Adolescent competence (consent/decision making)

We will discuss issues of consent and decision making, and focus on reproductive rights.

RESEARCH PAPER due

Reading:

N&P, Ch.10 & case 9 (pp. 446-449) & cases: *Carey v. Population Services International* (p. 478); *Parham v. J.R.* (p. 487); *Tarasoff v. Regents of the U. of Cal.* (p. 469); B, Ch. 4.

Britner, P. A., LaFleur, S. J., & Whitehead, A. J. (1998). Evaluating juveniles' competence to make abortion decisions: How social science can inform the law. *The University of Chicago Law School Roundtable: A Journal of Interdisciplinary Legal Studies*, 5, 35-62.

Optional:

Scott, E. S., Reppucci, N. D., & Woolard, J. L. (1995). Evaluating adolescent decision making in legal contexts. *Law and Human Behavior*, 19, 221-244.

9 (10/26) Public Policy: Issues and Obstacles; Learning the ropes and methods
The UN Convention on the Rights of the Child

Reading:

B, Ch. 3

Optional:

Edelman, M. (1981). Who is for the children? *American Psychologist*, 36, 109-116.

Greenberger, E. (1983). A researcher in the policy arena: The case of child labor. *American Psychologist*, 34, 104-111.

Reppucci, N. D., & Aber, M. (1987). Views of public policy psychologists. *The Clinical Psychologist*, Spring, 36-38.

10 (11/2) Juvenile justice and violence

Reading:

N&P, Ch.9 & cases: *In re Winship* (p. 472); *In re Gault* (p. 472); *Kent v. U.S.* (p. 477); *Fare v. Michael C.* (p. 485); B, Ch. 9, 10, & 12.

Optional:

B, Ch. 11.

Crosby, C. A., Britner, P. A., Jodl, K. M., & Portwood, S. G. (1995). The juvenile death penalty and the Eighth Amendment: An empirical investigation of societal consensus and proportionality. *Law and Human Behavior, 19*, 245-261.

Tate, D. C., Reppucci, N. D., & Mulvey, E. P. (1995). Violent juvenile delinquents: Treatment effectiveness and implications for future action. *American Psychologist, 50*, 777-781.

11 (11/9) Education and child care policy; disabilities and inclusion; family leave

Reading:

N&P, Ch. 4

Wisensale, S. K., & Britner, P. A. (2000). Family leave. In L. Balter (Ed.), *Parenthood in America: An encyclopedia (Vol. 1)* (pp. 212-216). Denver: ABC-CLIO.

Optional:

-- (1996). Special issue: Financing child care. *The Future of Children, 6*(2).

Britner, P. A. (1991). *Care quality and issues of practicality surrounding family day care regulation in the Commonwealth of Virginia: House Bill No. 1862*. Briefing memo to the Delegates of the Virginia General Assembly.

Britner, P. A., & Phillips, D. A. (1995). Predictors of parent and provider satisfaction with child day care dimensions: A comparison of center-based and family child care. Special issue: Child day care. *Child Welfare, 74*(6), 1135-1168.

12 (11/16) Welfare/health care

AMICUS CURIAE BRIEF due.

Reading:

B, Ch. 2

Optional:

Ellwood, D. T. (1988). *Poor support: Poverty in the American family*. New York: Harper & Row.

Garfinkel, I., & McLanahan, S. (1987). *Single mothers and their children: A new American dilemma*. Washington, DC: The Urban Institute.

Wilson, J. W. (1987). *The truly disadvantaged: The inner city, the underclass, and public policy*. Chicago: University of Chicago Press.

[No Class on 11/23 – Thanksgiving]

13 (11/30) Clinical Issues involving policy and law;
Balancing dissemination with disclosure

Written POLICY BRIEF Due.

Reading:

B, Ch. 17, 18

14 (12/7) Last Class

ORAL PRESENTATION OF POLICY BRIEF

Class Evaluations

Last Thoughts