

UNIVERSITY OF TEXAS AT EL PASO
FALL 2023

POLITICS AND LAW OF CHILD ABUSE
and NEGLECT SYLLABUS

Location: Liberal Arts Bldg, Room #303
Time/Days: M and W 12:00 p.m. – 1:20 p.m.
CRN: 15112
Professor: Tracy C. Almanzán, J.D.
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Office Hours: M and W 10 a.m. – 11:30 a.m. and 1:30 p.m. – 2:30 p.m.

Course Description: This course will examine the various facets of child abuse and neglect from the perspectives of the attorney for the state, the attorney for the parent(s), the attorney for the children, and the attorney for foster parents and relatives. Additionally, the course will examine the how politics has effected the laws related to these cases. Topics to be covered are the laws regarding child abuse and neglect, to include:

- mandated reporting laws,
- the power of the state to investigate allegations of abuse or neglect,
- when the state can force parents to comply with an investigation,
- when the state can request parents to be court ordered to participate in services,
- the types of cases when the state can request temporary conservatorship of children,
- the legal process after the state becomes temporary conservator of the children,
- the Indian Child Welfare Act (ICWA),
- Interstate Compact for the Placement of Children (ICPC), and
- pretrial and trial practice and procedure, to include: trial strategy, demonstrative evidence, trial exhibits, direct and cross examination techniques, and courtroom psychology.

As part of the course, we will review relevant cases and we will discuss trial situations. To enhance the learning process, we will have outside speakers who are experienced expert and lay (fact) witnesses from various disciplines in order to address specific topics.

This will be a “hands on” course, requiring participation in class discussions,

evaluation of issues, and the presentation of legal arguments and understanding of legal cases.

Course Materials: During the semester, we will be using the following course materials:

Texas Children's Commission – Child Welfare Law Bench Book and Bench Cards (www.texaschildrenscommission.gov)

Texas Department of Family and Protective Services (TDFPS) website – www.dfps.texas.gov (specifically CPS Policies and Procedures)

Additional Readings, to include relevant cases and handout materials that will be provided to you during the semester

Assignments & Projects: Various assignments (in-class and homework) will be given throughout this course in addition to a group project, quizzes, mini paper, and a final paper.

Grading & Policies: Your grade will be based upon the following:

30% Group Project

25% Final Paper

20% Quizzes

20% Performance/Participation in Class (including class assignments & homework)

EC Course Evaluation

Performance in class means attendance with meaningful participation and completion of work; I look for quality, not quantity, in terms of your classroom contributions. I may call on student during the course and expect everyone to have completed all homework assigned and be ready to participate in class each day. It will be evident whether you have done your reading, and I will take that into account as part of your participation grade. I expect you to submit all assignments in a timely manner. Save early; save often; save in multiple places. Losing material because of computer crashes, equipment-related problems, etc., is not an excuse for late or incomplete assignments. You must complete all the assignments, regardless of absences. Late assignments will be downgraded one letter grade per day late, up to three letter grades.

A suspected act of plagiarism (or other form of academic dishonesty) will be referred to the Dean of Students. You should be familiar with ethical guidelines for conduct spelled out in the Student Affairs section of the Handbook of Operating procedures at <http://admin.utep.edu/Default.aspx?alias=admin.utep.edu/hoop> and be aware of other University regulations.

You must do your own original work in this class and appropriately identify that portion of your work that is borrowed from others or extracted from other sources, including legal materials. Whenever you borrow **original** materials, quote from a source, or use ideas from others, you are legally and ethically obligated to acknowledge that use, following appropriate conventions for documenting sources.

Always treat others with respect. This class calls for a high level of critical thinking

and robust discussion. I encourage you to voice your perspective and thoughts. I expect differences of opinion and respectful discussion where we should endeavor to understand each other, learn from one another, and learn together. Listening carefully to each other and understanding the foundations of varying perspectives, regardless of whether you agree or disagree, is essential to the learning process.

Attendance

Attendance is mandatory. University policy requires that you attend every class session. **If you miss a class or part of a class, for whatever reason, you are responsible for finding out about missed information and completing assignments in a timely manner, whether on the syllabus or assigned in the class itself.** Missing more than two of my class sessions may result in your overall course grade being lowered as much as one full letter grade or more. Be punctual.

Being late to class and/or leaving early three times counts as an absence. **If you have an emergency or an absence that you believe should be excused, contact me directly to address it (and do so prior to the absence, when possible).**

Compositions

You are expected to produce original, high-quality, sophisticated work. Neatness, visual appeal, and mechanical and grammatical correctness are essential, but do not guarantee that a text is well constructed. I expect you to plan your writing, execute it carefully, then proofread and edit each submission to avoid careless errors. Automated spelling and grammar checks are not sufficient methods of proofreading. Your out-of-class assignments should be composed in a formal tone and high-quality form. Your written documents should also have appropriate margins, spacing, pagination, and formatting. All assignments should comport with the instructions given. If not otherwise specified, default to 12-point Times New Roman font, double-spacing, pagination, and one-inch margins all around. If you have any questions, please ask.

Accommodations

I am committed to following the laws that pertain to individuals with disabilities and to making reasonable accommodations, in accordance with the applicable law and in consultation with students and Center for Accommodations and Support Services (CASS). If you believe you have a disability for which accommodations are needed or if you already have a documented disability for which accommodations are needed, please (1) notify and consult with CASS as soon as possible (747-5148; Union East, Room 106) and (2) inform me of the accommodations needed, as applicable.

Artificial Intelligence (AI)

ChatGPT and similar Artificial Intelligence tools, though useful in many contexts, are inappropriate for use in this course. An important outcome of this course is to strengthen your own abilities as a thinker and communicator. That is only possible when you do your own work. You may not submit work that is written wholly or partially by an AI tool. Assignment submissions may be run through AI detection software. If your submission appears to have been written using AI, you may either receive a failing grade or be asked to resubmit.

Class Daily Schedule (Provisional -- Subject to change)
Homework Assigned in Class Based on Progress in Class

Monday, August 28th = Introductions; Syllabus Review

Wednesday, August 30th = What is Abuse and Neglect? What happens during an investigation by CPS?

Monday, September 4th = Holiday, No Class

Wednesday, September 6th = Alternatives to Removal

Monday, September 11th = What is a 264?

Wednesday, September 13th = Quiz #1

Monday, September 18th = What is a 262?; Appointed Attorneys

Wednesday, September 20th = Placement of Children

Monday, September 25th = What is an adversary hearing?

Wednesday, September 27th = De Novo hearing

Monday, October 2nd = Quiz #2; Distribute Final Paper Assignment; Distribute Group Project

Wednesday, October 4th = Interventions

Monday, October 9th = Status Hearing; Service Plan; Visitation Plan; Group Project Question/Answer

Wednesday, October 11th = Permanency Hearings; Monitored Return

Monday, October 16th = Final Hearing/Jury Trial; Grounds for Termination; Best Interests; Burden of Proof

Wednesday, October 18th = Final Hearing/Jury Trial; Grounds for Termination; Best Interests; Burden of Proof Continued

Monday, October 23rd = Quiz #3; Final Paper Assignment Topic Deadline

Wednesday, October 25th = Permanency After Final; Extended Jurisdiction

Monday, October 30th = Appeals; Adoption; Reinstatement of Parental Rights

Wednesday, November 1st = Paternity; Evidence; Final Paper Outline Due by Noon

Monday, November 6th = ICWA; Group Project Final Approval Deadline

Wednesday, November 8th = ICPC

Monday, November 13th = Guest Speaker(s)

Wednesday, November 15th = Final Paper Draft Due by Noon

Monday, November 20th = Holiday; no class

Wednesday, November 22nd = Holiday; no class

Monday, November 27th = Final Paper Draft Peer Review

Wednesday, November 29th = Mock Trial

Monday, December 4th = Group Projects Presentations

Wednesday, December 6th = Last Day of Class; Class Activity

Monday, December 11th = Final Paper due through Blackboard by noon