

**WESTERN STATE COLLEGE OF LAW
SPRING 2024
JUVENILE LAW**

SECTION: LAW-447
TIME: 1:00-3:50
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RECOMMENDED TEXT BOOKS

Child Welfare Law and Practice (The Red Book 4th Edition)

ADDITIONAL READING MATERIAL

From time to time, you may be asked to read cases or articles chosen to supplement the required text book.

COURSE OBJECTIVES

It is intended that this class not only present juvenile law issues, but in addressing those issues together as a class, it will improve legal writing, research, and most importantly - - teamwork. Almost all successful attorneys build relationships with other attorneys that improves the quality of their work, and actually makes practicing law easier.

Your professor will do his best to provide each student with as much assistance as is requested. The course is designed to not only teach juvenile law, but to also learn how to actually practice in court. While this subject is not tested in the Bar exam, this course is intended to assist in passing the Bar exam by giving feedback into a writing style that is similar to writing essays for the Bar exam, and giving tips on how to successfully take the Bar. The final writing assignment is good training for the performance portion of the Bar exam. Guest speakers will likely be resources in future years should you decide to practice juvenile law. Practicing juvenile law presents opportunities to change lives forever. Those lives include children, parents, relatives, foster parents, and those who may want to adopt children. Currently, there is an extreme shortage of juvenile law attorneys at both the trial and appellate courts. This class will qualify you to competently

practice juvenile law.

Juvenile Law is a one-semester, three unit course that is taught by a practicing juvenile law attorney. Other practicing juvenile law attorneys will be guest speakers. The course will deal with juvenile criminal law and child dependency law. The course is aimed at being able to competently practice juvenile law when you enter the legal profession. The course will consist of understanding the different stages of a juvenile case, how to draft motions, and writing writ petitions and appeals. This process will include legal research, legal writing, and some trial advocacy. The course will address representing children, parents, social service agencies, relatives, and foster parents, and how their different roles are addressed in the legal system. For those who might want to practice juvenile law, contacts and opportunities for employment in the field will be made available to help fill the current shortage of juvenile attorneys. Writing assignments will be useful as samples in obtaining juvenile law employment opportunities. Completing this course will qualify students to competently practice juvenile law.

PARTICIPATION, PROFESSIONALISM, & PREPARATION

Participation & Professionalism (P&P)

Success in law school involves an active learning environment. For volunteer participation, quality is valued over quantity, and all views are welcome. 40% of your final course grade will be based on the quality and quantity of your contributions to class discussions, attendance, punctuality, conduct during class time, a presentation of the juvenile law topic you have chosen for your paper, and overall professionalism.

RECORDING CLASSES

You may not record this class without my prior approval. Students in violation of these policies may be referred to the Associate Dean for Academic Affairs.

OUTSIDE PREPARATION

You should anticipate that, on average, preparing for class (including researching for and writing your paper) will take you a minimum of two hours for every one hour of class time. To restate with specificity and at

risk of redundancy: because Juvenile Law is a three-unit class, you should estimate your preparation for class to require six (6) or more hours outside of class to complete for each class session.

OFFICE HOURS

As an adjunct professor and practicing attorney, I do not have an office on campus. However, I will meet with students before or after class as can be arranged in advance. I have a flexible schedule that will make scheduling meetings (in person, telephonically, or by zoom) fairly easy.

EXAMINATIONS AND GRADING

Written assignments (motions and a child dependency writ/appeal) will make up 60% of the total grade. The writ/appellate assignment will include oral argument in class. In-class participation (that includes quizzes) will count for 40% of the final grade. Quizzes will be based on the weekly reading assignments. There will be no mid-term exam or final examination.

FORMAT REQUIREMENTS FOR ASSIGNMENTS

- (1) Assignments must be typewritten in black ink on white 8 ½ x 11 inch paper.
- (2) Text must be in “Times New Roman,” 13-point font, including footnotes.
- (3) Writ/Appellate assignments will have margins that are one-inch top and bottom, and one and a half inch right and left side margins.
- (4) Motions will be written on Pleading Paper, and have margins that are one-inch top, bottom, right and left side margins, and have a footer on each page.
- (5) Each page shall be numbered, in the center of the bottom of the page, starting with the cover page.
- (6) Text must be left-justified.
- (7) Print shall be on only one side of the paper.
- (8) All papers shall be bound with a staple in the upper-left hand corner.
- (9) In the event an assignment that is pre-approved to be submitted by email, the assignment must be in a pdf format and the assignment shall be bookmarked.

(The reason for this format is that this course is intended to prepare students for representing clients in court proceedings and these are the

formats used in the juvenile and appellate courts. The professor is willing to assist students in learning these formats. The final writ/appellate assignment will be useful as a writing sample to gain employment upon graduation.)

LATE ASSIGNMENTS

As a professional, you are responsible for handing in all assignments on time. Courts do not accept late papers. Late assignments will not be accepted. If an ***unforeseen emergency*** occurs, contact your professor as soon as possible. Traffic, computer problems, or workload are not emergencies. Your professor will evaluate if an unforeseeable event is an actual unforeseeable emergency. If permitted to turn in a late assignment, there will be a 20% reduction in grade. If an in-class participation event is missed (moot court argument, etc.), that event cannot be made up. If an in-class participation is missed due to an actual unforeseen emergency, 80% of the grade can be made up by the professor giving an additional assignment.

ATTENDANCE REQUIREMENT

Western State College of Law has a written policy that requires students attend all classes. Students must attend eighty-five (85%) percent of all scheduled classes, including the drop-add period. That translates into only being able to miss two full classes. More than two missed classes will result in failing the course and receiving a grade of 0.0 (on a 4.0 scale). Arriving late for class will result in missing ½ of the class. Arriving later than half of the three-hour class will result in missing the entire class. The attendance policy is published in the Student Handbook. Students must sign in for each class and sign-in sheets will be circulated at the start of each class.

DISABILITY SERVICES STATEMENT

Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior

Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Student Services Suite #111. Dean Espinoza's phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Marisa Cianciarulo at mcianciarulo@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

WESTERN STATE COLLEGE OF LAW PROGRAMMATIC LEARNING OUTCOMES

Western State College of Law's curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

(1) Doctrinal Knowledge

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Associations, Evidence, Civil Procedure, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

(2) Practice Skills

Students will demonstrate the development of other law practice skills. Each student's chosen outcomes within this category will be varied based on the student's particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in

introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

(3) Legal Analysis

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule and be able to evaluate how public policy can impact the application of a rule to the legal issue.

(4) Legal Research

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

(5) Communication

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

(6) Advocacy of Legal Argument

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

(7) Client Sensitivity and Cultural Competency

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law. Cultural differences are an important factor in juvenile law cases.

(8) Legal Ethics

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.

SYLLABUS

CLASS SCHEDULE

WEEK ONE: JANUARY 13, 2025

Required Reading and Activities to be Completed Prior to Class:

Download and review the class syllabus and be prepared to ask any questions you may have regarding the course on the first day of class.

Be prepared to introduce yourself to the class. Introductions should include your name, your year in law school, anticipated practice areas as an attorney, legal experience, and anything interesting about yourself that you'd like to share with the class.

Watch: <https://www.youtube.com/watch?v=wUa0bIqZ0XU>

Read:

youthful offender criminal cases:

Graham v. Florida (2011) 560 U.S. 48

Montgomery v. Louisiana (2016) 136 S.Ct. 718

People v. Franklin (2016) 63 Cal.4th 261

In re Palmer I (2017) 13 Cal.App.5th 795

In re Palmer II (2018) 27 Cal.App.5th 120

CLASS AGENDA

Introductions: (Professor and Students and describe career goals)

Course Overview: An overview of juvenile law that includes juvenile delinquency and dependency law.

Lecture:

Recent scientific advances in adolescent brain development and the relationships they play in juvenile criminal proceedings.

Youthful Offenders and Franklin Proceedings.

JANUARY 20, 2025, MLK Day, no class

WEEK TWO: JANUARY 27, 2025

Lecture:

Juvenile Delinquency: How juvenile criminal proceedings are held and the differences between juvenile and adult criminal proceedings.

Read:

California Welfare and Institutions Code:
Sections 601, 602, 702

WEEK THREE: FEBRUARY 3, 2025

Lecture:

Overview of Juvenile Dependency: Constitutional rights to Family Integrity; Parents and Children with Disabilities; and the Indian Child Welfare Act. The reunification services offered to parents and how those services impact a case.

Read:

In re Delila D. (2023) 93 Cal.App.5th 953

California Welfare and Institutions Code:

Sections 300, 300.2, 301, 302, 303, 304, 305, 305.5, 305.6

WEEK FOUR: FEBRUARY 10, 2025

Lecture:

Case Initiation, CPS investigation, the Child Dependency Petition, and Detention Hearing (includes removal standards).

Read:

In re Cheryl H. (1984) 153 Cal.App.3d 1098

In re Jasmine G. (2000) 82 Cal.App.4th 282

In re Henry V. (2004) 119 Cal.App.4th 522

California Welfare and Institutions Code:

Sections 361, 361.1, 361.2, 361.3

WEEK FIVE: FEBRUARY 18, 2025 (no class Monday, class meets Tuesday)

Lecture:

Jurisdiction/Disposition Hearing and the right to appeal.

Read:

In re David M. (2005) 134 Cal.App.4th 822

Troxel v. Granville (2000) S.Ct. 2054

Kristine M. v. David P. (2006) 135 Cal.App.4th 783

In re Guardianship of Christian G. (2011) 195 Cal.App.4th 581

California Welfare and Institutions Code: sections 300, 355

WEEK SIX: FEBRUARY 24, 2025

Lecture:

Review Hearings, Standards, the right to appeal.

Read:

California Welfare and Institutions Code:
Sections 361.5, 366.21, 366.22

Read:

In re Mark L. (2001) 94 Cal.App.4th 573,
In re Alvin R. (2003) 108 Cal.App.4th 962

WEEK SEVEN: MARCH 3, 2025

Lecture:

Termination of Reunification Services/Writ

Read:

California Welfare and Institutions Code:
Sections 366.21, subd. (g)(1); 366.22, subd. (a),

Read:

Blanca P. v. Superior Court (1996) 45 Cal.App.4th 1738
Jennifer A. v. Superior Court (2004) 117 Cal.App.4th 1322
David B. v Superior Court, (2004) 123 Cal. App. 4th 768

WEEK EIGHT: MARCH 17, 2025

Dependency Writ/Appellate Writing Assignment Given
Students Will Have the Choice of Which Party (Child, Parent, County Counsel, Relative, or Foster Parent) They Wish to Represent in the Writ Assignment

Students Must Keep a Research Log Regarding the Writ Assignment

Lecture:

Relative Placement, including Interstate Compact for the Placement of Children.

Read:
California Welfare and Institutions Code:
section 1400

WEEK NINE: MARCH 24, 2025

Lecture:
Termination of Parental Rights/Appeal

Read:
California Welfare and Institutions Code:
Sections 366.26, 16508.1

WEEK TEN: MARCH 31, 2025

Optional Outline or Draft of writ writing Assignment Due

Lecture:
Trial advocacy (includes in-class mock trial)

Read:
Fact patterns will be provided in advance of class

WEEK ELEVEN: APRIL 7, 2025

Lecture:
Appellate Advocacy (includes in-class mock trial)

Read:
handout will be provided in advance of class

WEEK TWELVE: APRIL 14, 2025

Make Arrangements to Meet With Professor Regarding Writ Outline For Critiques

Lecture:
Foster Parents Rights and Obligations.

Read:
California Welfare and Institutions Code:
Section 361.5

Family Code Sections:
8816.5, 8700, 8714.5, 9205,

WEEK THIRTEEN: APRIL 21, 2025

Writ Assignment Due

Lecture
Permanency Planning Hearing, Legal Permanency and Children's Interests
that include Sibling Visitation. Non-Minor Dependent. Appellate Rights.

WEEK FOURTEEN: APRIL 28, 2025

Lecture:
Dependency cases/civil rights advocacy

Review and Course De-Brief