

**HOFSTRA UNIVERSITY SCHOOL OF LAW**  
**FALL 2016**

**CHILD ABUSE and NEGLECT SYLLABUS**

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**Course Description:** This three credit course will examine the various facets of child abuse and neglect, both theoretical and practical. Among the topics to be covered in detail are the laws regarding child abuse and neglect, the power of the state to intervene when allegations of abuse or neglect are made, the child protective process, mandated reporting laws, the investigation into allegations of abuse and neglect, the legal process, pretrial and trial practice and procedure, jury selection, trial strategy, demonstrative evidence, use of the professional literature, trial exhibits, direct and cross examination techniques, and courtroom psychology. We will explore allegations of child abuse and neglect from the perspectives of the prosecution, both criminal and civil, the parent(s) accused of abuse and/or neglect as well as the child allegedly abused and/or neglected.

This course will also examine each aspect of the forensic medical examination including history taking, charting, photo documentation, diagnosis, protocol utilized, and medical literature, as well as the forensic interview of the child including the protocols utilized, and the professional literature regarding assessment of allegations of child sexual abuse including issues which arise in the context of these allegations including Parental Alienation “Syndrome”, the suggestibility of children, allegations of child sexual abuse in the context of divorce/custody proceedings, proper forensic interviewing, the professional ethics of medical and mental health professionals, maintaining proper records, and other issues.

As part of the learning process we will replicate actual trial situations utilizing outside speakers who are experienced expert and lay (fact) witnesses from various disciplines e.g. law enforcement, medical, mental health, child protective services) in order to understand the interplay between the theoretical and the practical. We will conduct a mock trial giving you the opportunity to conduct direct and cross examination of the outside expert and lay witnesses.

I will also be having colleagues from other disciplines speak to the class regarding topics related to child abuse and neglect such as a pediatrician who conducts medical

examinations regarding allegations of child sexual and physical abuse and neglect, an attorney who represents children in abuse and neglect cases, a forensic psychologist who conducts evaluations regarding allegations of child sexual abuse, and others.

This will be a “hands on” course, requiring participation in class discussions, evaluation of issues, presentation of legal arguments and understanding of legal, medical and psychological concepts, as well as the ability to understand and integrate what you learn into the litigation context.

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

The American Professional Society on Child Abuse and Neglect (APSAC) Handbook on Child Maltreatment, Third Edition

Additional Readings (Bluebook), and handout materials will be provided to you during the semester

**Classes:** This class is scheduled to meet for 3 hours per week, on Mondays from 6:10 p.m. to 9:00 p.m. We will take a ten minute break each hour.

**Attendance and Preparation:** The rules of the New York State Court of Appeals, the American Bar Association, and the law school require law students to be in good and regular attendance in the courses for which they are registered. To comply with these rules, you must attend at least 85% of your regularly-scheduled classes. Since this is a three (3) credit class you may miss no more than six hours of class (two classes).

I urge you to attend **all** of the classes since that will maximize your learning of the subject matter. It is probable that class discussions may raise issues not previously planned, but yet important to discuss.

I will provide sign-in sheets for each regularly-scheduled class, which shall be presumptive evidence regarding your attendance or absence from a given class. **Each student is responsible for signing in.** Falsification of sign-in sheets is a violation of the Code of Academic Conduct.

If you exceed the permitted absences by failing to sign in, you will be administratively withdrawn from the course. No prior notice may be given, and you will receive notification from the Office of Academic Records indicating the withdrawal. Any such withdrawal may have serious ramifications for your financial aid, academic standing, and date of graduation. If you are excessively absent from class, you may face additional sanctions, including but not limited to denial of certification of good and regular attendance to the New York State Board of Law Examiners, or other state bar examiners.

If you believe you must be absent from class for more than the permitted number of hours, you should speak with me and the Senior Assistant Dean for Student Affairs (or the Director of Student Affairs) in Room 244 as soon as possible. Accommodations may be made for students who must be absent for religious reasons and in cases of truly compelling hardship.

Students are expected to attend classes regularly and to prepare for class. If you miss class frequently or are unprepared several times, your grade may be lowered. I understand that on occasion you may not be able to avoid missing a class. If you know in advance that you will be missing a class, and you have a compelling reason for doing so, or if you have missed a class due to illness or emergency, please send me an e-mail, briefly explaining the situation. I understand that sometimes life gets in the way of school and it is not always possible to avoid absences. I will do my best to accommodate you.

**Lateness:** Students are expected to be on time to class. However, it is better to come to class late than not at all. You may walk in late if you have a good reason, as long as you don't abuse this privilege.

**"TWEN"** (The West Education Network): I will be setting up a course page for this class on TWEN which will allow me a quick way to reach all of you with any announcements, syllabus changes, handout materials, interesting links, etc. It also gives me a way to extend class discussion beyond the classroom hours. I welcome your input on how best to utilize TWEN for our class purposes.

**Grading for the Course:** The final grade for the course will be determined as follows:

Class participation	10%
Mock Trial	40%
Final Examination	50%

**Final Exam:** The final exam will consist of an open book take home exam based upon various case fact patterns. We will discuss this more as the semester progresses.

**Computer Policy:** The use of computers during class will be limited to taking notes. The use of laptops in the classroom can be a distraction, and I want to avoid the use of laptops for emailing, shopping, video game playing, etc. This policy will be discussed further during the first class in order to arrive at a policy acceptable to us all.

**Communications:** The best way to communicate with me is by e-mail. In most situations I will get back to you within 24 hours. I would be happy to establish "office hours" if you will avail yourselves of it.

**General Topics:** I want to create a comfortable atmosphere of communication and discussion in class. The practice of law is a collegial endeavor (when properly done).