

# WINTER 2009 NEWSLETTER

## SECTION ON CHILDREN AND THE LAW\*

Prepared by William Wesley Patton, Whittier Law School

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\* This newsletter provides a forum for announcements and opinions which are not necessarily those of the Section and which do not necessarily represent the position of the Association of American Law Schools.

## **MESSAGE FROM THE CHAIR:**

It has been a sincere pleasure serving as the 2009 Chair of the Section on Children and the Law, whose aim is to promote the exploration of a range of legal issues through the unique lens of children, providing a forum for rich discussion of children's legal, social, educational, physical, and intellectual needs, among others. As we move forward into our third year of programming, we are looking forward to seeing many of our Section members at the upcoming AALS annual meeting. This year we are honored to be hosting an extended program scheduled for ***Thursday, January 7, 2010 from 9:00am to 5:00pm, Rosedown Room, Hilton New Orleans Riverside***, on ***“Meeting the Needs of Children in Crisis: Hurricane Katrina and Beyond***. Please make every effort to join us and to encourage others to attend as well. Our keynote speaker, panel programs, and documentary film screening, which are described later in the newsletter, promise to be both engaging and informative.

Having hosted two other very well received programs at prior AALS annual meetings in 2008 and 2009, we are excited in 2010 to be submitting our application for full status within the AALS. It is truly hard to believe that this is already our third year of programming, and the last one which will be counted as part of our application for full status. We will, of course, keep all Section members apprised of our progress.

We are continuing to add to our e-mail distribution list which has served as a useful forum for the distribution of news regarding recent scholarship, conferences, emerging legal issues. If you are not already a member of the list, and wish to join, you can do so by completing the subscription form at:

<http://lists.ubalt.edu/mailman/listinfo/aalschildlaw>.

Lastly, although my term as Chair is now at an end, I look forward to participating in the further development and continued growth of our Section. I am excited to pass the baton to Chair-Elect, Shaun Shaughnessy, who will serve as Chair for the 2010-2011 term and confident that the Section will continue to blossom under Shaun's direction.

Looking forward to seeing you in New Orleans!

Warmly,

Sacha M. Coupet,  
Chair, Section on Children and the Law

## **2010 JUVENILE LAW CONFERENCES:**

1.

### **AALS 2010 ANNUAL MEETING SECTION ON CHILDREN AND THE LAW**

#### **Extended Program**

**Thursday, January 7, 2010, 9:00 a.m. to 5:00 p.m.  
Rosedown Room, Hilton New Orleans Riverside  
New Orleans, Louisiana**

#### ***“MEETING THE NEEDS OF CHILDREN DURING TIMES OF CRISIS: HURRICANE KATRINA AND BEYOND”***

This day long interdisciplinary program explores children dealing with acute and chronic crisis with a particular focus on those settings where legal advocacy can be most effective in transforming systems and meeting children’s needs.

#### **KEYNOTE ADDRESS** (9:00 a.m.–10:00 a.m.):

Prof. Charles Ogletree  
Jesse Climenko Professor of Law  
Harvard University Law School



#### **Juvenile Justice and Child Welfare** (10:15 a.m.–11:45 a.m.)

Moderator: Prof. Ellen Marrus (University of Houston)  
Panelists: Prof. David Katner (Tulane University)  
Prof. Gerard Glynn (Barry University)  
Ilona Picou, (Juvenile Regional Services)

#### **Education I: An Inside View** (12:00 p.m.–1:30 pm)

Documentary film screening:  
*“Left Behind: The Story of the New Orleans Public Schools”*  
Q&A with film director, Vince Morelli, following screening

#### **Education II** (1:45–3:00 pm)

Moderator: Prof. Joan Shaughnessy (Washington & Lee University)  
Panelists: Dean Anna Shavers (University of Nebraska)

Prof. Kristi Bowman (Michigan State Univ.)  
Prof. Augustina Reyes (University of Houston)

**Health Care** (3:15–4:45 pm)

Moderator: Prof. William Wesley Patton (Whittier Law School)  
Panelists: Abigail English, Esq. (Center for Adolescent Health and the Law)  
Prof. Stacy Drury (Tulane University, Psychiatry)  
Prof. Stacy Overstreet (Tulane University, Psychology)

\* Program will conclude with a brief Section Business Meeting (4:45–5:00 pm)

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2.

***Juvenile Justice: Passages, Prevention, and Intervention***

**February 19 and 20, 2010**

**Juvenile Justice Project Center for Children and Families University of  
Florida Levin College of Law:**

In collaboration with the Center for Race and Race Relations, University of Florida Levin  
College of Law Co-sponsors: Child Advocacy Project, Harvard Law School and Juvenile  
Justice Clinic, Georgetown University School of Law.

***Plenary Speakers:***

Geoffrey Canada, founder of the Harlem Children's Zone  
Shay Bilchek, director, Center for Juvenile Justice Reform, Georgetown University

***Confirmed participants:***

Tamar Birkhead, Emily Buss, Eric Dawson, Alonzo DeCarlo, Jeffrey Fagan, Mark  
Fondacaro, James Forman, Laurie Garduque, Theresa Glennon, Thalia N.C. Gonzalez,  
Martin Guggenheim, Leslie Harris, Rhyna Jefferson, David Katner, Bart Lubow, Carlos  
Martinez, Kenneth Nunn, Joy Patton, Alex Piquero, Robert Schwartz, Elizabeth Scott,  
Dana Shoenberg, Christopher Slobogin, Judge Irene Sullivan, Lawanda Rivoira, Sarah  
Valentine, Khary Lazarre White, Jen Woolard, Barbara Woodhouse, and Claudia Wright

***Juvenile Justice: Passages, Prevention, and Intervention***

Children and youth become involved with the juvenile justice system at a significant rate.  
While some children move just as quickly out of the system and go on to live productive

lives as adults, other children become enmeshed in the system, moving to deeper problems and even to the adult criminal justice system.

This conference is focused on (1) avoiding this connection, whether brief or deep, and (2) intervening in ways that most effectively prevent further involvement with the system, address children's issues, and foster children's success. We hope to identify good systems, models and/or legislation. We hope also to be a sounding board for ideas, as well as a connecting place for those who might enrich each other's perspectives or assist in outcomes if they work collaboratively.

Conference registration is now available.

For more detailed information paste the websites below into your browser:

Juvenile Justice Project website: <http://www.law.ufl.edu/centers/childlaw/>

Conference website:

<http://www.law.ufl.edu/centers/childlaw/juvenile/justice/conferences/>

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3. California AOC Center for Families, Children & the Courts (CFCC) **[Beyond the Bench XX: Collaboration Works! Improving Outcomes and Achieving Safety and Stability in Challenging Times](#)**, December 17–18, 2009 San Diego Marriott Hotel and Marina;

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4. ***San Diego International Conference on Child and Family Maltreatment***, Jan. 24-29, 2010, San Diego, CA;

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5. Child Welfare League of American, ***Children 2010 – Leading a New Era***, Jan. 25-27, 2010, Washington D.C.

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6. ***The Early Years Conference 2010 - The Rights of the Child***, February 4, 2010, Victoria, BC, Canada

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7. ***National Juvenile Justice Summit***, February 25, 2010, Melbourne Australia

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8. **The 23<sup>rd</sup> Annual Children’s Mental Health Research & Policy Conference**, March 7-10, Tampa, Florida

[\(<http://RTCKIDS.FMHI.USF.EDU/CMHCONFERENCE>\)](http://RTCKIDS.FMHI.USF.EDU/CMHCONFERENCE)

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9. National Council of Juvenile and Family Court Judges, **National Conference on Juvenile and Family Law**, March 14-17, 2010, Las Vegas, Nevada
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10. ICAN-NCFR, **Sixth Annual Conference on Childhood Grief and Traumatic Loss: Restoring Joy to Children and Their Families**, March 17, 2010, Pasadena, California
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11. **The First Global Conference: Childhood**, July 3-5, 2010, Oxford, England.  
[\(<http://www.inter-disciplinary.net/probing-the-boundaries/persons/childhood>\)](http://www.inter-disciplinary.net/probing-the-boundaries/persons/childhood)
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12. XVEEE International Society for Prevention of Child Abuse and Neglect, **(ISPCAN) Conference**, September 26-29, 2010, Honolulu, Hawaii

## **NEW AND FORTHCOMING PUBLICATIONS:**

### ***“Healthy Beginnings, Healthy Futures: A Judge’s Guide”***

ABA Center on Children and the Law

Research on early brain development highlights how crucial the early years are in the development of infants, toddlers, and preschoolers. This very young population is especially vulnerable to the effects of abuse and neglect that set the stage for their long-term health outcomes.

Produced in collaboration with the National Council of Juvenile and Family Court Judges and the Zero to Three National Policy Center, this guide for judges addresses the wide array of health needs of very young children in the child welfare system. By sharing current research on physical health, child development, attachment, infant mental health, and early care and education, the authors provide tools and strategies to help judges promote better outcomes for babies, toddlers, and preschoolers who enter their

courtrooms. Available online for purchase from the ABA Center's website:  
[www.abanet.org/child/](http://www.abanet.org/child/)

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***“A Child's Right to Counsel: A National Report Card on Legal Representation for Abused & Neglected Children,” Second Edition***

First Star & the Children's Advocacy Institute at the University of San Diego

The national report surveys how each state performs in providing effective legal representation to maltreated children within the framework of its state law. The survey reflects the —law on the books, but does not purport to measure policy and practices, which may allow for more responsible representation, or may avoid what applicable law requires. By looking at the stated law and adopted statewide rules, the authors chose a variable that is measurable between states, and one of particular import. While policies may be changed on a whim, practices encoded in statute and regulation are predictable, enforceable, and long-lived. The report, which focuses on dependency proceedings, but can be extended to all legal proceedings in which a child's future is being determined, facilitates making useful comparisons between those jurisdictions regarded as having commendable practices and those less reflective of best practices within child advocacy.

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Micah N. Bump, TREAT THE CHILDREN WELL: SHORTCOMINGS IN THE UNITED STATES' EFFORT TO PROTECT CHILD TRAFFICKING VICTIMS, 23 Notre Dame J.L. Ethics & Pub. Pol'y 73 (2009);

Rachel Ebling, Kyle D. Pruett, Marsha Kline Pruett, “GET OVER IT”: PERSPECTIVES ON DIVORCE FROM YOUNG CHILDREN, 47 Fam. Ct. Rev. 665 (2009);

Israel L. Kunin & James M. Davis, PROTECTING CHILDREN AND THE CUSTODIAL RIGHTS OF CO-HABITANTS, 22 J. Am. Acad. Matrim. Law. 29 (2009);

Cynthia R. Mabry, JOINT AND SHARED PARENTING: VALUING ALL FAMILIES AND ALL CHILDREN IN THE ADOPTION PROCESS WITH AN EXPANDED NOTION OF FAMILY, 17 Am. U. J. Gender Soc. Pol'y & L. 659 (2009);

Alison M. Osterberg , REMOVING THE DEAD HAND ON THE FUTURE: RECOGNIZING CITIZEN CHILDREN'S RIGHTS AGAINST PARENTAL DEPORTATION, 13 Lewis & Clark L. Rev. 751 (2009);

William Wesley Patton, *WHEN THE EMPIRICAL BASE CRUMBLES: THE MYTH THAT OPEN DEPENDENCY PROCEEDINGS DO NOT PSYCHOLOGICALLY DAMAGE ABUSED CHILDREN*, 33 Law & Psychol. Rev. 29 (2009);

Eileen A. Scallen, COPING WITH CRAWFORD: CONFRONTATION OF CHILDREN AND OTHER CHALLENGING WITNESSES, 35 Wm. Mitchell L. Rev. 1558 (2009).

John Tobin, THE INTERNATIONAL OBLIGATION TO ABOLISH TRADITIONAL PRACTICES HARMFUL TO CHILDREN'S HEALTH: WHAT DOES IT MEAN AND REQUIRE OF STATES? 9 Hum. Rts. L. Rev. 373 (2009);

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Johan D. Van der Vyver, INTERNATIONAL STANDARDS FOR THE PROMOTION AND PROTECTION OF CHILDREN'S RIGHTS: AMERICAN AND SOUTH AFRICAN DIMENSIONS, 15 Buff. Hum. Rts. L. Rev. 81 (2009);

Katherine Barrett Wiik, JUSTICE FOR AMERICA'S HOMELESS CHILDREN: CULTIVATING A CHILD'S RIGHT TO SHELTER IN THE UNITED STATES, 35 Wm. Mitchell L. Rev. 875 (2009);

Barbara Bennett Woodhouse, A WORLD FIT FOR CHILDREN IS A WORLD FIT FOR EVERYONE: ECOGENERISM, FEMINISM, AND VULNERABILITY, 46 Hous. L. Rev. 817 (2009);

Barbara Bennett Woodhouse, THE COURAGE OF INNOCENCE: CHILDREN AS HEROES IN THE STRUGGLE FOR JUSTICE, 2009 U. Ill. L. Rev. 1567 (2009);

## **MESSAGE FROM THE SECRETARY/TREASURER,** **BILL PATTON:**

I want to make this newsletter as responsive as possible to your needs, and I want to publicize our members' accomplishment, including publications, *amicus curiae* briefs, legislative analyses, presentations, expert consultations, awards, and anything else that you think would be of interest to those working in the many fields related to the legal representation of children and families. Please send your ideas to [bpattton@law.whittier.edu](mailto:bpattton@law.whittier.edu). In addition, I thought that it would be interesting to choose an historical child related photograph for each newsletter to provide my final thoughts. The first photograph appears on the next page:



This is a photograph from the Farm Security Administration (FSA) migrant labor camp during the pea harvest. This family of eleven children came from Oklahoma. Brawley, Imperial County, California (1939).