

AALS Section on Children & the Law

Section Newsletter
Summer 2020

Greetings from the Chair!

Dear Children and the Law Section Members,

AALS Children and the Law members are drawn together by an interest in the needs and interests of children across a range of diverse fields of law, including family law, education law, dependency law, poverty law, and juvenile justice, to name a few. The scholarly achievements and public interest work of our members have consistently reflected this commitment, as has our AALS programming. This past January at the 2020 AALS Annual Meeting we presented our signature panel: *A Time of Momentum in Child Welfare Advocacy, Policy, and Research*. Sacha Coupet moderated the panel which featured: Martin Guggenheim, Tanya Asim Cooper, Josh Gupta-Kagan, and Fallon Speaker. Recently, Professor Martin Guggenheim (NYU Law) and his colleagues completed a cutting-edge, multi-year study examining child welfare outcomes by access to and type of legal representation. Their findings are dramatic: When parents were represented by a multi-disciplinary law practice, there was a significant reduction in the amount of time children spent in foster care. The study also suggests many children needlessly remain in foster care. These developments create enormous possibilities for child welfare advocates. Our panel members gave us lots to consider in determining how to fulfill the challenges presented by the findings. We also co-sponsored a panel with the Section on International Law entitled: *Children's Rights at 30: Challenges for the Next Generation*, featuring Professors Adam Benforado, Connie M.V. de la Vega, Nancy E. Dowd, Jonathan Todres, Barbara Bennett Woodhouse, and Dr. Eric Rosenthal.

Greetings from the Chair! (cont'd)

In January 2021, our chair-elect, Professor Jordan Blair Woods, is planning a session focused on *Emerging Issues at the Intersection of Religious Liberty and Child Welfare*. The sections on Sexual Orientation and Gender Identity Issues and Law and Religion will co-sponsor the session. There is a call for papers until **Friday, August 7, 2020**. Please send submissions to Prof. Jordan Blair Woods at jbwoods@uark.edu.

Fingers crossed that we will all be together in San Francisco in January!

Warmest wishes,



Julie McConnell
*The University of Richmond
School of Law*



2020-2021 Section Officers

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*The University of
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Jonathan Todres,
*Georgia State University
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**"It is easier to build strong children,
than to repair broken men.**

--Frederick Douglass

Publications, Honors and Presentations

Julie E. McConnell, was recently recognized by fellow Richmond criminal defense attorneys with the Craig Cooley Professionalism Award. Professor McConnell also gave an update on Virginia caselaw related to juvenile and domestic relations court practice for the Virginia Indigent Defense Commission and presented talks on the juvenile justice system to several undergraduate and law school classes.

Melanie B. Jacobs has been appointed, as of January 1, 2020 to serve as Interim Dean of the Michigan State University College of Law. She has also rewritten a chapter (*Johnson v. Calvert*) in *Feminist Judgments: Reproductive Justice Rewritten* (Kimberly Mutcherson ed.) (Cambridge University Press 2020) and a commentary (*In Re TJS*) in *Feminist Judgments: Family Law Rewritten* (Rachel Rebouche ed. forthcoming 2020).

William Wesley Patton, *A Rebuttal To Kinsler's And To Anderson and Muller's Studies On The Purported Relationship Between Bar Passage Rates And Attorney Discipline*, 93 St. John's L. Rev. 43. **Prof. Patton** is now teaching at the U.S.C. Gould School of Law and the UCLA David Geffen School of Medicine, Department of Psychiatry.

Diane Marie Amann, who is the Emily & Ernest Woodruff Chair in International Law and a Faculty Co-Director of the Dean Rusk International Law Center at the University of Georgia School of Law, published "The Policy on Children of the ICC Office of the Prosecutor: Towards greater accountability for crimes against and affecting children" in the *International Review of the Red Cross* (2020). Available at <https://www.cambridge.org/core/journals/international-review-of-the-red-cross/article/policy-on-children-of-the-icc-office-of-the-prosecutor-toward-greater-accountability-for-crimes-against-and-affecting-children/D9BB8F033B22603A168D3943EFD7B5BF>

Diane Marie Amann's lecture entitled "Child Rights, Conflict, and International Criminal Justice" was published at the United Nations Audiovisual Library of International Law in November 2019, to commemorate the 30th anniversary of the Convention on the Rights of the Child. Available at https://legal.un.org/avl/ls/Amann_HR.html

Elizabeth D. Katz, "[*Racial and Religious Democracy: Identity and Equality in Mid-Century Courts*](#)", 72 Stan. L. Rev. (forthcoming June 2020)

Elizabeth D. Katz, [*“A Woman Stumps Her State”: Nellie G. Robinson and Women’s Right to Hold Public Office in Ohio*](#), 53 Akron L. Rev. 313 (2019) (contribution to conference symposium on Nineteenth Amendment)

Cynthia Godsoe, *Rewritten Supreme Court opinion in Sessions v. Morales-Santana*, 582 U.S. ___ (2017), in *Feminist Judgments: Family Law Opinions Rewritten* (Rachel Rebouche ed., Cambridge Univ. Press forthcoming 2019)

Cynthia Godsoe, *#MeToo and the Myth of the Juvenile Sex Offender*, forthcoming (2020) in the *Ohio State Journal of Criminal Law*

Nancy Dowd, *Children’s Equality Rights: Every Child’s Right to Develop to Their Full Capacity*, 41 *Cardozo Law Review* 101 (2020)

Nancy Dowd, *Expanding the Framework of Family Issues: Bringing Children’s Rights and Children’s Perspectives into Immigration*, 7 *Oslo Law Review* 6 (2020)

Nancy Dowd, *Children’s Equality: The Centrality of Race, Gender and Class*, 47 *Fordham Urban Law Journal* 231 (special issue centered on *Reimagining Equality*, initial essay for the issue) (2020)

Nancy Dowd, *Children’s Equality: Strategizing a New Deal for Children*, 47 *Fordham Urban Law Journal* 379 (special issue centered on *Reimagining Equality*, response essay for the issue) (2020)

Nancy Dowd, *Commentary on Oncale v. Sundowner Offshore Services Inc.* in *Feminist Judgments: Employment Discrimination, Opinions Rewritten* (Ann McGill and Nicole Porter, eds) (Cambridge University Press 2020)

Nancy Dowd, *Rewritten Opinion, Adoptive Couple v. Baby Girl*, in *Feminist Judgments: Reproductive Justice Rewritten* (Feminist Judgments book series) (Kimberly Mutcherson, ed.) (Cambridge University Press 2020)

Nancy Dowd, *Radical ACEs: Building Resilience and Triggering Structural Change*, (symposium issue on early childhood), 71 (1) *Fla. L. Rev. F.* 1 (2019)

Nancy Dowd, *Early Childhood Matters*, (introduction to symposium volume on early childhood) 71 (1) *Fla. L. Rev. F.* 1 (2019) (with Teresa Drake)

Nancy Dowd, *Equality, Equity and Dignity*, 37 *Law and Inequality: A Journal of Theory and Practice* 1 (2019)

Nancy Dowd was named in Fall 2019 Distinguished Guest Professor at Aalborg University, Denmark, a title she also held in 2018. **Prof. Dowd** also presented at: AALS Annual meeting, Section on International Human Rights Law, program on the 30th anniversary of the UN Convention on Children’s Rights (Jan. 2020); AALS Annual meeting, Section on Family Law, program on families and civil rights, paper on “Children’s Equality Rights” (Jan. 2020); book talk on Reimagining Equality sponsored by the Anita Zucker Center for Excellence in Early Childhood Studies, co-sponsored by the Levin College of Law, (Sept. 2018); book talks on Reimagining Equality at Cambridge University and Nottingham University, UK, (Nov. 2019); international expert advisory board for year-long research project of Dr. Ursula Kilkelly, University College Cork, on further reform of the Irish youth justice system, 2019-2020; Reimagining Equality selected by Fordham Urban Law Journal to be the focus of a symposium issue on children, race and poverty, with essays in response to the book, to be published early 2020; and gave book talks at Law and Society annual conference Washington DC and International Society of Family Law North American Regional Conference (May 2019).

Jonathan Todres, *The Oxford Handbook of Children’s Rights Law* (OUP, 2020) (co-edited with Shani King)

Jonathan Todres, *Preventing Child Trafficking: A Public Health Approach* (Johns Hopkins University Press, 2019) (coauthored with Angela Diaz)

Jonathan Todres, *he Trauma of Trump’s Family Separation and Child Detention Actions: A Children’s Rights Perspective*, 95 *Washington Law Review* 377 (2020) (coauthored with Daniela Villamizar Fink)

Jonathan Todres, *Making Children’s Rights Widely Known*, 29 *Minnesota Journal of International Law* 109 (2020)

Jonathan Todres was also appointed to a second term on the Board of Children, Youth, and Families of the National Academies of Sciences, Engineering, and Medicine. At GSU College of Law, he was awarded the 2020 David J. Maleski Award for Teaching Excellence.

Randi Mandelbaum, *Supporting Immigrant Children and Youth: What Pediatricians and Other Clinicians Can Do*, *Pediatric Clinics of North America*, Volume 67, Issue 2, pages 309-324 (Elsevier, April 2020)

Randi Mandelbaum, *A Pathway to Permanency: Collaborating for the Futures of Children who are Immigrants in the Child Welfare System* (with Joanne Gottesman and Meredith Pindar), Vol. 96, No. 6 *CHILD WELFARE* 25 (2019)

Prof. Mandelbaum was also presented with the Elliott Milstein Award for Professional Excellence, January 2020, by the American University Washington College of the Law Clinical Program.

Charisa Kiyô Smith, *#WhoAmI? Harm & Remedy for Youth of the #MeToo Era*, Univ. Penn, J. Law & Soc. Change (forthcoming 2020)

Charisa Kiyô Smith moderated a panel at CUNY Law "Tearing Families Apart: Mass Incarceration and the Criminalization of Parents," in March 2020 and spoke on a panel about "Fostering Resilience" at CUNY Law's Community Day in Feb. 2020. She also presented a paper *At the Crossroads of Rape Culture: ADR and #MeToo Era Youth* at the Law & Society Assoc. (LSA) Annual Meeting on panel entitled *The State and Violence: New Proposals for Stopping the Cycle* and spoke as Invited Discussant on the LSA panel "Sexual Harassers and Accountability" (May 2020).

Jennifer Ann Drobac, Carrie N. Baker, and Rigel C. Oliveri, *Sexual Harassment Law: History, Cases, & Practice* (2d ed. Carolina Academic Press, 2020) (including a chapter on Title IX and additional coverage of sexual harassment in youth sports and the GenZ movement). Folks can order the book through Carolina Academic Press at bit.ly/HarassmentLawTextbook. And, because sexual harassment law is a dynamic, constantly evolving area of the law, we have a companion website at bit.ly/HarassmentLawWebsite and a Facebook page with the latest developments at facebook.com/harassment.law.text. *The companion site has material devoted to youth issues. Anyone with work on the topic can send me links to their work for me to post! Of course, the Facebook page contains current events and news stories regarding youth.*

Sacha M. Coupet, [Valuing All Identities Beyond the Schoolhouse Gate: The Case for Inclusivity as a Civic Virtue in K-12](#), 27 Mich. J. Gender & L. 1 (2020)

Michael Higdon, "Parens Patriae and the Disinherited Child" in 95 Washington Law Review 619 (2020)

Jamie R. Abrams, Why the Legal Strategy of Exploiting Immigrant Families Should Worry Us All, 14 Harvard Law & Pol'y Rev. 101 (2020)

UPCOMING AALS SECTION ON CHILDREN AND THE LAW PANEL AND CALL FOR PAPERS

AALS Section on Children and the Law's Session
at the 2021 Annual Conference

Call for Papers *Intersections of Religion and Children's Issues*

The AALS Section on Children and the Law invites original submissions for presentation at our session at the 2021 AALS Meeting entitled, Intersections of Religion and Children's Issues, co-sponsored with the Section on Law and Religion and Section on Sexual Orientation and Gender Identity Issues. The meeting is scheduled to take place from January 5-9, 2021 in San Francisco, California.

In recent years, legal and scholarly debates have intensified over the role of religion in civil society. These debates touch on institutions that are central to children's lives. For instance, we are experiencing a time of momentum in proposed and enacted legislation involving religion and education, adoption, child welfare, and medical care. The U.S. Supreme Court is set to decide cases on public funding for religious schools and whether faith-based adoption and foster care agencies can reject LGBTQ families. This panel calls for scholars to explore intersections of religion and children's issues from a variety of perspectives.

The Section on Children and the Law will select up to three proposals from this call for papers. We welcome submissions at all stages of development, although preference will be given to more fully developed papers that have not yet been published. We encourage submissions from all Section members, as well as other scholars (particularly pre-tenure and diverse scholars) who are engaged in related research and writing. *Please forward the attached Call for Papers to those who may be interested.*

Our submission deadline is **Friday, August 7, 2020.**

Papers and questions should be submitted to Chair-elect Professor Jordan Blair Woods at jbwoods@uark.edu.

CFP: Strengthened Bonds: Abolishing the Child Welfare System and Re-Envisioning Child Well-Being

On March 26, 2021, the Columbia Journal of Race and Law will host a symposium, Strengthened Bonds: Abolishing the Child Welfare System and Re-Envisioning Child Well-Being. The symposium honors the 20th anniversary of *Shattered Bonds: The Color of Child Welfare* by Dorothy Roberts and is co-chaired by Nancy Polikoff (American) and Jane Spinak (Columbia). Professor Roberts will deliver the keynote address.

Since the publication of *Shattered Bonds* at the beginning of this century, reform efforts have focused on making the current child welfare system work better without fundamentally challenging its existence. This symposium is an opportunity to critique this limited reform approach and consider radical change to re-imagine how society cares for and protects children while honoring their bonds to

their families and communities. The prison abolition movement has produced a robust body of scholarship. Strengthened Bonds seeks to generate equally insightful, imaginative, and important scholarship in support of abolishing the child welfare system and creating a radically new approach to child well-being.

The organizers encourage papers from all disciplines and from community members and activists. We will consider traditional articles, essays, and pairing authors with responders, as well as interest in participating in the symposium and then submitting a response. **The deadline for abstracts and expressions of interest is July 1, 2020.** The complete call for papers and instructions for submission of abstracts is on the Journal website. For questions, email co-chairs Nancy Polikoff, npoliko@wcl.american.edu, and Jane Spinak, spinak@law.columbia.edu

"There can be no keener revelation of a society's soul than the way in which it treats its children."

-- Nelson Mandela

NEWS FROM AALS:

The AALS is taking various steps, including the curation of a webpage, [The Law Deans Antiracist Clearinghouse Project](#), to respond to racism in the United States, a scourge that threatens both our democracy and the rule of law. This project is designed to help us all in our ongoing work to be vocally and unequivocally antiracist on a daily basis.

Combining both powerful individual statements from our law deans and links to important readings and resources, we hope this page is just one small step in helping us all become a better community.

This page will continue to be updated over the coming weeks. Please contact Josh Albertson at AALS with any questions:
jalbertson@aals.org