

AALS Section on Children & the Law

**Section Newsletter
Fall/Winter 2020**



Greetings from the Chair!

Dear Children and the Law Section Members,

Happy New Year! We have all seen the profound impact of the Covid-19 pandemic on children and families. I know you all join me in welcoming the hope and promise of a new year. This section is dedicated to promoting recognition of the needs and interests of children across a range of diverse fields of law, including the areas of family, education, dependency, and poverty law, and juvenile justice, to name just a few. The scholarly achievements and public interest work of our members have consistently reflected this commitment, as has our AALS programming. Welcome to all our new members and thank you all for your continued good work to promote the interests of children.

This year at the 2021 AALS Annual Meeting we will present a panel discussion entitled: The Intersection of Religion and Children's Issues. The panel is co-sponsored by the Sections on Law and Religion and Sexual Orientation and Gender Identity Issues. Don't miss this timely presentation scheduled for Friday, January 8 from 2:45-4:00 p.m. Add it to your agenda on the [AALS conference website](#) today!

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 the intersections of religion and children's issues from a variety of perspectives. Jordan Blair Woods, Associate Professor of Law, University of Arkansas,

Greetings from the Chair! (cont'd)

Fayetteville, Robert A. Leflar Law Center, will moderate the discussion. Our panelists are: Frank Cervone, Executive Director, Support Center for Child Advocates; Jenny D. Cheng, Lecturer in Law, Vanderbilt University Law School; and Elizabeth D. Katz, Associate Professor of Law, Washington University in St. Louis School of Law. We look forward to connecting with you virtually at AALS next week. We will plan to meet soon after the annual meeting to elect officers for next year. Please join us.

Warmest wishes,



Julie McConnell
The University of Richmond
School of Law



***One book, one pen,
one child, and one
teacher can
change the world.***

-- Malala Yousafzai

**Interested in participating on the
Executive Committee of the Section on
Children & the Law?
We will be electing a new Secretary at
our next Business Meeting.
If a leadership role within the Section is
of interest to you, please email Julie
McConnell: jmcconne@richmond.edu**

2020-2021 Section Officers

Chair: Julie McConnell,
The University of
Richmond School of Law

Chair-Elect: Jordan
Blair Woods,
Univ. of Arkansas,
Robert A. Leflar Law
Center

Secretary: Sacha M.
Coupet,
Loyola University
Chicago School of Law

Executive Committee:

Maryam Ahranjani,
University of New Mexico
School of Law

Naomi Harlin Goodno,
Pepperdine University
School of Law

Josh Gupta-Kagan,
University of South
Carolina School of Law

Meredith J. Harbach,
The University of
Richmond School of Law

Susan Hazeldean,
Brooklyn Law School

Melanie B. Jacobs,
MSU College of Law

Jonathan Todres,
Georgia State University
College of Law

Publications, Honors and Presentations

Emily A. Benfer (Wake Forest University School of Law) was appointed the Chair of the American Bar Association COVID-19 Task Force Committee on Eviction. She was also a lead contributing author to a Public Health Amici Curiae Brief in Support of the Centers for Disease Control and Prevention Eviction Moratorium in *Brown v. Azar*, U.S. District Court Northern District of Georgia
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3708504

Emily A. Benfer (Wake Forest University School of Law), Seema Mohapatra, Lindsay Wiley, and Ruqaiyah Yearby, *Health Justice Strategies to Combat the Pandemic: Eliminating Discrimination, Poverty and Health Inequity During and After COVID-19*, Yale J. of Health, L. & Ethics (2020).
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3636975

Emily A. Benfer (Wake Forest University School of Law), David Vlahov, Marissa Y. Long, Evan Walker-Wells, J.L. Pottenger, Jr., Gregg Gonsalves, Danya A. Keene, *Eviction, Health Inequity, and the Spread of COVID-19: Housing Policy as a Primary Pandemic Mitigation Strategy*, J. of Urban Health (2020)
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3736457

Kathryn M. Leifheit, Sabriya L. Linton, Julia Raifman, Gabriel L. Schwartz, **Emily A. Benfer** (Wake Forest University School of Law), Frederick J. Zimmerman, Craig Evan Pollack, *Expiring Eviction Moratoriums and COVID-19 Incidence and Mortality* (2020). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3739576

Emily A. Benfer (Wake Forest University School of Law), Emily Coffey, Allyson Gold, Mona Hanna-Attisha, Bruce Lanphear, Helen Li, Ruth Ann Norton, David Rosner, Kate Walz, *Health Justice Strategies to Eradicate Lead Poisoning: An Urgent Call to Action to Safeguard Future Generations*, Yale J. of Health, L. & Ethics (Fall 2020).
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3692852

Danya Keene, Sascha Murillo, Alice Rosenthal, **Emily A. Benfer** (Wake Forest University School of Law), Ada Fenick, *Reducing the Justice Gap and Improving Health through Medical-Legal Partnerships*, J. of Legal Med. (2020).
<https://pubmed.ncbi.nlm.nih.gov/33137278/>

Emily A. Benfer, Gregg Gonsalves, Danya Keene, *The Coming Wave of Evictions Will Significantly Worsen America's COVID-19 Crisis*, The Appeal, Dec. 7, 2020. <https://theappeal.org/the-coming-wave-of-evictions-will-significantly-worsen-americas-covid-19-crisis/>

Emily A. Benfer, *How the threat of eviction has perpetuated health inequity and racial injustice during the pandemic*, International Network of Street Papers, Dec. 10, 2020. <https://insp.ngo/the-system-is-failing-all-the-families-that-really-need-it-how-the-threat-of-eviction-has-perpetuated-health-inequity-and-racial-injustice-during-the-pandemic/>

Emily A. Benfer, Nestor Davidson, *States Shouldn't Hinder Local Gov'ts in COVID-19 Tenant Aid*, Law360, Oct. 4, 2020. <https://www.law360.com/articles/1315608/states-shouldn-t-hinder-local-gov-ts-in-covid-19-tenant-aid>

Emily A. Benfer, *Opinion Editorial: A Tidal Wave of Evictions is Forming. We Can Still Stop It*, The Boston Globe, Sept. 29, 2020. <https://www.bostonglobe.com/2020/09/24/magazine/tidal-wave-evictions-is-forming-its-not-too-late-stop-it/>

Emily A. Benfer, *Opinion Editorial: Coronavirus Rent Protections are Ending and a Wave of Evictions will Sweep America*, NBC News, June 22, 2020. <https://www.nbcnews.com/think/opinion/coronavirus-rent-freezes-are-ending-wave-evictions-will-sweep-america-ncna1230916>

Emily A. Benfer, Lindsay F. Wiley, *Health Justice Strategies to Combat COVID-19: Protecting Vulnerable Communities During a Pandemic*, Health Affairs Blog, March 19, 2020. <https://www.healthaffairs.org/doi/10.1377/hblog20200319.757883/full/>

Emily A. Benfer, Eric Dunn, Norrinda Brown Hyatt, Rachel Blake, *What an Effective Eviction Moratorium Must Include*, Shelterforce, March 24, 2020. <https://shelterforce.org/2020/03/24/what-an-effective-eviction-moratorium-must-include/>

Jamie R. Abrams (University of Louisville Brandeis School of Law) & Amanda Potts, *The Language of Harm: What the Nassar Victim Impact Statements Reveal About Abuse and Accountability*, 82 Univ. Pittsburgh L. Rev. 1 (2020).

Jonathan Todres (Georgia State University College of Law) *Children and Disasters: The Essential Role of Children's Rights Law*, in Giulio Bartolini et al., eds., *Yearbook of International Disaster Law* (Vol 2; Brill Academic Publishers, forthcoming Dec. 2020).

Jonathan Todres (Georgia State University College of Law) [*COVID-19 and Human Trafficking—The Amplified Impact on Vulnerable Populations*](#), JAMA Pediatrics (published online Sept. 2020; print forthcoming Jan. 2021) (with Angela Diaz).

Jonathan Todres, [*Foreword: Preventing Human Trafficking*](#), 36 Ga. St. U. L. Rev. vi (2020).

Jonathan Todres (Georgia State University College of Law) was appointed to the Executive Leadership Board of the Frank Porter Graham Child Development Institute, University of North Carolina.

Elizabeth D. Katz (Washington University School of Law) [*“Racial and Religious Democracy”: Identity and Equality in Midcentury Courts*](#), 72 Stanford Law Review 1467 (June 2020) was selected for the 2021 Harold Berman Award for Excellence in Scholarship by the AALS Section on Law and Religion.

On October 28, 2020, **Diane Marie Amann**, the Emily & Ernest Woodruff Chair in International Law and Faculty Co-Director of the Dean Rusk International Law Center at the University of Georgia School of Law, gave an online seminar on “Children and the Women, Peace and Security Agenda” – her contribution to a year-long series on women, peace and security, hosted by the Transitional Justice Institute at the University of Ulster in Northern Ireland. The video recording is available at <https://eu-iti.bbcollab.com/collab/ui/session/playback> Audio podcasts are available at the Institute’s [Apple](#) and [Spotify](#) podcast pages.

Josh Gupta-Kagan (University of South Carolina School of Law) was promoted to full professor, starting January 2021. His article, [*Beyond ‘Children are Different’: The Revolution in Juvenile Intake and Sentencing*](#), is forthcoming in the Washington Law Review.

Sacha M. Coupet (Loyola University Chicago School of Law) was promoted to full professor, starting July 2020. She was also named one of Loyola's inaugural Morris I. Leibman Professors of Law.

Julie E. McConnell (University of Richmond School of Law) recently gave the following presentations: *“Major Changes in the Sentencing of Minors: Recent Legal Updates in the Sentencing of Youth in Virginia,”* Webinar, National Association of Criminal Defense Lawyers (Co-sponsored by Human Rights for Kids and the Legal Aid Justice Center); *“Education and Incarceration,”* Virtual panel discussion, Germanna Community College; *“Get Informed About Police Reform: Assault on Police Officers and Police in Schools,”* on Facebook Live with Justice Forward; *“2019-2020 Virginia Caselaw Update,”* with the Virginia Indigent Defense Commission; *“Dismantling The School to Prison Pipeline: A Community Dialogue on Equity and Justice in Education,”* with the Richmond, VA Commonwealth’s Attorney’s Office; *“Best Practices in Juvenile Defense Representation in a Counterterrorism Context,”* with the International Institute of Justice and the Rule of Law, Attard, Malta.

**PLEASE JOIN US FOR OUR AALS SECTION
ON CHILDREN AND THE LAW PANEL
AT THE 2021 ANNUAL MEETING!**

Friday, January 8th 2:45-4:00 pm EST

AALS Section on Children and the Law, Co-Sponsored
by Law and Religion and Sexual Orientation and Gender Identity Issues:
Intersection of Religion and Children's Issues

Moderator:

Jordan Blair Woods

Associate Professor of Law

University of Arkansas, Fayetteville, Robert A. Lefflar Law Center

Speakers:

Frank Cervone, *Executive Director, Support Center for Child Advocates*, the lawyer pro bono program for abused and neglected children in Philadelphia. Prior to his work at Child Advocates, Frank was a Staff Attorney at Delaware County Legal Assistance Association and Adjunct Clinical Professor at Villanova University School of Law, where he instructed law students in domestic-abuse and child-support litigation. He previously served as counsel for Saint Gabriel's System, an agency providing treatment services for juvenile offenders.

Jenny D. Cheng, *Lecturer in Law, Vanderbilt University Law School*. She holds a J.D. from Harvard Law School and a Ph.D. in political science from the University of Michigan. Her research focuses on the political and legal treatment of children, especially adolescents. She has written extensively about the history of the minimum voting age and the constitutionality of laws that affect young voters. At Vanderbilt, she teaches courses on education law and family law.

Elizabeth D. Katz, *Associate Professor of Law, Washington University in St. Louis School of Law* is a legal historian who is an expert on family law, criminal law and U.S. legal history, including women's right to hold public office. She teaches first-year criminal law, family law, and a seminar on the law's treatment of race and religion in family contexts, historically and today. Immediately prior to joining Washington University Law, she was the inaugural fellow in Stanford Law School's Center for Law and History.

UPCOMING 2021 SYMPOSIUM -- 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.

While the call for papers has closed, the organizers encourage educators, professionals, community members and activists from all disciplines to attend what promises to be a groundbreaking symposium.

In advance of the symposium, check out Prof. Roberts and Lisa Sangoi (co-founder, [Movement for Family Power](#)) discussing the history of the American child welfare system on this episode from the [We Be Imagining](#) podcast archive.

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

***"Within the child lies the fate of the future."
-- Maria Montessori***

AALS PROGRAMMING OF RELATED SECTIONS:

AALS Section on Family and Juvenile Law "Opting In and Opting Out, Trapped In and Locked Out of Family Law" Tuesday, January 5th 11:00-12:15 pm EST

Societal groups can both opt in and out of family law systems or without choice be locked in or out. The welfare system may limit the choices of the poor to create their desired family structure and limit their choices through bureaucratic and administrative systems that enforce and enact exclusion, social control, and surveillance. In ART contracts, parties may seek parentage that statutory schemes would not require (e.g., sperm donors who seek parental rights) or be required to legally establish parentage for both same-sex married partners. Following the panel, small groups will discuss the panelists' ideas in more depth.

MODERATOR:

Nancy J. Soonpaa
Texas Tech University School of Law

SPEAKERS:

Victoria L. Chase
Rutgers Law School

Jessica Feinberg
University of Maine School of Law

Ann E. Freedman
Rutgers Law School

Jill Hasday
University of Minnesota Law School

Richard F. Storrow
City University of New York School of Law

AALS Section on Family and Juvenile Law "Family Law: Creative and Experiential Teaching Tips" Thursday, January 7th 4:15-5:30 pm EST

This program showcases tips on creative teaching (i.e. a first-day graffiti exercise, Kahoot! in the classroom) and experiential learning (i.e. focused skills days, practical lawyering strategies in juvenile law). In addition, speakers will discuss racial equity impact assessments and a one-class experiential exercise on custody and abuse. This lively program will conclude with time for Q & A.

**"To take children seriously is to value them for who they are right now
rather than adults-in-the-making" -- Alfie Kohn**