

## MESSAGE FROM THE CHAIR



Dear Children and the Law Section Members,

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, 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 2019 AALS Annual Meeting we collaborated with Professor Sacha Coupet and the Section on Poverty Law and together explored how children's lives are impacted by, among other poverty-related risks, instability of housing, child welfare and foster care, compromised physical and mental health, inability to access quality education, juvenile justice, and environmental justice. We benefitted from the thoughtful and illuminating contributions of Professors Luis Zayas (University of Texas-Austin School of Social Work), Yael Cannon (Georgetown Law), Shanta Trivedi (University of Baltimore School of Law), and Jenny Carroll (Alabama Law).

In January 2020, our chair-elect Professor Julie McConnell is planning a session focused on new frontiers in child welfare advocacy, policy, and research. In late 2018, the Children's Bureau, a division of the federal Administration for Children & Families, announced that it would provide state agencies with matching federal child welfare funds under Title IV-E of the Social Security Act, making possible dramatically increased access to effective counsel for parents and children in child welfare proceedings. Professor Martin Guggenheim (NYU Law) will share his and colleagues' cutting-edge, multi-year study examining child welfare outcomes by access to and

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type of legal representation. Among other things, the funding possibilities and research invite enhanced efforts at creating holistic, multi-disciplinary child welfare law offices, close attention to institutional design questions around implementation of Title IV-E funds, and a renewed focus on developing family defense clinics in law schools.

We look forward to seeing you in Washington, DC in January!

Warmest wishes,  
Maryam Ahranjani

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## PUBLICATIONS, HONORS, AND PRESENTATIONS



**Margaret A. Dalton, Associate Dean and Professor of Law at the University of San Diego School of Law**, published *Forgotten Children: Rethinking the Individuals with Disabilities Education Act Behavior Provisions*, 27 *American University Journal of Gender, Social Policy and the Law* 137 (2019) (<http://ssrn.com/abstract=3374014>). She also participated in a panel related to the paper: Fighting for Better Outcomes for Children, at American University's Marshall Brennan Constitutional Law in the Classroom Symposium, April 5, 2019.

**Nancy E. Dowd, Professor of Law and David H. Leven Chair in Family Law at the University of Florida Levin College of Law**, published REIMAGINING EQUALITY: A NEW DEAL FOR CHILDREN OF COLOR (NYU Press 2018); *Equality, Equity, Dignity*, *Journal of Law and Inequality* (2019); and Symposium on Early Childhood, *Introduction and Essay, Radical ACEs*, *Florida Law Review Law Forum* (online 2019) (based on an early childhood inter disciplinary conference organized at UF Law in 2018). She also presented her book at Law and Society, the ISFL Regional conference, Fordham, UNLV, University of Colorado, University of Denver, and Northwestern University. She was part of a round table discussion on early childhood at Law and Society meeting and part of an experts panel for juvenile justice reform project for Ireland, project led by Professor Ursula Kilkelly, University College Cork. Professor Dowd will serve as Distinguished Guest Professor at Aalborg University Denmark fall semester 2019, and also as part of the Family Law Practices and Policies research group, including planning for their second conference in November 2019

**James G. Dwyer, Arthur B. Hanson Professor of Law at William & Mary School of Law**, together with historian Shawn F. Peters, published HOMESCHOOLING: THE HISTORY AND PHILOSOPHY OF A CONTROVERSIAL PRACTICE (University of Chicago Press 2019).

**Cynthia Godsoe, Professor of Law at Brooklyn Law School**, was awarded tenure.

**Josh Gupta-Kagan, Associate Professor at the University of South Carolina School of Law**, published *Reevaluating School Searches Following School-to-Prison Pipeline Reforms*, 87 *FORDHAM L. REV.* 1013 (2019) and *Operationalizing Intake: Variations in Juvenile Court Intake Procedures and Their Implications*, 102 *CHILD. & YOUTH SERVS. REV.* 91 (2019), with Amanda Fairchild and Tia Stevens Andersen

**Jessica K. Heldman, Fellmeth-Peterson Professor in Residence in Child Rights**, together with **Robert C. Fellmeth, Children's Advocacy Institute Executive Director and Price Professor in Public Interest Law at the University of San Diego School of Law**, published the 4th Edition of *CHILD RIGHTS AND REMEDIES* (Clarity Press 2019).

**Laura C. Hoffman, Assistant Professor of Law at Seton Hall Law School**, published *Telehealth, Children, and Pediatrics: Should the Doctor Make House Calls Again, Digitally?*, Vol. 43, Issue 3, *Nova L. Rev.* 4 (2019), available at <https://nsuworks.nova.edu/nlr/vol43/iss3/4/> which she presented at the 42nd Annual Health Law Professors Conference, American Society of Law, Medicine, & Ethics (ASLME) & Loyola University Chicago School of Law, Chicago, IL (2019).

**Melanie B. Jacobs, Professor of Law at Michigan State University College of Law**, was appointed Senior Associate Dean for Academic Affairs effective July 1, 2019. She was an invited panelist of the AALS Family & Juvenile Law Section for its January session on Children's Rights in a Post-Obergefell World at which she presented, *Does a Child Have a Liberty Interest in Maintaining a Parental Relationship?* Dean Jacobs presented a further draft at the 2019 Law & Society Association conference as part of the Feminist Legal Theory CRN's panel on The Rights of Children in Families, Law, and Democracy. In addition, Dean Jacobs gave a teaching plenary at the annual Family Law Scholars & Teachers Conference.

**Julie McConnell, Director, Children's Defense Clinic and Clinical Professor of Law at the University of Richmond School of Law**, recently received two awards: The Metropolitan Richmond Women's Bar Association's 2018 Woman of Achievement and the Virginia Lawyer's Weekly 2019 Influential Women in the Law Award. Additionally, she chaired the search committee to hire a director for the University of Richmond's Jeanette Lipman Family Law Clinic. Professor McConnell also presented *Juvenile Law Explained--It really is Easier than Talking to Your Teenager* at the Virginia State Bar Criminal Seminar in February 2019 and participated in a *Panel Discussion on Mental Health in Virginia's Juvenile Justice System*, for the Regent University Law Review's 31<sup>st</sup> Annual Symposium on November 2, 2018. More recently, she participated in a panel entitled *Creative Motions Practice in Juvenile Representation* at the 2019 Leroy Hassell Advanced Indigent Defense Conference, in Richmond, VA on May 3, 2019 and chaired the 24<sup>th</sup> Annual Robert E. Shepherd, Jr. Juvenile Law and Education Conference, in Richmond, VA on May 17, 2019, where she presented the *2018-19 Virginia Caselaw Update*.

**Malinda L. Seymore, Professor of Law at Texas A & M University School of Law** published *Adopting Civil Damages: Wrongful Family Separation in Adoption*, 76 WASHINGTON & LEE L. REV. 895 (2019), available at <https://scholarship.law.tamu.edu/facscholar/1309/>.

**David B. Thronson, Professor of Law at Michigan State University College of Law**, was named the Alan S. Zekelman Professor of International Human Rights Law and appointed as director of the Talsky Center for Human Rights of Women and Children. He published two book chapters: *The Legal Treatment of Immigrant Children in the United States*, in PROTECTING MIGRANT CHILDREN: IN SEARCH OF BEST PRACTICE (Mary Crock and Lenni Benson, eds., Elgar Publishing 2018) and *Children's Rights and U.S. Immigration Law*, in RESEARCH HANDBOOK ON CHILD MIGRATION, (Jacqueline Bhabha, Daniel Senovilla Hernandez, and Jyothi Kanics, eds., Elgar Publishing 2018). Finally, together with Professor Stephen Legomsky, he published the 7th edition of IMMIGRATION AND REFUGEE LAW AND POLICY (Foundation Press, 7th Ed., 2019).

**Jonathan Todres, Professor of Law at Georgia State University College of Law**, was named Distinguished University Professor at Georgia State University. He also received Georgia State University College of Law's 2019 Patricia T. Morgan Award for Outstanding Faculty Scholarship. Professor Todres coauthored a book chapter, *Article 8: The Right to Preservation of a Child's Identity* in THE CONVENTION ON THE RIGHTS OF THE CHILD: A COMMENTARY (J. Tobin ed., Oxford University Press, 2019). Finally, Professor Todres was appointed to the Advisory Board of the *International Journal of Children's Rights*.

**Jessica Dixon Weaver, Associate Professor of Law at Southern Methodist University Dedman School of Law** has three forthcoming book chapters and two forthcoming books. The first book chapter is *Intersectionality and Children's Rights* in THE OXFORD HANDBOOK ON CHILDREN'S RIGHTS (Shani King & Jonathan Todres, eds., Oxford University Press 2019), which uses child marriage as a case study to explore intersectionality as a tool to interpret the law and to suggest legal changes to better protect children. The second book chapter is *DeShaney v. Winnebago County Department of Social Services*, 489 U.S. 189 (1989) in FEMINIST JUDGMENTS: FAMILY LAW OPINIONS REWRITTEN (Rachel Rebouche, ed., Cambridge University Press 2019), where Justice Weaver issues an opinion that is opposite the original decision by the Supreme Court. The third book chapter is *Legislative Solutions to Address Disproportionality in Racial Disproportionality and Disparities in the Child Welfare System* (Alan Detlaff, ed., Springer 2019). Her books, FAMILY LAW SIMULATIONS: BRIDGE TO PRACTICE (West Academic) and ADOPTION LAW: THEORY, POLICY & PRACTICE, 3<sup>rd</sup> ed. with Barbara Bennett Woodhouse (William S. Hein & Co.), will be published in the fall of 2019 and spring of 2020, respectively. Professor Weaver is also the recipient of two fellowships: the 2019 Robert G. Storey Distinguished Faculty Fellowship from Southern Methodist University Dedman School of Law and the university-wide 2018-19 Gerald D. Ford Senior Research Fellowship.

**Jordan Blair Woods, Assistant Professor of Law at University of Arkansas School of Law – Fayetteville**, published *Religious Exemptions and LGBTQ Child Welfare*, 103 *Minnesota Law Review* 2343 (2019) and *Unaccompanied Youth and Private-Public Order Failures*, 103 *Iowa Law Review* 1639 (2018) (honored with a 2018 Dukeminier Award recognizing the best legal scholarship on sexual orientation and gender identity published each year).

## UPCOMING CONFERENCES, EVENTS, and CALLS FOR PAPERS



### **2020 AALS Annual Meeting Section on Children and the Law Call for Papers**

#### **A Time Momentum in Child Welfare Advocacy, Policy, and Research**

We are experiencing a time of evolution and momentum in child welfare law, policy, and research. In late 2018, the Children's Bureau, a division of the federal Administration for Children & Families, announced that it would provide state agencies with matching federal child welfare funds under Title IV-E of the Social Security Act, making possible dramatically increased access to effective counsel for parents and children in child welfare proceedings. And recently, Professor Martin Guggenheim (NYU Law) and 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 a time of enormous possibility for child welfare advocates. Among other things, they invite enhanced efforts at creating wholistic, multi-disciplinary child welfare law offices, close attention to institutional design questions around implementation of Title IV-E funds, and a renewed focus on developing family defense clinics in law schools.

The Section on Children and the Law will host a session at the AALS 2020 Annual Meeting featuring Prof. Guggenheim, along with two to three additional scholars selected from this call for papers, to discuss these exciting developments, and next steps toward making child welfare more effective, just, and equitable. The deadline for submission is **Friday, August 9, 2019**. Papers and questions should be submitted to Chair-elect Professor Julie McConnell at [jmconne@richmond.edu](mailto:jmconne@richmond.edu).

## 2020 AALS Annual Meeting Education Law Section Call for Papers

The Section on Education Law is pleased to announce a Call for Papers from which one or two additional presenters will be selected for the section's program entitled **The Future of Affirmative Action** on January 3, 2020 in Washington, D.C.

### Panel Details

Affirmative Action in higher education has long been one of the most contentious public policy issues in America. Two recent events have placed the issue even more squarely in the limelight. First, Justice Anthony Kennedy's retirement creates the very real possibility that five votes no longer exist to uphold affirmative action at the Supreme Court. Second, a prominent recent lawsuit alleges that Harvard's use of race in the undergraduate admissions process violates Title VI of the Civil Rights Act of 1964.

This program, which is co-sponsored by the AALS Section on Constitutional Law, will explore the future of affirmative action in light of these and any other related events. Is the Supreme Court destined to invalidate the use of race in higher education admissions decisions? If so, what are places of higher education likely to do in the aftermath? And how might society be affected as a result?

### Submission Method and Due Date

Please email submissions to Professor Aaron Tang at [aatang@ucdavis.edu](mailto:aatang@ucdavis.edu) by **Friday, August 16, 2019**. Papers that address the theme of The Future of Affirmative Action, broadly construed, are welcome. Although there are no requirements for the length of the submission, the review committee will preference completed drafts over abstracts or outlines. The Education Law Section executive committee will review the submissions and select up to two papers to be presented at our section's program in January.

### Publication Opportunity

Authors of selected papers will have the option to publish in the **University of California-Davis Social Justice Law Review** (formerly known as the UC-Davis Journal of Juvenile Law and Policy). Authors interested in this opportunity should so note on their submission. Publication in this journal is not a requirement of participation in the panel, and will not factor into the executive committee's review.

### Questions?

Please direct any inquires to Professor Tang at the e-mail address above. Please note that the author of the paper(s) selected will be responsible for paying all expenses associated with attendance at the AALS meeting.

## Update on the American Law Institute's Restatement of Children and the Law

At the annual meeting of the American Law Institute in May, 2019, several sections of the Restatement of Children and the Law were approved by the ALI membership, becoming part of the Restatement. Other Sections were previously approved by the membership in 2018. The approved Sections deal with a wide range of issues in each of the Restatement's four parts: Children in Families, Children in Schools, Children in the Justice System and Children in Society. The approved Sections include: Parents' duty to provide economic support; Parents' authority and responsibility to provide medical care; Children's association with third parties (including de facto parents); Physical abuse and the parental privilege to use corporal punishment; Physical neglect; Medical neglect; School discipline and order maintenance (use of force and exclusion); Interrogation of juveniles; Adjudicative competence of juveniles in delinquency proceedings and criminal trials; Minors' Consent to medical treatment (the mature minor rule); and Consent to reproductive health treatment. Reporters on the Restatement are **Richard Bonnie, Emily Buss, Clare Huntington, Solangel Maldonado, David Meyer, and Elizabeth Scott (Chief Reporter)**.

Elizabeth Scott  
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