

PARENTS, CHILDREN, AND THE STATE
LAWS 631
SPRING 2025

Professor Laura Lane-Steele

Office: Room 322

Email: lanestel@mailbox.sc.edu

Office Hours: Tuesdays from 1:30 pm to 4:30 pm. If you cannot meet with me during my regular office hours, please email me, and I will be happy to arrange a time, or simply stop by.

COURSE TIME & REQUIRED MATERIALS

This is a 3-credit hour course that meets Mondays and Wednesdays from 10:45 a.m. – 12:10 p.m.

Required Course Text: Douglas E. Abrams, Susan V. Mangold, and Sarah H. Ramsey, *Children and the Law: Doctrine, Policy and Practice* (7th Ed.). Please make sure you have the Seventh Edition.

Additional readings will be posted on the course's Blackboard site.

COURSE OVERVIEW & LEARNING OBJECTIVES

This course will introduce students to some of the foundational legal doctrines which govern the relationships between parents, children, and the state. Most importantly, this course will explore the fundamental constitutional right of parents to the care, custody, and control of their children, and when state authority and/or children's rights might limit parental rights. This course will apply those foundational principles in several specific contexts, including medical decision-making and the child protection system. Many of the foundational principles explored in this course appear in constitutional decisions from the U.S. Supreme Court, and they are applied through legal systems featuring state agencies and state courts. Accordingly, we will study both Supreme Court decisions and statutory law governing state agencies and state court decisions.

For students participating in the Children's Law Concentration program, this course will provide a foundation for the more focused courses to follow.

Themes of the course include: (1) how and why the law grants parents rights over their children, (2) how and why the law grants the state power to interfere in families, (3) how and why the law grants children rights, and (4) the role of courts, agencies, and lawyers in legal systems governing conflicts between parents, children, and the state.

Learning objectives include:

- Learning, applying, and critiquing the substantive constitutional law connected to the themes of the course discussed above
- Learning, applying, and critiquing the substantive statutory law connected to the themes of the course discussed above

- Identifying potential future case law, legislative, and other reform efforts in light of legal developments and core principles
- Analyzing the law in light of children’s development
- Writing persuasive and critical analyses of difficult legal issues

COURSE REQUIREMENTS

Your final grade will be determined based on the following:

- Class attendance and participation: 20%
- Response papers: 10%
- Final exam: 70%

Additional details about each component are provided below.

CLASS ATTENDANCE AND PARTICIPATION

Participation and “On Call” System: This course requires your attendance, reading, and preparation before class, as well as your engaged participation in class. I expect all students to be prepared for class and to participate in class. The class will be divided into three groups and each group will be “on call” approximately once every week and half, on that group’s assigned day. If you are unable to attend class or are unprepared for class on a day that you are on call, please email me at least 30 minutes in advance of class to request a pass. Students are permitted to use one pass over the course of the semester. Additional passes will affect your participation grade.

Attendance: Pursuant to the law school’s policy, attendance is required, and I will take attendance for each class meeting. Students who miss more than 4 classes are required to seek an attendance waiver under law school policy. For more, see <http://www.law.sc.edu/registrar/downloads/attendance.pdf>. Excessive absences will affect your participation grade.

Electronics: Electronics are permitted but should be used for class purposes only. Frequent use of electronics for non-class purposes will affect your participation grade. In-class assignments may require the use of your laptop or cellphone, so you should bring them to our class meetings. I encourage you to take notes by hand. It is more efficient and less distracting.

RESPONSE PAPERS

You are required to complete two response papers over the course of the semester. Each response paper should be between 500 and 700 words and should respond to the reading assignment a particular day. These papers should not merely summarize the reading; they should respond to the reading. For instance, a response paper could discuss why you agree or disagree with an argument or holding, the implications of a particular statute or case, the connections between the reading for the day and other discussions we have had in class, and/or the connections between the reading for the day and other areas of law. The response papers will account for 10% of your grade, i.e. each response paper is worth 5% of the total grade.

Response papers are due by 8 p.m. the day before class. For instance, if you wrote a response paper for the January 13th reading assignment, the response paper would be due by 8 p.m. on January 12th. You will submit your papers on Blackboard.

FINAL EXAM

The final exam will take place on April 28, 2025. The exam is three hours long and is worth 70% of your final grade. The exam is mostly closed book. The only course-related material permitted during the exam is a 10-page outline (hard copy). You are responsible for creating and printing your 10-page outline. You will turn in your outline at the end of the exam. I will provide additional details about the structure of the exam throughout the semester.

ADA ACCOMMODATIONS POLICY

USC Law is committed to providing an educational environment that is accessible to all students. In accordance with this policy, students in need of accommodations due to a disability should contact the Director of Student Affairs for verification and determination of reasonable accommodations as soon as possible after admission to the Law School, or at the beginning of each semester.

COURSE SCHEDULE AND READING ASSIGNMENTS

The course schedule and reading assignments are below. They are subject to change. I will provide sufficient advance notice if I need make any modifications.

PART ONE: PARENTS, CHILDREN, AND THE STATE: RIGHTS AND CLASHING INTERESTS

<u>Class Number</u>	<u>Date</u>	<u>Topic</u>	<u>Reading assignment</u>
<i>(A) Establishing Parents and Children's Rights; Parens Patriae</i>			
1	Monday Jan 13	Establishing Parental Rights, Children's Rights, and the State's Parens Patriae Power Part 1	<u>Casebook</u> <ul style="list-style-type: none"> • pp. 18–30 <u>Blackboard</u> <ul style="list-style-type: none"> • Rosenbury versus Huntington on Parental Rights
2	Wednesday Jan 15	Establishing Parental Rights, Children's Rights, and the State's Parens Patriae Power Part 2 <u>Group 1 On Call</u>	<u>Casebook</u> <ul style="list-style-type: none"> • pp. 30–39 (stop at <i>Tinker</i> on page 39) • pp. 66–75 (through note 3) <u>Blackboard</u> <ul style="list-style-type: none"> • <i>Prince v. Massachusetts</i>, Justice Murphy's dissent