

**ART OF SOCIAL CHANGE:  
CHILD WELFARE, EDUCATION & JUVENILE JUSTICE**

**Professor Elizabeth Bartholet  
Lecturer on Law Jessica Budnitz**

**Fall 2007**

**Course Information, Syllabus and Schedule**

## COURSE INFORMATION

### Course Materials

Bartholet, *NOBODY'S CHILDREN: Abuse and Neglect, Foster Drift, and the Adoption Alternative* (Beacon Press 1999) [hereafter *Nobody's Children*] will serve as the course text together with additional course materials in weekly assignment packets which will be available prior to each class through the Copy Center as well as the course website. Before each session, students should also read the relevant speaker biographies, which will be posted on the course website and included in the assignment packets. Further details will be provided at our first class and by email throughout the year.

### Administrative Details

#### **Professor Elizabeth Bartholet**

Office: Hauser Hall 422

Telephone: (617) 495-3128

E-mail: ebarthol@law.harvard.edu

Office Hours: Fridays: 3:00 pm - 5:00 pm

Assistant: Eleanor Topping, Hauser Hall 418, (617) 496-0551

E-mail: etopping@law.harvard.edu

#### **Lecturer on Law Jessica Budnitz**

Office: Pound Hall 407B

Telephone: (617) 496-1684

E-mail: jbudnitz@law.harvard.edu

Office Hours: Tuesdays: 3:00 pm – 5:00 pm

CAP Program Assistant: Anna Pierce, Pound 417 Suite, (617) 496-8852

E-mail: annapierce@law.harvard.edu

### Course Website

To access the course website, log on to iCommons (<http://myhls.law.harvard.edu>), go to the My Courses box and click on *Art of Social Change: Child Welfare, Education, & Juvenile Justice*.

To access the course website, **cross-registered students** should bring their signed add/drop form AND a picture ID or school ID# to the Student Helpdesk in Hauser 030 (which is in the basement of the building). The ITS staff will set up an iCommons account for you.

**Auditors** (both HLS and non-HLS students) should bring a note (e-mail will suffice) from the course faculty member (either Prof. Bartholet or Ms. Budnitz) with permission to audit AND a picture ID or school ID # to the Student Helpdesk in Hauser 030.

## Course Requirements

Course requirements consist of brief questions and reaction papers related to the readings and class presentations, turned in weekly.

The course will meet weekly for 2 hour sessions during the Fall term. Practitioners, activists, and community members who are working on issues related to the session topics are invited to join the class and may participate in class discussion. Following each session, all are invited to a brief reception where students will have the opportunity to talk informally with the speakers and invited guests. Additionally, students will be allowed to sign up for one post-reception dinner during the year providing an additional opportunity to interact with the speakers, guests, and CAP faculty. Instructions for signing up will be emailed to all students at the beginning of the semester.

Session Questions: For your assigned dates, students should submit a brief question (or questions) for the upcoming speakers along with a short comment on why the question is significant. The questions and accompanying comments should be **roughly ½ a page (single-spaced)**. **Include your name and the session date at the top of your submission.**

To submit your assignment, first save your question/comment as a Word file<sup>1</sup> on your computer with the title “name\_monthdate\_questions.” For example, if your last name is “Jones,” title your file for the first session “jones\_sept6\_questions.”

Then, log into the course website. Click on the “Course Materials” tab on the left-hand menu column. Then click on the “Assignments” sub-tab. Next, click on the relevant dropbox folder in the right-hand column (e.g., the box for the first session is labeled “Sept. 6 – Questions”). Click the Upload file link. Browse your computer’s file system for the document you want to upload. In the “Title” field of the Dropbox menu, name your assignment “Last Name – Date – Questions.” For example, if your last name is Jones, enter the following title “Jones – Sept. 6 – Questions.”

You should upload your assignment by **9 AM the morning of the Thursday session**. After 9 AM, the dropbox will disappear from your screen, so you won’t be able to upload your submission. **If your questions are LATE**, you should email them as an attachment to Anna Pierce ([annapierce@law.harvard.edu](mailto:annapierce@law.harvard.edu)) and copy Jessica Budnitz ([jbudnitz@law.harvard.edu](mailto:jbudnitz@law.harvard.edu)) on that email.

Session Reaction Papers: In lieu of the session questions, a few times during the semester, students will be assigned to draft a brief reaction paper. This paper should give a brief analysis of the substance of the session, based on both materials and presentations, and then give your own reactions, including *e.g.*, your views on disputed issues, your

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<sup>1</sup> If you do not regularly use Word, contact Anna Pierce (CAP Program Assistant) at [annapierce@law.harvard.edu](mailto:annapierce@law.harvard.edu) and she will work with you to find an alternate word processing program which is compatible with the course website.

thoughts *re*: interesting connections with themes and issues from other sessions. Reaction papers should be **2 - 3 double-spaced pages**. Be sure to **include your name and the session date on the top of your submission**.

To submit your assignment, first save your reaction paper as a Word file<sup>2</sup> on your computer with the title “name\_monthdate\_reaction.” For example, if your last name is “Jones,” title your file for the first session “jones\_sept6\_reaction.”

Then, log into the course website. Click on the “Course Materials” tab on the left-hand menu column. Then click on the “Assignments” sub-tab. Next, click on the relevant dropbox folder (e.g., the box for the first session is labeled “Sept. 6 – Reaction”). Click the Upload file link. Browse your computer’s file system for the document you want to upload. In the “Title” field of the Dropbox, name your assignment “Last Name – Date – Reaction.” For example, if your last name is Jones, enter the following title “Jones – Sept. 6 – Reaction.”

You should upload your reaction paper **by 9 AM on the Tuesday following the workshop session**. After 9 AM, the dropbox will disappear from your screen, so you won’t be able to upload your submission. **If your reaction paper is LATE**, you should email the document as an attachment to Eleanor Topping ([etopping@law.harvard.edu](mailto:etopping@law.harvard.edu)) and copy Jessica Budnitz ([jbudnitz@law.harvard.edu](mailto:jbudnitz@law.harvard.edu)).

**Important Note for Cross-Registrants:** Because many of you will not be on campus during the first two weeks of class, we have created a special assignment for you. We are videotaping the first two classes (Sept. 6 and Sept. 13). You will be able to stream the sessions from the course website. You are only required to watch the presentation portion of the class, which will be roughly 1 hour. You are *not* required to view the student question and answer portion of class. After watching the video, write a 3-4 page reaction paper. You can deal with the two sessions separately, or you may wish to combine them and discuss both sessions together. **The reaction paper is due on Thursday (Oct. 25) at 9 AM**, although we strongly encourage you to submit the paper earlier in the semester as the material covered in these first two sessions is applicable to later sessions. The Oct. 25 due date is during an HLS break, so the class will not meet that week.

Follow the above instructions for uploading reaction papers. Label the file “name\_combined\_reaction.” In the Dropbox menu, title the file “Last Name – Combined – Reaction.” Upload the file to the dropbox labeled “Combined Sept. 6 and Sept. 13 – Reactions.”

For further information on the cross-registration procedures and important petition deadlines, visit: <<http://www.law.harvard.edu/academics/cap/courses/crossregister0708.php>>.

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<sup>2</sup> If you do not regularly use Word, contact Anna Pierce (CAP Program Assistant) at [annapierce@law.harvard.edu](mailto:annapierce@law.harvard.edu) and she will work with you to find an alternate word processing program which is compatible with the course website.

Assignment Dates: We have divided reaction paper assignments based on the first letter of your last name. **For the weeks you are assigned reaction papers, you do NOT have to submit questions/comments before class.** HLS students will submit a total of 8 questions/comments and 4 reaction papers; cross-registrants will submit a total of 7 questions/comments and 4 reaction papers over the course of the semester.

**HLS Students Assignments:**

<u>Last Names Beginning With:</u>	<u>Reaction Paper Assignment:</u>			
A-F	9/6	9/27	10/18*	11/15
G-M	9/13	10/4	11/1	11/29
N-Z	9/20	10/11	11/8	12/6

**Cross-Registrants:**

<u>Last Names Beginning With:</u>	<u>Reaction Paper Assignments:</u>		
A-F:	9/27	10/18*	11/15
G-M:	10/4	11/1	11/29
N-Z:	10/11	11/8	12/6

Additionally, as noted above, *all* cross-registrants should submit one 3 – 4 page reaction paper for the 9/6 and 9/13 classes, which is due on Oct. 25.

**\*For all students assigned to do reaction papers for the Oct. 18 class:** We have extended the deadline for submissions. The papers are due at 9:00 AM on Tues, Oct. 30 (instead of Tues., Oct. 23, which is during the HLS fly-out week).

**Grading:** Grades will be based on session written assignments, with the session questions counting for 40% of your grade and the session reaction papers counting for the other 60%.

**Communication:** Throughout the semester, CAP will send you important information about the course, including when the upcoming week's Assignment Packet is available, via email. All sent emails can be found in the "eMailbag" of the course website. **All students who ADD the course after the first class should review the messages in the "eMailbag."**

## SYLLABUS AND SCHEDULE

### Class 1 (Sept. 7): Course Overview

Reading:

- Course Information, Syllabus, and Schedule for Fall Classes
- *Nobody's Children*, Intro, pp. 1-8, 22-29
- Assignment Packet #1

Read in preparation the *Course Information, Syllabus & Schedule* document and excerpts from *Nobody's Children*. Attendance is ESSENTIAL for all enrolled in or interested in adding the course.

Speaker:

- **Elizabeth Bartholet**, Prof. of Law and Faculty Director, Child Advocacy Program

### Class 2 (Sept. 13): History of Child Welfare

Reading:

- *Nobody's Children*, Chapters 1 and 2, pp. 33-55
- Assignment Packet #2

Guest Speaker:

- **John E.B. Myers**, Univ. of the Pacific McGeorge School of Law

This session will focus on history with a view toward understanding the lessons for the present and the future, considering both supportive and coercive forms of state action addressing child welfare and child maltreatment. Professor John Myers will draw on the extensive historical work he has done, including his recent book *Child Protection in America: Past, Present, and Future* (2006).

### Class 3 (Sept. 20): Significance of the Environment to Childhood Development

Reading:

- *Nobody's Children*, Chapter 4, pp. 98-110, and Chapter 8, pp. 176-92
- Assignment Packet #3

Guest Speaker:

- **Charles Nelson**, Richard David Scott Chair of Pediatrics, Harvard Medical School/Children's Hospital Boston

Dr. Charles Nelson is one of the nation's and the world's leading experts on early brain and related social/emotional/intellectual development, and the significance of the child's environment in affecting such development. He has worked for years in Romania in connection with his ongoing Bucharest Early Intervention Project to help Romanian authorities understand the negative impact on children

of institutionalization, and the ameliorating effects of early intervention in the form of model foster care. He will discuss his research findings and some related policy implications.

#### **Class 4 (Sept. 27): The Global Picture**

Reading:

- Assignment Packet #4

Guest Speaker:

- **Jacqueline Bhabha**, Exec. Dir., University Studies, Carr Center for Human Rights Policy

Work on international children's rights encompasses the huge range of issues covered by the watershed 1989 Convention on the Rights of the Child. Following the Convention's unitary definition of a child as a person under 18, the field of children's rights extends from infancy to advanced adolescence – from questions of transnational adoption to problems of teenage sex trafficking. It addresses the tension between the two cardinal principles underlying the Convention – the best interests of the child on the one hand and the right to voice and the responsibility of agency on the other: what is the responsibility of child soldiers for the atrocities committed, what is the obligation of states towards children fleeing gangs? It engages the complex balance between universal norms and cultural particularities – what forms of child labor are acceptable, what types of well intentioned, traditional cultural practices constitute "persecution" or "torture"? Prof. Jacqueline Bhabha, an expert on children's human rights in the international context, will address some of these questions, focusing on the question of what it means for a child to be a citizen.

#### **Class 5 (Oct. 4): Significance of Biology to Parenting**

Reading:

- Assignment Packet #5

Guest Speaker:

- **Brian Powell**, Professor and Co-Director of the Preparing Future Faculty Program, Department of Sociology, Indiana University

Prof. Powell's work has explored the expanding definition of family, including transracial families, families with single, older and gay parents, and adoptive families, and has also explored the relevance of evolutionary psychology's kin selection theory to parenting. He will discuss some of the ideas contained in a recent article, *Adoptive Parents, Adaptive Parents*, in which he addresses the extent to which parental biological ties are or are not critical to parenting.

#### **Class 6 (Oct. 11): Early Childhood Education**

Reading:

- *Nobody's Children*, Chapter 7, pp. 163-68 (and *possibly* pp. 163-75 – finalized reading assignment will be provided closer to Oct. 11<sup>th</sup>)
- Assignment Packet #6

Guest Speakers:

- **Margaret Blood**, President, Strategies for Children
- **James E. Ryan**, Academic Associate Dean and Professor of Law, Univ. of Virginia

Increasing attention has been focused on the long-term importance of early childhood education. Armed with empirical research on the benefits of quality early education, lawyers and policy-makers are developing strategies to achieve universal access. Law professor and education expert James Ryan will explore the role litigation can and should play in expanding access to preschool. Margaret Blood, founder of Strategies for Children, is working within the political arena through her organization's "Early Education for All Campaign." She will discuss how she has rallied unusual suspects in the private sector (i.e., banks, corporations) to encourage legislators to support expanded access.

### **Class 7 (Oct. 18): Substance Abuse & Child Maltreatment**

Reading:

- *Nobody's Children*, Chapter 9, pp. 207-32
- Assignment Packet #7
- Optional reading: *Nobody's Children*, pp. 67-81

Guest Speaker:

- **Nancy K. Young**, Director, National Center on Substance Abuse and Child Welfare and Executive Director of Children and Family Futures

Parental substance abuse is central both to the child welfare system's problems and to any attempts at reform. Somewhere in the range of 70-90% of the parents responsible for child abuse and neglect have a serious substance abuse problem, involving either illegal drugs or alcohol or, very frequently, both. Policy-makers have focused increased attention in recent years on the intersection between child welfare and parental substance abuse. Nancy Young is one of the nation's leading experts on these issues. She will discuss both the nature of the problem, and some of the model programs that have been developed to address it.

**NOTE:** Reaction papers for the Oct. 18 class are due at 9:00 AM on Tues, Oct. 30 (instead of Tues., Oct. 23, which is during the HLS fly-out week break).

### **Class 8 (Nov. 1): Race & the Child Welfare System**

Reading:

- *Nobody's Children*, Chapter 10, pp. 233-43
- Assignment Packet #8

Guest Speaker:

- **Richard Barth, Dean**, Univ. of Maryland School of Social Work

Increasing attention has been focused recently on issues of racial disproportionality in the child welfare system. Some argue that the disproportionate representation of racial minorities in the system demonstrates current discrimination, and requires reform in the direction of limiting the number of minority race families in the system. Others question the discrimination analysis, and worry about removing from the system children who may desperately need the services it provides. Richard Barth is one of the nation's best-known and most respected experts on the child welfare system, who has for many years led highly respected social science teams and headed a wide range of sophisticated research projects. He was recently appointed Dean of the School of Social Work at the University of Maryland. He will try to unpack the meaning of available evidence on racial disproportionality in the child welfare system, and suggest its implications for policy.

### **Class 9 (Nov. 8): Closing the Achievement Gap**

Reading:

- Assignment Packet #9

Guest Speakers:

- **John King**, Founder and Former Co-Director, Roxbury Preparatory Charter School
- **Richard Rothstein**, Research Associate, Economic Policy Institute and Visiting Lecturer, Harvard Graduate School of Education

We all wish there were a silver-bullet: one single policy reform that could dramatically improve outcomes for children. Some in the education field have heralded the charter school movement as that silver-bullet. John King is the founder of Roxbury Prep, a charter school nationally recognized for achieving “outstanding” results with students of color from disadvantaged inner-city neighborhoods in Boston. He will describe why he founded this school, discussing why he believes charter schools are a powerful tool for improving educational outcomes for poor children. He will further describe his current work in New York expanding the charter school movement.

Former *New York Times* columnist and leading writer and thinker Richard Rothstein will place the charter school movement into a larger context, arguing that no “super school” can close the achievement gap. He maintains that no single school reform can have a lasting impact on children unless promoted in the context of a larger economic and social policy agenda. He will synthesize the vast amounts of research which indicate the important influence of health care, nutrition, parents, home and community on student achievement.

### **Class 10 (Nov. 15): Alternatives to Detention and Other Juvenile Justice Reform Efforts**

Reading:

- Assignment Packet #10

Guest Speaker:

- **Jane Tewksbury**, Commissioner, Massachusetts Department of Youth Services

Commissioner Tewksbury – appointed by former Massachusetts Governor Mitt Romney and continuing to serve under current Governor Deval Patrick – heads our state’s Department of Youth Services (DYS), the juvenile justice agency charged with protecting the public and preventing crime. The Commissioner will describe her progressive reform agenda (which includes detention reform, improving the treatment services youth receive while in DYS facilities, and improving re-entry services for youth once they leave DYS custody). She will focus her remarks on the alternatives to detention initiatives being piloted here in Massachusetts, which aim to reduce youth incarceration by providing improved community-based services. More broadly, she will discuss how she is working from within the juvenile justice system to create sustainable change – change which will last even after her appointment ends.

### **Class 11 (Nov. 29): Child Advocacy Strategies: The Children’s Defense Fund**

Reading:

- Assignment Packet #11

Guest Speaker:

- **MaryLee Allen**, Director, Child Welfare and Mental Health Division, Children's Defense Fund

The Children’s Defense Fund (CDF), founded in 1973 by Marion Wright Edelman, has long been known as one of the nation’s foremost child advocacy organizations. MaryLee Allen heads CDF’s child welfare program and has for many years played a major leadership role at the organization. She will discuss some of the organization’s strategies for achieving change, some of its current policy priorities, and the reasoning behind these strategies and priorities.

### **Class 12 (Dec. 6): The Orphans of Rwanda**

Reading:

- Assignment Packet #12

Guest Speakers:

- **Dai Ellis**, Co-Director, Orphans of Rwanda
- **Paul Farmer**, Co-Founder, Partners in Health and Professor of Medical Anthropology at Harvard University

In 1987, Dr. Paul Farmer co-founded Partners in Health (PIH), which started in Haiti and has since become an international health and social justice organization. Through the organization, Dr. Farmer has worked to bring the tools of modern medicine to impoverished communities across the globe. The work of Dr. Farmer is the subject of the Pulitzer Prize winning author Tracy Kidder's book *Mountains Beyond Mountains*. Dr. Farmer and PIH have partnered with Dai Ellis, the founder of Orphans of Rwanda (ORI), an organization devoted to orphans and vulnerable children in Rwanda. The focus of ORI has been on education, specifically on helping Rwandans obtain university degrees by providing them access to a variety of resources including adequate health care, housing, and access to educational resources. Dai will describe the founding of his organization and he will discuss more broadly the role of international education in ameliorating inequality. A recent graduate of Yale Law School, Dai now works for the Clinton Foundation on programs devoted to providing those afflicted with AIDS and malaria access to appropriate treatment.