

CHILD, FAMILY & STATE
Spring 2009
Professor Elizabeth Bartholet
Course Information and Syllabus

COURSE INFORMATION

Course Materials

Text is Abrams & Ramsey, CHILDREN AND THE LAW, 3rd edition (2007).
Supplemental text is Bartholet, NOBODY'S CHILDREN (1999).
Multilithed materials will be available at Distribution late January.

Administrative Details

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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 Child, Family & State. Cross-registered students should bring their signed add/drop form AND a picture ID or school ID# to the Student Helpdesk in Hauser 020 and the ITS staff will set up an iCommons account for you. Either Professor Bartholet or her assistant Eleanor Topping can sign forms. Auditors (both HLS and non-HLS students) should bring a note (e-mail will suffice) from Bartholet or Topping with permission to audit AND a picture ID or school ID # to the Student Helpdesk in Hauser 020.

Course Requirements

There will be a take-home examination on a scheduled day.

Grades will be based primarily on the exam, but may be adjusted up on the basis of class performance if the class enrollment is 50 or less, and if assigned written or oral exercises are given may be adjusted up or down based on such exercises.

SYLLABUS

Class meets Tuesdays and Wednesdays, 10:25 – 11:55 am

Pages refer to *Abrams & Ramsey* text, except where marked NC in which case they refer to *Nobody's Children* text, and where marked M in which case they refer to Multilithed materials. The cases noted in Syllabus below are ones you should read with special care for class discussion – typically these are major Supreme Court cases.

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<i>Parents Involved in Community Schools v. Seattle School District, 127 S.Ct. 2738 (2007)</i>	M 1-7
Juan Williams, "Don't Mourn Brown v. Board of Education," NYT, 6/29/07	M 8-10
<i>Morse v. Frederick, 127 S.Ct. 2618 (2007)</i>	M 11-23
<i>Troxel</i>	59-72

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<i>Gonzales v. Carhart, 127 S.Ct. 1610 (2007)</i>	M 24-39

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24 Ga. St. U.L. Rev. 333 (2008), §IA M 40-41

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Traditional Concepts: 122-48

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Challenges to the Tradition:

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"Canadian Court Rules...", NYT, 1/12/07

A.A. and B.B. and C.C., Ontario Court of Appeal,
1/2/07

Marquardt, "When 3 Really is a Crowd," NYT, 7/16/07 M 61-63

"Buying Babies, Bit by Bit," The Economist, 12/19/06 M 64-66

Sanghavi, "Wanting Babies Like Themselves, Some Parents
Choose Genetic Defects," NYT, 12/11/06 M 67-70

Ramaswamy, "The Chimera Question," The Boston Globe, 7/16/07	M 71-72
Parens & Knowles, <i>Public Policy, Regulation and Reprogenetics</i> (The Hastings Center Report, Garrison, NY, July-August 2003)	M 73-82
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Patterns of Abuse & Neglect: Neglect, Psychological Maltreatment, Abuse: <i>In re S.T.</i>	315-37 NC 98-110

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Sexual Abuse: *In re: T.G* 347-57

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Lofton v. D.C.F.S., 358 F.3rd 804 (11th Cir. 2004) M 123-133

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Hamilton, L and Powell, B., *Adoptive Parents, Adaptive Parents: Evaluating the Importance of Biological Ties for Parental Investment*, 72 *American Sociological Review*, 95 -12, 2/2007 M 203-213

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Bartholet, *Commentary: Cultural Stereotypes Can and Do Die: It's Time to Move on With Transracial Adoption*, 34 J Am Acad Psychiatry Law 315 (2006) M 229-234

HHS (OCR) Letter of Findings, Docket No. 05997026, HHS Dept. of Appeals Board No. 2023 (March 31, 2006) (Hamilton County, Ohio) M 235-259

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Bartholet, *International Adoption: The Child's Story*, 24 Ga. St. U. L. Rev. 333 (2008), § IB, III, IV M 260-289

Graff, *The Lie We Love*, Foreign Policy, 59-66 (Nov/Dec. 2008) M 290-298

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in D.M. Derezotes, J. Poertner, & M. Testa (Eds.), *Race Matters*
in *Child Welfare* (2005) M 339-343

**Family Support Programs: Community Partnerships,
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GUEST LECTURER PROFESSOR RONALD SULLIVAN

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