

CAPITAL UNIVERSITY LAW SCHOOL  
JUVENILE LAW  
Spring 2014

Professor Jackson  
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Thursdays 6:00 – 8:00  
Room 225

SYLLABUS

**REQUIRED TEXT:**

McCarthy, et. al. Juvenile Law and Its Processes, (Third Ed. LEXISNEXIS) ISBN: 0-82055-801-X. Additional materials will be distributed in class, posted on TWEN (discussed below), or are listed in the weekly readings and are available on Lexis and Westlaw.

**COURSE DESCRIPTION:**

This course examines the legal relationships among children, family and the state, primarily in the context of issues over which the juvenile courts traditionally have jurisdiction. While the course will cover abuse, neglect and dependency, it will focus heavily on the juvenile delinquency system, its processes, treatment of children and the balancing of parental, state, and child rights.

**COURSE OBJECTIVES:**

By the end of the semester, students will have a working knowledge of the juvenile justice system, the intersection between youth in the abuse, neglect, dependency system and delinquency, juvenile justice processes, treatment of youth in the system, collateral consequences of delinquency, and state and nationwide trends in juvenile justice.

**CLASS PREPARATION:**

*General Notes:*

To supplement class, I will be using TWEN, a web-based platform hosted by Westlaw. This syllabus is posted on TWEN. I will use TWEN to post the weekly reading assignments and any additional class materials. In addition to these posted materials, there is a Continuing Class Discussion page where we can post questions and responses at any time. You are responsible for familiarizing yourself with the information posted and discussed on TWEN prior to the examination.

You must register on TWEN to be able to access it, using your Westlaw password. To do so, go to: <http://lawschool.westlaw.com>. At the top of the page, there should be a blue bar, with "TWEN" as one of the options for you to click. Click on TWEN. There should be further

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directions that can guide you through registration process. When you register, be sure to use your preferred email address because this is the address I will use for any announcements.

### *Reading Assignments:*

Students are required to carefully read assignments prior to attending class. I will often assign supplemental reading material or study questions to get you thinking about the issues prior to class. The supplemental materials will be available at all times on the TWEN website so that you can access them when it's convenient. In general, supplemental materials will be posted on Friday. Check for supplemental materials under the heading "Class Materials" on TWEN. If a student is not prepared to discuss the reading material when called upon, the student may be marked absent.

### *Midterm Presentation:*

You must prepare a 5-7 minute presentation on an issue related to children's or parent's legal rights during the semester. You should find a current issue discussed in national or local news or in a recent court opinion (within the last 18 months). You may use handouts, PowerPoint, or other forms of media to present your topic. This presentation will count for 10% of your semester grade.

### *Other Assignments:*

Although your primary preparation for class consists of readings, you should also anticipate some assignments or group projects to further reinforce the readings. These additional assignments will not be individually graded. However, I reserve the right to lower the grade of a student who fails to complete any exercise in a timely and professional manner by one letter grade (i.e., A to A-, B to B-). More information regarding these additional assignments will be provided in class.

## **CLASS ATTENDANCE AND PARTICIPATION:**

Class attendance and participation is required. A student may not be absent from more than three classes without penalty—this includes absence resulting from not being prepared to discuss assigned materials when called on. I reserve the right to lower a student's grade one half-letter grade (i.e., A to A-, B to B-), if the student has more than three absences.

## **GRADING:**

There will be a floating examination given at the end of the semester. Students may use their notes, their books, and any assigned readings during the exam. Outside research is not permitted. The exam must be downloaded from TWEN between 12:00 a.m. and 8:00 p.m., Saturday, May 3, 2014, and answers uploaded no later than four hours after downloading. Your grade may be reduced to the next lower grade (e.g., from B to B-) for each hour or part thereof that your answer is late. Please note that the latest exam answers may be uploaded is 12:00 a.m. Sunday, May 4, 2014.

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The final examination will constitute 85% of the total grade for the course. The remaining 15% of the final grade will be based on the student's midterm presentation and class preparation (10% to midterm presentation and 5% to class preparation).

As explained above, students with an excessive absenteeism record or who fail to complete exercises in a timely and professional manner may have their grades lowered.

### **OFFICE HOURS:**

My email address is [bjackson2@law.capital.edu](mailto:bjackson2@law.capital.edu). My phone number is 728-9401. Because my phone number is my office number, I prefer correspondence by email. I am available for meeting by appointment.

### **ACCOMMODATIONS:**

The Law School is committed to meeting the needs of the students with physical, learning, and other disabilities, and provides appropriate accommodations and services tailored to each person's specific requirements. The Law School's assistant deans and the University's Office of Disability Services work together to help individuals with disabilities achieve and maintain individual autonomy. Students with disabilities are encouraged to contact Jennifer Speakman, Disability Services Coordinator (614-236-6114, [jspeakma@capital.edu](mailto:jspeakma@capital.edu)) so that the individual's need for support services can be evaluated and accommodated in a timely matter.

### **READING ASSIGNMENTS:**

#### **January 16, 2013 - Introduction and History of the Juvenile Justice System**

McCarthy, pp. 4-11; 29-36; 47-62; 63-82

Article: *Our City Charities; The New-York House of Refuge for Juvenile Delinquents*, available at: <http://www.nytimes.com/1860/01/23/news/our-city-charities-the-new-york-house-of-refuge-for-juvenile-delinquents.html?pagewanted=3>

*Haley v. Ohio*, 332 U.S. 596, 68 S.Ct. 302, 92 L.Ed. 224 (1948).

#### **January 23, 2013 - Constitutional Rights for Children in Delinquency Proceedings**

McCarthy, pp. 83-120; 124-148

*State v. Agler*, 19 Ohio St.2d 70, 249 N.E.2d 808

#### **January 30, 2013 - Criminal Conduct, Culpability, and Status Offenses**

McCarthy, pp. 159-176; 203-236

*In re D.B.*, 129 Ohio St.3d 104, 2011-Ohio-2671, 950 N.E.2d 528

#### **February 6, 2013 - Abuse, Neglect, Dependency**

McCarthy, pp. 237-258; 266-294; 347-355

#### **February 13, 2013 - Police Intervention, Commencement of Court Action**

McCarthy, pp. 375-379; 388-396; 411-441

*In re C.R.*, 9<sup>th</sup> Dist. Medina No. 12CA0078-M, 2013-Ohio-1724

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*In re K.K.*, 192 Ohio App. 3d 650, 2011-Ohio-192, 950 N.E.2d 198

*In re D.W.*, 184 Ohio App. 3d 627, 2009-Ohio-5406, 921 N.E.2d 1114

### **February 20, 2013 – Interrogation**

McCarthy, pp. 455-471

*In re Watson*, 47 Ohio St. 3d 86, 548 N.E.2d 210 (1989)

*J.D.B. v. North Carolina*, 131 S.Ct. 2394, 180 L.Ed.2d 310 (2011)

*In re M.W.*, 133 Ohio St.3d 309, 2012-Ohio-4538, 978 N.E.2d 164

### **February 27, 2013 – Treating Juveniles like Adults (Transfer of Jurisdiction)**

McCarthy, pp. 575-612

*State v. D.H.*, 120 Ohio St.3d 540, 2009-Ohio-9, 901 N.E.2d 209

*State v. D.W.*, 133 Ohio St.3d 434, 2012-Ohio-4544, 978 N.E.2d 894

### **March 6, 2013 – Pre-Adjudication**

McCarthy, pp. 615-638 (cases only; do not read Notes)

(Midterm Presentations)

### **March 13, 2013 – Adjudication**

McCarthy, pp. 639-671; 687-697

*In re C.S.*, 115 Ohio St.3d 267, 2007-Ohio-4919, 874 N.E.2d 1177

*In re V.D.*, 2<sup>nd</sup> Dist. Montgomery No. 23869, 2010-Ohio-4148

*In re D.S.*, 8<sup>th</sup> Dist. Cuyahoga No. 97757, 2012-Ohio-2213

**March 20, 2013 - (Presentations cont'd)**

**March 27, 2013 - SPRING BREAK – NO ASSIGNMENT**

### **April 3, 2013 – Disposition / Punishing Juvenile Offenders**

McCarthy, pp. 839-897

*Thompson v. Oklahoma*, 487 U.S. 815, 108 S.Ct. 2687, 101 L.Ed.2d 702 (1988)

*Roper v. Simmons*, 543 U.S. 551, 125 S.Ct. 1183, 161 L.Ed.2d 1 (2005)

(Presentations conclude)

### **April 10, 2013 – Punishment of Juvenile Offenders**

*Graham v. Florida*, 560 U.S. 48, 130 S.Ct. 2011, 176 L.Ed.2d 825 (2010)

*Miller v. Alabama*, 132 S.Ct. 2455, 183 L.Ed.2d 407 (2012)

*In re C.P.*, 131 Ohio St.3d 573, 2012-Ohio-1466, 967 N.E.2d 729

*In re J.V.*, 134 Ohio St.3d 1, 2012-Ohio-4961, 979 N.E.2d 1203

### **April 17, 2013 – Post-Disposition**

McCarthy, pp. 945-961

### **April 24, 2013 – Juvenile Incarceration and Collateral Consequences**

*No Longer a Child: Juvenile Incarceration in America*, 39 Cap.U.L.Rev. 193

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**Final Examination:** Saturday, May 3, 2014.