



5. Identify the different types of proceedings in child abuse cases, including emergency removals, status hearings, review hearings and merits hearings as well as demonstrate familiarity with the child abuse reporting laws, the role of attorneys ad litem, guardians ad litem and CASA volunteers, and the testimony of social workers and therapists in such proceedings;
6. Understand what is meant by informed consent and how it affects social work practice;
7. Understand guardianship proceedings including court visitors, annual review of guardianships and removal of guardians and the impact of such proceedings on senior citizens and persons with disabilities;
8. Demonstrate familiarity with involuntary commitment proceedings, medication hearings. court-ordered out-patient treatment and advanced directives;
9. Analyze the impact of the Americans with Disabilities Act on human service agencies, clients and social workers in private practice;
10. Analyze the impact of this knowledge on diversity and public policy issues;
11. Analyze and apply this knowledge to social work practice; and
12. Demonstrate a knowledge base of the values/ethical issues in social work practice.

### **III. TEACHING METHODS**

Lecture, discussion, assigned readings, guest speakers, examinations/assignments and courtroom observations.

### **IV. REQUIRED AND RECOMMENDED TEXTS AND MATERIALS**

#### **Required Texts**

There is no required text for this course. All required readings are either posted on this course's blackboard or available through Lexis. Instruction on accessing case law and statutes through Lexis will be provided during the first class.

**Required Readings** - See Weekly Assignments

#### **Recommended Materials**

For each class, there is a list of statutes which relate to the subject matter to be discussed during the class. These statutes are recommended but not required reading. The statutes are available on Lexis. Instruction on accessing statutes on Lexis will be provided during the first class.

## V. COURSE REQUIREMENTS

The following activities will be completed during the semester with points given for each course requirement. Grading will be based on a total of 100 possible percentage points accrued by the end of the course.

### **Class Participation**

Students are expected to attend all classes, participate meaningfully in class discussion, and call upon course readings for contributions.

PERCENT OF GRADE: 10/100

### **Reaction Paper**

Students will observe a court docket involving child protective services, family law, domestic violence or juvenile delinquency cases and write a reaction paper. The paper should be no more than 2 pages typed, double-spaced. **The paper is due June 26, 2008.** If a student is unable to observe these dockets because of his or her work schedule or other daytime conflicts, he or she will be excused from the reaction paper requirement but will have longer examinations which will be an additional 10% of his or her grade.

PERCENT OF GRADE: 10/100

### **Undergraduate Paper**

Two undergraduate students will choose a legal issue which has an impact on social work practice. Each student will write a paper supporting the opposite side of the issue. Papers should be typed and not over 10 pages. **Papers are due on July 22, 2008.**

PERCENT OF GRADE: 40/100

### **Graduate Paper and Presentation**

Two graduate students will choose a legal issue which has an impact on social work practice and will make a classroom presentation in which they argue opposite sides of the issue for 10 minutes each. Each student will write a paper supporting the position taken in his or her classroom presentation. Papers should be typed and not be over 10 pages and are due on or before the last scheduled class. **Papers are due on July 22, 2008. Presentations will be on July 24, 2008.**

PERCENT OF GRADE: PAPER 30/100  
PRESENTATION 20/100

## Examination

There will be one examination in this course. **The examination will be on July 29, 2008.** There may be a question on the examination that will be based on one of the graduate student's presentations.

PERCENT OF GRADE: Graduate - 30/100  
Undergraduate - 40/100

## Grading

Grades will be allocated as follows:

90-100	A
80-89	B
70-79	C
60-69	D
<59	F

## VI. CLASS POLICIES

All required readings should be completed before class. Students should come to class prepared to raise questions and discuss readings.

The reading assignments include both state and federal case law. When reading the cases, the students should focus on the substantive issues which relate to the assigned topic for the class and should not be concerned with the procedural issues that may also be addressed in the cases.

Regular attendance and participation are expected.

If you have suggestions, concerns, problems or questions, please let us know.

## VII. COURSE SCHEDULE

- A. Introduction and Lexis Instruction – Class #1 June 5, 2008
- B. Relationship between Law and Social Work – Class #2 June 10, 2008 (LaVallo)

### Readings:

1. Levy, "Social Work Roles in Law Reform," *Social Work*, Sept. 1991
2. Russell, "Attitudes of Attorneys and Caseworkers Toward Standards for Intervention in Child Maltreatment Cases in Juvenile Court," *Journal of Law and Social Work*, March 1992
3. Sloan et al, "Social Workers= Knowledge of and Experience with Sexual Exploitation by Psychotherapists," *Social Work*, Jan. 1998
4. Sexual Exploitation by Mental Health Services Provider: Tex. Civ. Prac. & Rem. Code §§ 81.001 - 81.010
5. *N.P. v. Methodist Hosp.*, 190 S.W.3d 217 (Tex.App.—Houston [1st Dist.]

2006)

C. Family Law and Domestic Violence – Class #3 June 12, 2008 (Benesch)

Readings:

1. *Holley v. Adams*, 544 S.W.2d 367 (Tex. 1976)
2. *Bingham v. Bingham*, 811 S.W.2d 678 (Tex. App.—Ft. Worth 1991)
3. Saunders, “Child Custody Decisions in Families Experiencing Woman Abuse,” *Social Work*, January 1994
4. Application for Protective Order, Temporary Ex-Parte Protective Order, Agreed Protective Order and Order
5. *Marriage of DMB and RLB*, 798 S.W.2d 399 (Tex. App.—Amarillo 1990)
6. Conservatorship, Possession and Access: Tex. Fam. Code §§ 153.132 - 153.134 and Tex. Fam. Code § 153.008 and 153.009
6. Protective Orders: Tex. Fam. Code §§ 71.001 – 71.007; Tex. Fam. Code §§ 81.001 – 81.007; Tex. Fam. Code §§ 82.001 – 82.009; Tex. Fam. Code §§ 82.021 – 82.022; Tex. Fam. Code §§ 82.041 – 82.043; Tex. Fam. Code §§ 84.001 – 84.005; Tex. Fam. Code §§ 85.021 – 85.026; Tex. Fam. Code §§ 85.041 – 85.042; and Tex. Fam. Code §§ 85.061 – 85.065
7. *B.C. v. Rhodes*, 116 S.W.3d 878 (Tex. App.—Austin 2003)
8. *Franco v. Franco*, 81 S.W.3d 319 (Tex. App.—El Paso 2002)

Relevant Statutes:

1. Chapter 71, Texas Family Code, Protective Orders
2. Chapter 91, Texas Family Code, Reporting Family Violence
3. Chapter 107, Texas Family Code, Special Appointments & Social Studies
4. Chapter 153, Texas Family Code, Conservatorship, Possession & Access

D. Confidentiality and Privileges - Class #4 June 17, 2008 (LaVallo)

Readings:

1. *Cheatham v. Rogers*, 824 S.W.2d 231 (Tex. App.-Tyler 1992)
2. *Thapar v. Zezulka*, 994 S.W.2d 635 (Tex. 1999)
3. Kagle et al, “Confidentiality after Tarasoff,” *Health & Social Work*, Aug. 1994
4. “HIPAA Electronic Transactions Standards, Code Sets, and the Clinical Social Worker,” *Clinical Social Work*, July 2002
5. “Frequently Asked Questions about the 2002 HIPAA Privacy Standards,” *Clinical Social Work Federation*, February 2003”
6. “Important Message about HIPAA Privacy Standards,” Texas Department of Health, January 21, 2003
7. *Jaffe v. Redmond*, 518 U.S. 1 (1996)
8. *Abrams v. Jones*, 35 S.W.3d 620 (Tex. 2000)

Relevant Statutes:

1. Open Records Act, Texas Government Code §§ 552.001-552.353
2. Mental Health Records, Texas Health & Safety Code §§ 611.001-611.008
3. Persons with Mental Retardation Act - Access to Records, Texas Health & Safety Code §§ 595.001-595.0010
4. Confidentiality of AIDS/HIV Records, Texas Health & Safety Code §§ 81.041-81.052
5. Physician-Patient Privilege, Medical Practices Act. Art. 4495b § 5.08
6. Confidentiality of Alcohol and Drug Abuse Patient Records, 42 C.F.R. § 2.1 - 2.67
7. Health Insurance Portability and Accountability Act (“HIPAA”) Regulations, 45 CFR Parts 160 through 164
8. Medical Records Privacy, Tex. Health & Safety Code §§ 181.001-181.205
9. Texas Rules of Civil Evidence, Rules 501 – 513
10. Texas Rules of Civil Procedure, Rules 176, 190, 196, 197, 199, 200, 203, 204, 205

E. Informed Consent - Class #5 June 19, 2008 (LaVallo)

Readings:

1. *Barclay v. Campbell*, 704 S.W.2d 8 (Tex. 1986)
2. *Zinerman v. Burch*, 494 U.S. 113 (1990)
3. Declaration for Mental Health Treatment (Advanced Directives): Tex. Civ. Prac. & Rem. Code §§ 137.001 – 137.011
4. *In re Jane Doe* (“*Doe I*”), 19 S.W.3d 249 (Tex. 2000)

Relevant Statutes:

1. Sec. 153.073, Texas Family Code, Rights of Parents
2. Sec. 153.074, Texas Family Code, Rights and Duties during Periods of Possession
3. Sec. 153.376, Texas Family Code, Rights and Duties of Nonparent Possessory Conservator
4. Sec. 153.377, Texas Family Code, Access to Child=s Records
5. Chapter 32, Texas Family Code, Consent to Treatment of Child by Non-Parent or Child
6. Chapter 572, Texas Health & Safety Code, Voluntary Inpatient Mental Health Services
7. Sec. 576.002, Texas Health & Safety Code, Presumption of Competency
8. Sec. 576.025, Texas Health & Safety Code, Administration of Psychoactive Medication
9. Chapter 574, Subchapter G, Texas Health & Safety Code, Administration of Medication to Patient under Medication Order
10. Chapter 578, Texas Health & Safety Code, Electroconvulsive and Other Therapies
11. Sec. 551.041, Texas Health & Safety Code, “Three Doctor Rule”
12. Persons with Mental Retardation Act, § 591.006, Texas Health & Safety Code, Consent

13. Persons with Mental Retardation Act, § 592.021, Presumption of Competency
14. Persons with Mental Retardation Act, § 593.002, Texas Health & Safety Code, Consent Required
15. Chapter 593, Subchapter A, Texas Health & Safety Code, Application and Admission for Voluntary Mental Retardation Services
16. Chapter 597, Subchapter A, B & C, Texas Health & Safety Code, Capacity of Clients to Consent to Treatment (Surrogate Consent for ICF-MR Clients)
17. Sec. 773.008, Texas Health & Safety Code, Consent to Emergency Medical Services
18. Chapter 135, Texas Civil Practice & Remedies Code, Durable Power of Attorney for Health Care
19. Sec. 171.011-171.017, Texas Health & Safety Code, Informed Consent to Abortion
20. Sec. 164.052(a)(19), Texas Occupation Code, Parental Consent of Abortion for Minor
21. Chapter 33, Texas Family Code, Parental Notification of Abortion
22. Chapter 266, Texas Family Code, Medical Care and Educational Services for Children in Foster Care

F. Juvenile Justice - Class #6 June 24, 2008 (Benesch)

Readings

1. Hurst, Crime Scene: Treating Juveniles as Adults, TRIAL, July 1997
2. *In the Matter of L.M.*, 993 S.W.2d 276 (Tex. App. – Austin 1999)
3. *In the Matter of J.K.N.*, 115 S.W.3d 166 (Tex. App. – Ft. Worth 2003)
4. General Provisions: Tex. Fam. Code §§ 51.01 – 51.03
5. Judicial Proceedings: Tex. Fam. Code §§ 54.02, 54.04, 54.041
6. *In the Matter of V.P.*, 55 S.W.3d 25 (Tex. App.- Austin 2001)
7. *In the Matter of J.S.C.*, 875 S.W.2d 325 (Tex. App.- Corpus Christi 1994)

Relevant Statutes:

1. Title 3, Texas Family Code, Juvenile Justice Code

G. Mental Health - Class #7 June 26, 2008 (LaVallo)

Readings:

1. Chandler, Brown versus New York: The Rashomon of Delivering Mental Health Services in the 1990s, Health and Social Work, May 1992
2. *L.S. v. State*, 867 S.W.2d 838 (Tex.App.-Austin 1993)
3. *T.G. v. State*, 7 S.W.3d 248 (Tex.App.-Dallas 1999)
4. Bentley, The Right of Psychiatric Patients to Refuse Medication: Where Should Social Workers Stand?, Social Work, January 1993
5. Wilk, Are the Rights of People with Mental Illness Still Important, Social Work, March 1994

6. Steadman et al, The Diversion of Mentally Ill Persons from Jails to Community-Based Services: A Profile of Programs, American Journal of Public Health, December 1995
7. Torrey, Editorial: Jails and Prisons - America=s New Mental
8. *Wichita Falls State Hospital v. Taylor*, 106 S.W.3d 692 (Tex. 2003)

Relevant Statutes:

1. Subtitle C, Chapter 571-578, Texas Health & Safety Code, Texas Mental Health Code
2. Chapter 321, Texas Health & Safety Code, Patient=s Bill of Rights

H. Child Abuse - Class #8 July 1, 2008 (Benesch)

a) Investigation of Child Abuse

Readings:

1. “Maria,” Charles Pore
2. Report Abuse or Neglect: Tex. Fam. Code §§ 261.001 and Tex. Fam. Code §§ 261.101 – 261.111
3. *Texas Department of Human Services v. Benson*, 893 S.W.2d 236 (Tex. App. – Austin 1995)
4. Horton, et al., The Incest Perpetrator, Chapter 2 – Meeting the Challenge: Legal Dilemmas and Considerations in Working with the Perpetrator

b) Removal of Child from Home

Readings:

1. Removal Proceedings: Tex. Fam. Code §§ 262.001; 262.102; 262.104; and 262.201
2. *In re Sarah Steed* Texas Court of Appeals, Third District, at Austin, slip opinion

c) Termination of Parental Rights

Readings:

1. Tex. Fam. Code § 161.001
2. *Doyle v. TDPRS*, 16 S.W.3d 390 (Tex. App. – El Paso 2000)

d) Children in Criminal Court

Readings:

1. Ceci & Bruck, Jeopardy in the Courtroom, Chapter 6 – The Recent Past: Changes in Legal and Behavioral Approaches
2. Time, Why Children Lie in Court, March 4, 1991
3. Dziech & Schudson, On Trial, America’s Courts and Their Treatment of Sexually Abused Children, Chapter 6 – Justice for Children
4. *Cantu v. State*, 785 S.W.2d 1 (Tex. App. – Dallas 1990)

Relevant Statutes:

1. Chapter 161, Texas Family Code, Termination of Parent-Child Relationship

2. Chapter 261 - 264, Texas Family Code, Protection of Child
3. Chapter 104, Texas Family Code, Evidence
4. Art. 38.071 & 38.072, Texas Code of Criminal Procedure, Testimony of Child Witness & Victim of Abuse

### Reaction Paper Due June 26, 2008

#### I. Foster Care - Class #9 July 3, 2008 (LaVallo)

##### Readings:

1. Letter from a Foster Child, Billy Bones
2. Review Hearings: Tex. Fam. Code § 263.002; §§263.101 – 263.106; §§263.201 – 263.202; §§263.301 – 263.307; §§263.501 – 263.503; and §§266.001 – 266.011
3. *Olivia Y. v. Barbour*, 351 F.Supp.2d 543 (S.D. Miss. 2004)
4. *In the Interest of C.S.*, 214 S.W.3d 465 (Tex. App. – Austin 2006)
5. Adoption Subsidy: Tex. Fam. Code § 162.304
6. Texas Foster Care: Current Issues, Reform Efforts & Remaining Problems, Texas Appleseed, September 2007

#### J. Guardianship - Class #10 July 8, 2008 (LaVallo)

##### Readings:

1. Guardianship for Texans with Disabilities, Advocacy, Incorporated, 9<sup>th</sup> Edition, January 1996
2. Anderson, “The Probate Court Investigator,” 11<sup>th</sup> Annual Probate and Estate Planning Seminar, February 28, 1997
3. Physician=s Certificate of Medical Examination
4. Herman, Travis County Probate Court No. 1, Duties of Guardian of Person and Estate
5. *Little v. Little*, 576 S.W.2d 493 (Tex. Civ. App.- San Antonio 1979)
6. *Trimble v. TDPRS*, 958 S.W.2d 906 (Tex. App.-Houston [14<sup>th</sup> Dist.] 1997)
7. *In re L.C.D.*, 16 S.W.3d 153 (Tex. App.-Beaumont 2000)
8. *In re Guardianship of Hinrichsen*, 99 S.W.3d 773 (Tex. App.-Houston [1<sup>st</sup> Dist.] 2003)

##### Relevant Statutes:

1. Chapter 13, Texas Probate Code, " 601, 602, 646, 647, 648, 648A, 659, 675, 678, 681 - 689, 691 - 695, 741, 743, 761, 767, 768, 770

#### K. “On the Stand” - Class #12 July 10, 2008 (Benesch)

##### Readings:

1. Baker, Operator=s Manual for a Witness Chair

2. *Ochs v. Martinez*, 789 S.W.2d 949 (Tex.App.-San Antonio 1990)
3. *Rosendorf v. Blackmon*, 800 S.W.2d 377 (Tex.App.-Corpus Christi 1990)
4. *Woodard v. State*, 696 S.W.2d 622 (Tex.App.-Dallas 1985)
5. Mason, Social Workers as Expert Witnesses in Child Sexual Abuse Cases, Social Work, January 1992
6. Gothard, Power in the Court: The Social Worker as an Expert Witness, Social Work, January 1989
7. *In Interest of A.V.*, 849 S.W.2d 393 (Tex.App.-Ft.Worth 1993)
8. *Taylor v. Tex. Dept. of Protective & Regulatory Services*, 160 S.W.3d 641 (Tex. App. – Austin 2005)

L. Americans with Disabilities Act - Class #11 July 15, 2008 (LaVallo)

Readings:

1. Orlin, The Americans with Disabilities Act: Implications for Social Services, Social Work, March 1995
2. ADA Policy for TDFPS (7/26/96)
3. Accommodations for Clients with Communication Disorders Policy for TDFPS
4. *Olmstead v. L.C.*, 527 U.S. 581 (1999)
5. *Bragdon v. Abbott*, 526 U.S. 1131 (1998)
6. *Tugg v. Towey*, 864 F.Supp. 1201 (S.D. Fl. 1994)

Relevant Statutes:

1. Department of Justice ADA Home Page  
<http://www.usdoj.gov/crt/ada/adahornl.htm>
2. ADA Information on the Web (including ADA Title II and III Technical Assistance Manuals) – <http://www.usdoj.gov/crt/ada/>
3. ADA Document Center – <http://janweb.icdi.wvu.edu/kinder/>
4. Chapter 121, Human Resources Code, Rights and Responsibilities of Persons with Disabilities

M. Mock Hearing - Class #13 July 17, 2008 (Benesch & LaVallo)

Readings:

1. Affidavit of George A. Edwards, M.D.
2. In Interest of L.G., Report to the Court
3. In Interest of R.G., Report for Judicial Review of Placement
4. In Interest of J.R., Affidavit in Support of Extraordinary Relief
5. In Interest of C. & R.S., Affidavit
6. In Interest of L.S. et al, Affidavit in Support of Extraordinary Relief
7. In Interest of J.M., Affidavit of Extraordinary Relief
8. In Interest of C.H. et al, Affidavit in Support of Extraordinary Relief
9. In Interest of Z.H., Affidavit in Support of Extraordinary Relief

## Papers Due July 22, 2008

- N. Social Worker Liability and Student Presentations- Class #14 July 12, 2008 (LaVallo)

### Readings:

1. Reamer, Malpractice Claims against Social Workers: First Facts, Social Work, September 1995
2. Kutchins, The Fiduciary Relationship: The Legal Basis for Social Workers= Responsibilities to Clients, Social Work, March 1991
3. *American Home Assurance Co. v. Stephens*, 130 F.3d 123 (5<sup>th</sup> Cir. 1997)
4. *Bird v. W.C.W.*, 868 S.W.2d 767 (Tex. 1994)
5. *DeShaney v. Winnebago County Department of Social Services*, 109 S.Ct. 999 (1989)
6. *Hernandez v. Texas Department of Protective and Regulatory Services*, 380 F.3d 872 (5th Cir. 2004)

### Relevant Statutes:

1. Title 5, Texas Civil Practice & Remedies Code, Governmental Code, Tort Claims Act

- O. Student Presentations - Class #15 July 24, 2008 (LaVallo)

- P. Examination - Class # 16 July 29, 2008

## VIII. DISABILITY STATEMENT/SPECIAL ACCOMMODATIONS

Any student with particular needs or limitations who may require assistance in meeting the requirements of this class is expected to make these needs known as soon as possible to the instructor in order to allow proper arrangements to be made. Students with learning disabilities should also notify the instructor for special arrangements for examinations and other course requirements.