

**LAWS 2018 – Children, Youth and the Law – 2 credits
Fall 2017
Professor: Jodi Lazare**

SYLLABUS

Class time: Friday 12:30-2:20 PM

Class location: Weldon 411

Email: jodi.lazare@dal.ca

Office hours: Wednesday 11:00 AM-1:00 PM or by appointment

Office: Weldon 426

Phone: (902) 494-1034

Course content

This seminar examines the law as it relates to children and youth. It unpacks the basic legal concept of the best interests of the child and examines how that concept is given life in a number of different areas of law and social life. That fundamental concept thus provides the backdrop for studying questions such as the laws of parentage, youth protection and healthcare issues as they affect children and youth, to name a few.

This course is an “issues” course. You will not leave here with a comprehensive understanding of the functioning of Nova Scotia’s youth protection system or Canada’s youth criminal justice system. Instead, you will be exposed to, and come away with, a basic knowledge of how different areas of law function so as to promote — or, as you may find — fail to promote the best interests of the child.

By the end of this seminar, you should be able to articulate thoughtful arguments about:

- The concept of the best interests of the child and who it protects
- The idea of parentage and how different family forms impact children
- The fine line between protecting children’s place within their families and protecting children from their families
- The criminal justice system’s approach to young offenders
- Issues in healthcare relating to children and youth
- Issues relating to children and youth’s use of technology

Further, as a paper course, the objectives of this seminar extend beyond the question of children and youth. As a paper course, this seminar is also designed to help you build fundamental legal skills. These include:

- The ability to engage in relevant and effective legal research
- The ability to make a compelling and well-organized written legal argument

- The ability to engage in thoughtful dialogue amongst your peers
- The ability to effectively deliver an oral presentation of your research

Course materials

There is no required text for this class. All readings, required and optional, are available on Brightspace, subject to copyright issues (in which case readings have been placed on reserve at the library – this only applies to optional reading).

I have also placed the following two books on reserve, which you may want to consult in researching your papers:

- Sanjeev Anand, ed, *Children and the Law: Essays in Honour of Professor Nicholas Bala* (Toronto: Irwin Law, 2011)
- Nicholas Bala et al, eds, *Canadian Child Welfare Law: Children, Families and the State* (Toronto: Thompson Educational Publishing, 1991)

Assessment

Your performance in the course will be evaluated according to the following breakdown: Descriptions of each element are below.

Attendance & participation	15%
Abstract, outline & working bibliography	10%
Presentation of your research question	10%
Major paper	65%

- **Attendance & participation (15%):** The success of this seminar depends on your meaningful engagement throughout the semester. To this end, **attendance is mandatory** (you will not receive class participation credit for attending, but unexcused absence from any session will impact your participation grade). This grade is determined on the basis of meaningful participation in class discussion that reflects thoughtful attention to the assigned readings. In addition, **each student is asked to prepare two (2) discussion questions** for a designated class (selected ahead of time) to be sent to me by 6:00 PM the evening before the class, following which, I will circulate them to the rest of the class (either via Brightspace or email).
- **Abstract, outline & working bibliography (10%):** In preparation for your major paper, you are asked to prepare an abstract, outline and working bibliography. This is a working document, subject to change according to the feedback I provide. **Due: October 18, 3:30 PM, at reception.** This way everyone should be at a similar stage when class presentations begin.

The **abstract** should be no more than 175 words (single-spaced). It should briefly state the question(s) or hypothesis you are exploring, the legal issues you will

look at in answering it/them and your tentative conclusion(s).

The **outline** should indicate the headings and subheadings that will structure the paper.

The working **bibliography** should list the primary and secondary sources you plan to rely on in your paper.

The assignment as a whole should form a **maximum of three (3) pages, double-spaced** (except for the abstract).

- **Presentation of your research question (10%):** Presentations will be allotted **10 minutes**, followed by five minutes of questions and answers from your peers. How you use those 10 minutes is up to you — audiovisual (video, podcast, etc.) may be incorporated, but should not replace your voice. (Please let me know in advance if you will require audio-visual equipment.) You may also include a handout — an abstract or a short reading that might help your peers engage with the subject matter.

Your presentation should explain why you have selected the topic you have, what questions you will be asking and how, as well as your working hypothesis or what you will attempt to demonstrate. (Regarding the how, you might, for example, explain that you will be relying primarily on case law, or on a combination of case law and literature, or that you will be adopting a feminist or comparative perspective and therefore relying on particular authors. You will also want to explain why you have chosen to proceed that way.) Dates will be determined by sign-up sheet in class.

- **Major paper (65%): Due: Tuesday, December 5, 3:00 PM.** To be submitted by hard copy to reception **and** by email to me for the same date and time. Papers should be between 25 (minimum) and 35 (maximum) pages, **double-spaced, Times New Roman, 12-pt, default (1-inch) margins**. Please also include a **table of contents** on the first page. These must adhere to the law school's "Major Paper Guidelines" available online at: <https://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>. Further details are set out **below**. (We will talk in class about how to develop, research and write a major paper during Class 2 on September 15.) The law as it affects children and youth is wide-ranging and you may write on any subject that relates to the law as it relates to children and/or youth. Accordingly, the suggested topics at the end of this syllabus are just that — suggestions. I am happy to discuss proposed topics in advance of your choice. (For this, please come see me in my office.) **Please send me (by email) your final paper topic by Friday, September 22, 12:00 PM.**

Administrative matters

- **Computer use in class:** When determining whether and how to use a computer or other device during class, please keep in mind that the success of this class depends substantially on your active participation. As this is a paper course, there is much less of a need for precise notes than in exam courses. I therefore ask, and have confidence that, you will use your devices only in ways that contribute to the class — for example, to look up things that arise in our discussions and share the details with the group. Please do not use your computers for unrelated matters during the class. This will necessarily detract from your participation and will be distracting to both your peers and the professor.
- **Student requests for accommodations:** Requests for special accommodation for reasons such as illness, injury or family emergency will require an application to the Law School Studies Committee. Such requests (for example, for assignment extensions) must be made to Associate Dean Michael Deturbide or the Director of Student Services as soon as possible, **before** a scheduled exam or a deadline for an assignment, and will generally require medical documentation. **Retroactive accommodation will not be provided.** Please note that individual professors cannot entertain accommodation requests.

Students may request accommodation for either classroom participation or the writing of tests and exams due to barriers related to disability, religious obligation, or any characteristic under the Nova Scotia Human Rights Act. Students who require such accommodation must make their request to the Advising and Access Services Center (AASC) at the outset of the regular academic year. Please visit www.dal.ca/access for more information and to obtain the Request for Accommodation – Form A. Students may also contact the Advising and Access Services Centre directly at 494-2836.

- **Submission of Major Papers and Assignments:** Major papers and assignments must be submitted in hard copy. Students should hand papers in to the place stipulated by the instructor and ensure they are date and time stamped. Please read the law school policy on late penalties: <https://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>

Please note students may also be required to provide an identical electronic copy of their paper to the instructor by the due date. Papers may be submitted by the instructor to a text-matching software service to check for originality. Students wishing to choose an alternative method of checking the authenticity of their work must indicate to the instructor, by no later than the add/drop date of the course, which one of the following alternative methods they choose:

- a) submit copies of multiple drafts demonstrating development of their work
- b) submit copies of sources
- c) submit an annotated bibliography

- **Plagiarism:** All students must read the University policies on plagiarism and academic honesty <http://academicintegrity.dal.ca/> and the Law School policy on plagiarism <http://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>. Any paper or assignment submitted by a student at the Schulich School of Law may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the law school, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above and should consult with the instructor if they have any questions. Ignorance of the policies on plagiarism will not excuse any violation of those policies.

Suggested paper topics

In addition to the topics examined in class, you might write a paper on:

- Childcare policy
- Children of incarcerated women
- Children/youth and immigration
- Children/youth and mental health
- Criminal law: e.g. child pornography, child prostitution, children of plural marriages
- Cross-border abduction (the *Hague Convention*)
- Cultural considerations in youth protection
- Custody/access issues: e.g. cultural considerations, grandparent access, relocation, joint parenting
- Education law: e.g. children and schools, minority language education, corporeal punishment
- Evidence law as it relates to children: e.g. child witnesses
- Indigenous youth protection agencies
- Protecting unborn children: e.g. pregnant women and substance abuse
- Restorative justice in the youth criminal justice system
- Safe haven laws
- Youth homelessness / transitioning out of the system

This is not an exhaustive list – you are welcome to come up with your own subject.