Course Number: SoWo 730

Course Title: Social Work and the Law

Instructor: Tina M. Souders, MSW, LCSW, JD
Clinical Assistant Professor

Spring 2010 Schedule: Friday, 1pm-4pm

COURSE DESCRIPTION:
This course provides familiarity with legal process, legal research and legal analysis within the context of socio-legal issues important to social work practice. This course will examine and provide familiarity with basic legal principles and topics, as well as their relationship to the social work profession. Focus will be on legal impacts of the court system and the legislative system. The relationship of ethics and the law will be explored within a variety of contexts. The course will also review the knowledge and skills social workers need in order to work within the legal system on behalf of clients. Specific topics will include child welfare, civil rights, crime and delinquency, mental health and the regulation of social work practice.

COURSE OBJECTIVES: At the conclusion of this course, students will demonstrate:

1. Familiarity with the legal processes, including:
   a. The judicial process emphasizing case analysis, case law development and synthesis
   b. The legislative process emphasizing legislative analysis, advocacy and judicial interpretation of legislation
   c. The administrative process emphasizing the rule making process and general administrative authority

2. Skills and techniques necessary for working with systems and situations often encountered when social work and law converge, including:
   a. Legal research and analysis
   b. Preparation and presentation of court testimony, including acting as an expert witness
   c. Understanding privileged communications, confidentiality, ethics and the effect on the social work/client relationship
   d. Understanding how individuals and families are impacted by the legal system

3. An understanding of how the law and the social environment relate, with a basic familiarity of the following substantive socio-legal topics: constitutional law (including civil rights,
discrimination and harassment), criminal law, child welfare (including child abuse and neglect, foster care and adoption), marriage and divorce (including child custody and child support), domestic and societal violence, education, mental illness, physical disabilities, health care and professional social work issues (including licensure requirements, liability and malpractice issues, ethical issues, and collaborations between lawyers and social workers).

4. An understanding of how the law affects and reflects diversity (or a lack thereof) in our society, including:
   a. Race, ethnicity and cultural differences
   b. Religion
   c. Gender and sexual orientation
   d. Disability

5. An understanding of the relationship between social work advocacy, the law and legal skills.

6. An understanding of how the legal system can be used to advance policies promoting social and economic justice.

REQUIRED TEXTS:
Stein, T.J. (2004). The role of law in social work practice and administration. NY: Columbia University Press. (hereafter referred to in syllabus as Stein)

ADDITIONAL READINGS: Additional required readings will be identified by instructor throughout the course.

TEACHING METHODS:
This course is designed as a seminar in which students explore issues, approaches and options related to legal issues and macro social work practice. A variety of teaching and learning methods, including lectures, small and large group discussions, take home assignments and student group projects will be used in the course. Selected community practitioners and SSW or other University faculty may serve as course resources on specific topics.

Students are expected to actively participate, drawing from assignments, readings, field placements, and their other previous or current work experiences. The instructor will be available by appointment, and by telephone and email to address questions that may arise between class sessions. The development of a supportive learning environment, reflecting the values of the social work profession, is essential for the success of this class. The contributions of students to making this a safe and respectful class for learning and growth will be noted and appreciated.

GRADING POLICY:
As a graduate seminar, the course has high expectations for reading, analyzing, and critiquing professional literature; engaging in class discussions; participating in and analyzing experiential exercises; completing take home assignments; leading assigned discussions and presenting your own work for collegial discussion. Course assignments are described below and will be discussed more thoroughly in class sessions. Students are expected to turn in all assignments on time.

All written assignments are expected to show evidence of critical thinking as well as thoughtful consideration of the literature, practice experience and other relevant resources (for example interviews or research studies). Written assignments are expected to include in-text citations and a summary list of references following the APA Style Manual. Assignments should be word-processed or typed employing correct English usage, grammar, punctuation and spelling. To be acceptable for advanced
graduate work, assignments must be at a level of professionalism expected of professional managers and community practitioners. If the instructor deems that an assignment does not meet such professional standards, the student may be given an opportunity to revise and resubmit the assignment.

The School of Social Work operates on an evaluation system of Honors (H), Pass (P), Low Pass (L), and Fail (F). For this class, the numerical values are:

H = 94-100
P = 80-93
L = 70-79
F = 69 and below.

A grade of P is “entirely satisfactory.” On a traditional grading scale, a P would range from a B- to A-. The grade of (H) Honors signifies that the work is clearly excellent in all respects.

Since the course is structured as a graduate seminar, its success depends upon your active participation. Throughout the semester, take home assignments will be distributed and are expected to be completed prior to the next class period. Students are expected to attend all class sessions. If you must miss a class, please contact the instructor prior to the session to make plans regarding work missed. An effective seminar enables participants to examine new ideas, demonstrate new skills and abilities, and to have them validated by peers in a risk-free environment.

In class, be prepared to use the following skills— which are basic skills needed in all management and community practice settings:

- Actively listening to the ideas and view of others;
- Being able to understand and appreciate the meaning of a point of view that is different from your own;
- Articulating clearly your own point of view; linking experience to readings and assignments;
- Sharing personal ideas and constructs;
- Working to clarify and test the meanings of communications;
- Providing effective and appropriate feedback;
- Openly receiving feedback;
- Collaboratively pursuing questions and ideas;
- Constructing conceptual frameworks and/or program plans individually or collaboratively with colleagues;
- Working constructively in dyads and small groups to participate in learning exercises and complete required assignments.

COURSE ASSIGNMENTS:

Seminar Participation: Attendance, preparation, utilization of the study guide, quizzes and class participation  
- In addition to the active participation requirement noted above, quizzes will be given each class during the semester. Students who are absent or otherwise not present when a quiz is given WILL NOT be able to make-up the quiz.

Courtroom observation & reaction paper OR Legal issue in the news analysis:  
- DUE March 5, 2010
- See handout for more information
Legal research paper & courtroom testimony:
- One page summary DUE February 26, 2010
- Paper DUE April 9, 2010
- Courtroom testimony DUE April 16, 2010
- See handout for more information

Final Exam:
- April 30, 2010

POLICY ON INCOMPLETES, LATE ASSIGNMENTS, AND ABSENCES:
A grade of Incomplete will be given only in extenuating circumstances and in accordance with University policy. Assignments are due in class on the day noted in this syllabus. Please plan your schedule so that you will have the assignment completed on time.

If because of illness or a professional commitment you have to miss a class session, please inform the instructor via phone, email or in person as soon as possible and make arrangements with a colleague to get notes and learning resources used that day. If you must miss class on the day an assignment is due, make arrangements with the instructor to turn the assignment in before the due date in either paper or electronic copy.

POLICY ON ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES:
Students who require accommodations in relation to class participation or assignment completion should notify the instructor on the first day of class and provide a brief written statement in relation to needed formats.

HONOR CODE EXPECTATIONS AND POLICY ON ACADEMIC DISHONESTY: Please refer to the APA Style Guide, the SSW Manual, and the SSW Writing Guide for information on attribution of quotes, the crime of plagiarism and appropriate use of assistance in preparing assignments. All written assignments should contain a signed pledge from you stating that, “I have not given or received unauthorized aid in preparing this written work, and I have not plagiarized the work of anyone else from books articles, web sites or personal communication.”

In keeping with the UNC Honor Code, if reason exists to believe that academic dishonesty has occurred, a referral will be made to the Office of the Student Attorney General for investigation and further action will be taken as required.

OFFICE HOURS: By appointment
READINGS AND COURSE OUTLINE

The format for this course is based on the assumption that students are prepared and active learners. Reading the assigned materials prior to the date for which they are assigned is a prerequisite to getting the most out of class sessions and successfully meeting the course objectives.

1^st Class: Introduction and Overview of the Law and the Legal System  January 15, 2010

- Review syllabus and course requirements
- Intersection of social work and law
- Federal and State Court Systems
- Terms of art

Required Readings:
Stein- Chapter 1
What is Law? (Bb)
NASW Code of Ethics 1.06

2^nd Class: Sources of Law  January 22, 2010

- Constitutional Law
- Statutory Law and Interpretation
- Legal Analysis
- Administrative Law
- Constitutional concepts and principles

Required Readings:
Stein- Chapter 2
Romantz & Vinson – Chapter 1 and Chapter 4 (Bb)
Saltzman- Chapter 5- pages 122-139 (Bb)
US Constitution
NC Constitution

Recommended Readings:
Understanding Federal Courts (Bb)
NC Judicial System (Bb)

3^rd Class: Sources of Law (con’t) and Locating the Law  January 29, 2010

- Civil and Criminal Law
- Case Law
- Locating law
- Computerized legal research
Required Readings:
Stein- Chapter 3 and 4

4th Class: Reading the Law  
February 5, 2010

- Reading the Law

Required Readings:
- Sunnyland v. State of Chapel Hill (Bb)
- Monroe v. State of Chapel Hill (Bb)

5th Class: Social Workers and the Courts  
February 12, 2010

- Forensic Social Work
- Social workers as expert witnesses
- Rules of evidence and testimony
- Confidentiality, duty to warn, privileged communication

Required Readings:
Stein- Chapter 5 (pp. 104-121) and Chapter 6
N.C. Gen. Stat. § 8-53.7 – Privilege statute
NASW Code of Ethics – Sec. 1.07
N.C. Admin. Code 21 NCAC 63 .0507
   (go to http://www.socialworker.com/jswve/ Fall 2004, Vol. 1, #1)

Recommended Readings:
Tarasoff v. The Regents of the University of California, 526 P.2d 553 (Cal. 1974).
Tarasoff v. The Regents of the University of California, 551 P.2d 334 (Cal. 1976).
Saltzman and Furman – Chapter 6 (Bb)

6th Class: Professional Liability & Regulation of the Profession  
February 19, 2010

- Professional responsibility and ethics
- Licensing standards
- Professional liability/ malpractice
Required Readings:
Stein - Chapter 7
N.C. Administrative Code- 21 NCAC 63 Social Work Certification
NASW Code of Ethics

7th Class: Marriage, Divorce, Custody & Support February 26, 2010

- Who can marry?
- How can you divorce?
- Child custody and child support

Required Readings:
Stein - Chapter 8
Use Lexis/Nexis Academic to read Annotated Statutes below:
N.C. Gen. Stat. § 52-10.2
N.C. Gen. Stat. § 49-11

Recommended Readings:

One page summary of legal research paper due today!
8th Class: Mental and Physical Disabilities, Health Care

- Civil commitment
- Mental illness and criminal law
- Surrogate decision making

**Required Readings:**
Stein- Chapter 14 and Chapter 13

**Use Lexis/Nexis Academic to read Annotated Statutes below:**
N.C. Gen. Stat. § 122C-211 through § 122C-224.7
NASW Code of Ethics 2.09 and 4.05

**Recommended Readings:**
N.C. Gen. Stat. § 122C – Mental Health
N.C. Gen. Stat. § 130A- Public Health
N.C. Gen. Stat. § 168A- Persons with Disabilities Protection Act
N.C. Gen. Stat. § 35A – Incompetency and Guardianship

**SPRING BREAK!**

9th Class: Education and Juvenile Court

- Federal statutes affecting education
- IDEA
- Delinquent minors

**Required Readings:**
Stein- Chapter 9 and Chapter 10 (pp. 251-259)

**Use Lexis/Nexis Academic to read Annotated Statutes below:**
N.C. Gen. Stat. § 115C-1, § 115C-390 through § 115C-391.1

**Recommended Readings:**
Plessy v. Ferguson, 163 U.S. 537 (1896).

Courtroom observation & reaction paper OR legal issue in the news analysis paper due today!
10th Class: Domestic Violence  March 26, 2010

- Protecting vulnerable populations
- Elder abuse
- Same-sex partner violence

Required Readings:
Stein- Chapter 12

Use Lexis/Nexis Academic to read Annotated Statutes below:
N.C. Gen. Stat. § 50B-1 through § 50B-9 and § 50C-1 through § 50C-11

GOOD FRIDAY! No class on April 2, 2010 GOOD FRIDAY!

11th Class: Care and Protection of Children-Adoption  April 9, 2010

- Child abuse and neglect
- Termination of parental rights
- Issues in adoption

Required Readings:
Stein- Chapter 10 (to pp. 251) and Chapter 11

Use Lexis/Nexis Academic to read Annotated Statutes below:
NC Gen. Stat. § 7B-300 through § 7B-311, § 7B-500 through § 7B-507, § 7B-1100 through § 7B-1112

Recommended Readings:

12th Class: STUDENT TESTIMONY  April 16, 2010

- Student Testimony
13th Class: Contracts and other legal issues in the management of social work practice
April 23, 2010

- Student Testimony, continued, if needed
- Principles of contract law
- Legal issues in agency management and private practice
- Social work advocacy
- Using the legal system to advance policy
- Course review
- Course evaluations

Required Readings:
Madden- Chapter 9 (Bb)
NASW Code of Ethics- 6.01 through 6.04

14th Class: FINAL EXAM
April 30, 2010

15th Class: MAKE-UP DAY FOR INCLEMENT WEATHER
May 7, 2010