



Children in the Legal System (University Casebook Series)

Samuel Davis, Elizabeth Scott, Walter Wadlington, Lois Weithorn

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This Edition has been thoroughly updated with the latest cases, statutory references, and scholarly commentary. It also includes coverage of recent Supreme Court decisions such as:

Adoptive Couple v. Baby Girl (2013), in which the Court held that the preferences given to members of an Indian child's family, members of the child's tribe, or other Indian families, under the federal Indian Child Welfare Act, do not apply where there is no alternative party seeking to adopt the child. The 5th edition has retained the basic overall organizational structure of the previous edition, with one exception. Chapters 5 through 7, which focus on the legal response to child maltreatment, have been reorganized as follows: Chapter 5 addresses the substantive standards defining child abuse or neglect; Chapter 6 deals with processes characterizing the responses of the dependency and criminal justice systems to suspected child abuse or neglect; and Chapter 7 addresses various dispositions in child maltreatment cases. Within each chapter, substantial new material has been incorporated into the treatment of each topic. For example, Chapter 5 includes special attention to issues such as: specificity versus vagueness in construction of child maltreatment statutes; the line between corporal punishment and physical abuse; the relationships among poverty, race, homelessness, and neglect; the challenges of defining and identifying emotional or psychological maltreatment; and the interplay between domestic violence and child maltreatment. At the same time, Chapter 5 retains and updates this casebook's distinctive in-depth examination of the appropriate legal responses to a range of medical neglect problems. Chapter 6 follows the processing of cases through the dependency and criminal justice systems respectively, examining topics relating to reporting statutes, summary removal, state liability for failure to protect, and constitutional and evidentiary issues encountered in criminal prosecution of alleged child maltreatment. Chapter 7 examines historical shifts in federal and state policy regarding child welfare system dispositional alternatives, considers the implications of the recent findings of developmental neuroscience for child protection policy reform, and contains materials that allow for critical analysis of a range of issues relating to the foster care system and legal mechanisms for the termination of parental rights. One of the distinguishing characteristics of this book, which the authors have retained in this edition, is its breadth of coverage and degree of flexibility in teaching. It deals with every aspect of how the law relates to minors, from free expression in school and other school-related issues to child custody, to private law (e.g., torts and contracts), to the juvenile justice system (i.e., delinquency and the operation

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