

Family Policing & Defense

Meredith Wallis

Legal Studies 190: Seminar on Topics in Law & Society

Class: Thursday 3.30-6.30

Latimar 105

Office Hours: Thursday, 1.30-3.30 or by appointment virtually

Course Description

This class is on the law and politics of State removal of children to foster care. The California dependency system will serve as the primary case study. The course focus is not whether the system is good or bad, but what type of assumptions, familiar notions, and ways of thinking have contributed to family separation as an accepted practice for the protection of children and promotion of their well-being. There are two assignments:

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- Weekly annotated bibliography & case law briefs due by noon each Thursday
- Final research paper, no more than 25 pages
 - Proposal due: March 9
 - Progress report due: April 6
 - Final paper: April 28

Requirements

Attendance, participation, and assignments. You are expected to follow Berkeley's policies.

Dorothy Roberts's *Torn Apart: How the Child Welfare System Destroys Black Families—And How Abolition Can Build a Safer World*

Evaluation

15% Attendance & Participation
40% Annotated Bibliography
45% Research Paper, Due April 28

The annotated bibliography is an ongoing assignment, and the research paper is a maximum of 25 pages, on a topic of your choosing. For details on both assignments, see the course website.

Equal Access

If you have specific needs for accommodation, please make me aware.

Contact

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1. Case Study

1.1/19

Welfare and Institutions Code §300
In re R.T. 3 Cal.5th 622 (2017)
L.W. v. The Superior Court of Alameda County, 1st App. Dist, 2nd Div (2021)

2.1/26

--Dorothy Roberts, *Torn Apart*, Prologue, Introduction
--Martin Guggenheim & Vivek Sankaran, "Preface" & "General Overview of Child Protection Laws in the United State" from *Representing Parents* (2015)
--Yvonne W. 165 Cal.App.4th 1394 (2008)

3.2/2

--Roberts, Part I
--Blanca P., 45 Cal. App. 4th 173 (1996)

4.2/9

--In re L.W. 32 Cal.App.5th 840 (2019)
--In re Ethan C., 279 P. 3d 1052, District & Cal: Supreme Court (2012)
--Matthew Fraidin, "Stories Told and Untold: Confidentiality Laws and the Master Narrative of Child Welfare" *Maine Law Review* (2010)

5. 2/16

--Bald et. Al, "Economics of Foster Care" *Journal of Economic Perspectives* (2022)
--Elizabeth Bartholet, "Race & Child Welfare: Disproportionality, Disparity, Discrimination: Re-Assessing the Facts, Re-thinking the Policy Options," (2011)
--Barth et al, "Research to Consider While Effectively Re-Designing Child Welfare Services (2021)

2. History

6. 2/23

--Roberts, *Torn Apart*, Part II
--In re R.M., 4th District, Division 1 (2014)

7. 3/2

--Adoptive Couple v. Baby Girl, 570 U.S. 637 (2013)
--*Brackeen v. Haaland* (5th circuit & district court)
--In re Tresin J., 222 A.3d 83 (2019)

8. 3/9

- Linda Gordon "The perils of innocence, Or what's wrong with putting children first," *The Journal of the History of Childhood and Youth* (2008)
- Jacobus TenBroeck, "California's Dual System of Family Law: Its Origin, Development, and Present Status" 16 *Stan. L. REV.* 257 (1964)

3. Theory

9. 3/16

- Roberts, Part III & Part IV

10. 3/23

- Roland Barthes. "Myth Today" *Mythologies* (1957)
- Michel Foucault, *Society Must be Defended*, Ch. 11 (1976)*

11. 4/6

- Judith Butler. "Is Kinship Always Already Heterosexual?" from *Undoing Gender* (2004)
- Nigel Parton. "Comparative Research and Critical Child Protection Studies" *Social Sciences* (2022)

4. Praxis

12. 4/13

- Vandenbroek, Michel, Rudi Roose & Maria de Bie, "Governing Families in the Social Investment State," *International Critical Childhood Policy Studies* (2001)
- ER Meiners, "Trouble with the child in the carceral state" *Social Justice* (2015)
- Martin Guggenheim, "How Children's Lawyers Serve State Interests" *Nevada Law Review* (2006)

13. 4/20

- Abbie Goldberg, "Prologue" & "Chapter 2: Orienting to Open Adoption, Considering Contact, and Reflecting on Race, preadoption Perspectives and Preferences" from *Open Adoption and Diverse Families* (2019)
- RJ Armstrong-Ingram, "The Givenness of Kin: Legal and Ethical Issues in Accessing Adoption Records" *Archival Issues* (1997)

14. 4/27

- Dobbs v. Jackson Women's Health Organization
- Roberts, Part IV
- Mariame Kaba, "So You're Thinking of Becoming an Abolitionist?" *Level* (2020)