

Juvenile Law

Spring 2025



Professor Paula Kaldis



**MASSACHUSETTS SCHOOL OF LAW
JUVENILE LAW, SPRING, 2025
PROFESSOR PAULA KALDIS**

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NOTE: class meets every Monday, 10:00 A.M. – 1:00 P.M.
Online students can join zoom live or view recording.

Course Syllabus & Schedule of Assignments

Course Requirements & Class Participation:

Please email Professor Kaldis and indicate whether you have registered for the **day class** or are an **on-line student**. Please also sign up on TWEN (materials will be posted mid-December) for the class as the class materials and assignments will be posted there. There is no casebook. If you are online the class recordings will be posted on TWEN. Online students will also be required to answer 10 assignments that I will post during the semester.

The final is an in-class examination scheduled during exam week. Both the Online class and the day class take the exam at the same time, 6:00 P.M.

All Juvenile Law students must attend Juvenile Court one day during the semester and prepare an observation summary. These visits will be spread across the semester, with two to three students attending.

Course Objectives:

This course concentrates on children's rights and interests. Statutory procedures dealing with Neglected and Abused children, Juvenile Delinquents, Youthful Offenders and Children Requiring Assistance are examined along with case law, class simulations and case studies. Students learn how to represent children, families, and the state effectively and ethically.

Course Requirements:

In addition to reading and analyzing case law, statutes and other sources, students will do mock hearings and other exercises. Class attendance is mandatory; students who miss more than four classes will receive a reduction in the final course grade by one-third of a point, for example, from a C to a C-.

Assignments & Class Topics:

Week 1

PART I: THE CHILD, THE FAMILY, AND THE STATE

Monday, 1/27

Introduction: Origins, philosophy, goals of the Juvenile Court.
Overview of the course, requirements and assignments.

<https://www.amnestyusa.org/our-work/>

<https://www.hrw.org/>

Prepare to discuss the following cases on **Parental rights** in class:

Meyer v. Nebraska, 262 U.S. 390 (1923); *Pierce v. Society of Sisters*, 268 U.S. 510 (1925); *Prince v. Massachusetts*, 321 U.S. 158 (1944); *Wisconsin v. Yoder*, 406 U.S. 205(1972); *Troxel v. Granville*, 530 U.S. 57 (2000); *Adoptive Couple v. Baby Girl*, 133 S.Ct. 2552 (2013).

Week 2

Monday, 2/3

The Child's right to be heard:

Due Process: *In re Gault*, 387 U.S. 1 (1967).

In-class exercise: Gerry Gault's delinquency hearing. (check posting on course materials tab for assignment).

Week 3

Monday, 2/10

Student exercise:

See assignment posted on the course materials tab for today's class. The following sources should be read and used to make your arguments.

Tinker v. Des Moines Independent Community School, 393 U.S. 503(1969); Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1998); Board of Education v. Pico, 457 U.S. 853(1982); Goss v. Lopez, 419 U.S. 565 (1975); Morse v. Frederick, 551 U.S. 393 (2009); Mahanoy School District v. BL, 143 S Ct. 2038 (2021).

Doe v. Worcester, 421 Mass. 117 (1995); Comm. v. Stone, 45 Mass. App. Ct. 1998).

<https://www.aclu.org/issues/free-speech/student-speech-and-privacy>

<http://www.ed.gov/>; <http://www.doe.mass.edu/>

Mass. Gen. Laws, ch. 71, sec. 30, 37H, 37H1/2, 82, 83, 84, 85.
ANTI-BULLYING STATUTE: Mass. Gen. Laws, ch. 71, 37 O, 37 H.
Mass. Gen. Laws, ch. 258E, Harassment Prevention Orders

Week 4

PART II: PROTECTING THE CHILD FROM ABUSE AND NEGLECT

Monday, 2/17

Introduction to Abuse & Neglect:

Mass. Gen. Laws ch. 119, sections 1-39; 51A – 51G

Case law standards:

Santosky v. Kramer, 455 U.S. 745 (1982); *Care & Protection of Robert*, 408 Mass. 52 (1990); *Care & Protection of Isaac*, 419 Mass. 602 (1995); *Care & Protection of Jeremy*, 419 Mass. 616 (1995); *Custody of a Minor (No.2)*, 392 Mass. 719 (1989); *Care & Protection of Bruce*, 44 Mass. App. Ct. 758 (1998); *Care & Protection of Manuel*, 428 Mass. 527 (1998); *Care & Protection of Orazio*, 68 Mass. App. Ct. 213 (2006); *Care & Protection of Zelda*, 26 Mass. App. Ct. 869, (1989); *Care & Protection of Jamison*, 467 Mass. 269 (2014); *Care & Protection of Walt*, 478 Mass. 212 (2017); *Care & Protection of Rashida*, 488 Mass. 217 (2021).

Week 5

Monday, 2/24

Domestic Violence and its effects on children:

Custody of Vaughn, 422 Mass. 590 (1996); *Guardian Ad Litem Report – Sandy Smith v. Walter Jordan*; *Discuss Domestic Violence Questions*. (Posted on course materials tab).

Child Sexual Abuse:

In re custody of Jennifer, 25 Mass. App. Ct. 241 (1998); *Custody of Michel*, 28 Mass. App. Ct. 260 (1990); *Custody of Eleanor*, 414 Mass. 795 (1993); *Care & Protection of Martha*, 407 Mass. 319 (1990); *Adoption of Carlos*, 413 Mass. 339 (1992) *Comm. v. Colin*, 419 Mass. 54 (1994); *Rebecca*, 419 Mass. 67 (1994); *Adoption of Quentin*, 424 Mass. 882; *Adoption of Tina*, 45 Mass. App. Ct. 727(1999).

Mass. Gen Laws ch. 233, sec. 81, 82, 83.

APPOINTING LEGAL COUNSEL FOR CHILDREN IN PROCEEDINGS WHEN THERE ARE ALLEGATIONS OF CHILD SEXUAL ABUSE, Paula Kaldis and Nora Sanchez, National Children’s Bench Book. (Course materials tab)

Week 6

Monday, 3/3

Child Sexual Abuse continued:

Maryland v. Craig, 497 U.S. 836; *Com. v. Johnson*, 417 Mass. 498 (1994); *Com. v. Bergstrom*, 402 Mass. 534(1988); *Com. v. Aviles*, 461 Mass. 60 (2011).

Role of Counsel:

When the child wants to return home; case study/ethical issues.

Performance standards for lawyers representing children and families:

<https://www.publiccounsel.net/assigned-counsel-manual/>

<http://www.naccchildlaw.org/>

CHILDREN'S ATTORNEYS—SHOULD THEY BE ADVOCATES OR CHAMPIONS? THE ROLE OF COUNSEL FOR CHILDREN IN MASSACHUSETTS, *By the Honorable Jay D. Blitzman & Paula Kaldis* (Course materials tab)

Week 7

Monday, 3/10

Medical Neglect: *The "Ifa" case: mock exercise for class*
(Course materials tab)

In Re McCauley, Custody of a Minor, 375 Mass. 733 (1978), Custody of a Minor, 378 Mass. 732 (1979), Green v. Truman, 459 F.Supp.342 (D. Mass. 1978); Com. v. Twitchell, 416 Mass. 114 (1993); In Re Rena, 46 Mass. App. Ct. 335 (1999); Care & Protection of Sharlene, 445 Mass. 756 (2006); Cobble v. DSS, 430 Mass. 385 (1999).

Mass. Gen Laws ch 119 sec. 68A; Mass Gen Laws ch 123 sec 12; Mass Gen. Laws ch. 123 sec. 15; Mass. Gen. Laws ch. 112 sec. 12F; 110 CMR 11.03(3).

Monday, 3/17-----Week 8 – SPRING BREAK

WEEK 9

Monday, 3/24

Adoption & Termination of Parental Rights:

Termination of Parental Rights - *Mass. Gen. Laws, ch 210 sec. 3*

Mass. Adoption cases:

Adoption of Hugo, 428 Mass. 219 (1998); Eno v. LLM, 429 Mass. 824 (1999); Iris, 427 Mass. 582 (1998); Paula, 420 Mass. 716 (1995); Helen, 429 Mass. 856 (1999); Adoption of Mary, 414 Mass. 705 (1993); Adoption of Diane, 400 Mass. 196 (1987); Frederick, 405 Mass. 1 91989); Bezio v. Patenaude, 381 Mass. 563 (1980); Adoption of Arthur, 34 Mass. App. Ct. 934 (1993); Adoption of Greta, 431 Mass. 577 (2000); Adoption of Ilona, 459 Mass. 53 (2011); Adoption of Luc, 484 Mass 139 (2020).

Week 10

Monday, 3/31

Mass. Adoption cases

Adoption of Linus, 73 Mass. App. Ct. 815 (2009), Adoption of Eduardo, 57 Mass. App. Ct. 278, (2003), Adoption of Imelda, 72 Mass. App. Ct. 354 (2008); Adoption of Willamina, 71 Mass App. Ct. 230 (2008), Adoption of Keefe, 49 Mass. App. Ct. 818, (2000).

“The Taking of Logan Marr.”

<http://www.pbs.org/wgbh/pages/frontline/shows/fostercare/marr/>

Week 11

Monday, 4/7

PART III: CHILD REQUIRING ASSISTANCE (FORMERLY CHILDREN IN NEED OF SERVICES)

Mass Gen Laws ch. 119 sec. 39E – 39L

<https://www.publiccounsel.net/cafl/>

Comm. v. Brasher, 359 Mass. 550 (1971); *Comm. v. Johnson*, 309 Mass. 476 (1941); *School Committee of Worcester v. Worcester Juvenile Court*, 410 Mass. 831 (1991) ; *Oscar v. Worcester*, 412 Mass. 38 (1992); *In the Matter of VINCENT*, 408 Mass. 527 (1990); *Florence*, 429 Mass. 523 (1999); *In the matter of Angela*, 445 Mass. 55, 833 N.E.2d 575(2005); *In the Matter of Hilary*, 450 Mass. 491 (2008); *Nicholas B.*, 412 Mass. 20 (1992); *Millis Pub. Sch. v. MP*, 478 Mass 767 (2018).

Student violence:

“Can we create violence-free schools that are still free?” 34 *New Eng.L.Rev.*623; *Commonwealth v. Milo*, 433 Mass. 149(2001).

<http://www.ncdjjdp.org/cpsv/>;
<https://www.tolerance.org/>

Week 12

Monday, 4/14

PART IV: JUVENILE DELINQUENCY & YOUTHFUL OFFENDERS

Jurisdiction and Disposition in the Juvenile Court.

Delinquency & Youthful Offender Statute:
Mass Gen Laws ch 119 sec. 52 -84

U.S. Supreme Court: setting (conflicting) standards.

In re Gault; *Mckeiver v. Pennsylvania*, 403 U.S. 528(1971); *Schall v. Martin*, 467 U.S. 253 (1984); *Winship*, 397 U.S. 358 (1970); *Kent v. U.S.*, 383 U.S. 541 (1966); *Breed v. Jones*, 421 U.S. 519 (1975); *Roper v. Simmons*, 543 U.S.551 (2005); *Graham v. Florida*, 130 S. Ct. 2011 (2010); *Miller v. Alabama*, 132 S. Ct. 548 (2012); *Montgomery v. Louisiana*, 136 S.Ct. 718 (2016); *Jones v. Mississippi*, 141 S. Ct. 1307 (2021).

Juvenile Delinquency cases:

Commonwealth v. Juvenile, 389 Mass. 128 (1983); *Commonwealth v. MacNeill*, 399 Mass. 71 (1987); *Commonwealth v. Weston*, 455 Mass. 24 (2009); *Commonwealth v. Walczak*, 463 Mass. 808 (2012); *Diatchenko v. District Attorney (Diatchenko I)* 466 Mass. 655 (2013); *Commonwealth v. Brown*, 466 Mass. 676 (2013); *Diatchenko v. District Attorney (Diatchenko II)*, 471 Mass. 12 (2015); *Commonwealth v. Okoro*, 471 Mass. 51 (2015); *Deal v. Commissioner of Corrections*, 475 Mass. 307 (2016); *Commonwealth v. Carter*, 481 Mass. 352 (2019), *Commonwealth v. Fernandes*, 487 Mass. 770 (2021), *Commonwealth v. Watt*, 484 Mass. 742 (2020).

Week 13

Monday, 4/21 Patriots holiday

Week 14

Monday, 4/28

Student searches.

New Jersey v. TLO, 469 U.S. 325(1985); *Commonwealth v. Snyder*, 413 Mass. 521 (1992); *Damien D.*, 433 Mass. 725 (2001); *Commonwealth v. Considine*, 448 Mass. 295 (2007); *Safford Unified School District v. Redding*, 129 S. Ct. 2633 (2009); *Camereta v. Greene*, 131 S.Ct. 2020 (2011).

Week 15

Monday, 5/5

Role of the Lawyer in the Juvenile Court Process:
Ethical problems.