I. **Catalog Course Description**

Law in health and human services. Reading, using and finding law. Law in practice in relation to law on the books. Topics include due process, equal protection, discrimination, confidentiality and duty to warn, child abuse, domestic violence, AIDS, sexual harassment, mental health, developmental disabilities, courtroom testimony, malpractice and administrative liability.

II. **Course Overview**

Areas include law and legal systems, constitutional law, and legal issues for the professional, law relating to specific social problems and vulnerable populations, and legal issues for practice. Within these areas, a number of topics are covered, including confidentiality, privacy, discrimination, informed consent, incompetence and guardianship, malpractice and liability, courtroom testimony and law relating to children and families (including child abuse and domestic violence), the mentally ill, the developmentally disabled and person with AIDS.

Students will have the opportunity to explore areas in depth and conduct legal research in a topic of their choice.

III. **Place of Course in Program**

This is an elective open to all M.S.W. students.

IV. **Course Objectives**

1. Review knowledge of the legal system, procedures and processes. Provide specific information about a range of legal topics.
2. Develop an awareness of the interrelationship between law and the health and human services. Understand important legal rights and remedies. Encourage students to utilize these rights and remedies in their work with health and human services clients.
3. Encourage students to become aware of the legal context of their own work.
4. Develop an understanding of the law and law's effect on social problems and issues.

V. **Required Text**
VI. Course Requirements

Students are responsible for all required readings and are expected to have completed them prior to class discussion.

There will be a research paper and a final examination. Each will constitute 50% of the course grade. The research paper will consist of an analysis of a specific legal issue that is of interest to the student. In this paper, attention should be paid to the existing cases, statutes, and rules, as well as actual practices and consequences for the individuals involved. A detailed outline for the paper will be distributed.

VII. Grading

The basis for the student's grade is:

Paper- 50%
Final examination- 50%

VIII. Course Evaluation

Rutgers University issues a survey that evaluates both the course and the instructor. This survey is completed by students toward the end of the semester, and all answers are confidential and anonymous.

IX. Course Outline


Weeks 3-4 Judicial System, Civil and Criminal Law. Legal Research
Readings:
Text- Chapters 3-4

**Week 5.** Organization of Social Services and Regulation of the Profession
Readings:
Text- Chapter 5
NASW Code of Ethics - selected provisions
Selected N.J. Privilege Statutes
Confidentiality in Substance Abuse Programs

**Week 6** Social Workers and the Courts
Readings:
Text- Chapter 6

**Week 7.** Professional Liability
Readings:
Text- Chapter 7
Licensed clinical social worker immunity- N.J. statutes

**Week 8.** Families and the Law
Readings:
Text- Chapter 8
Extended Families- *Moore v. East Cleveland* (1977),
Who is a parent- *Stanley v. Illinois* (1972)
Divorce- N.J. Statutes

**Week 9.** Education
Readings:
Text- Chapter 9
Family Educational Rights and Privacy Act (FERPA)- U.S. Statutes
Speech in public schools- see *Frederick v. Morse* (2006) (available, not assigned)

**Week 10.** Care and Protection of Children

357
Readings:
Text- Chapter 10
*In Re Gault* (1967)
*DeShaney v. Winnebago Co. Dept. of Social Services* (1989)
Child Abuse- N.J Statutes
Recovered Memory of past abuse- N.J Statutes

**Week 11. Adoption**
Readings:
Text- Chapter 11
Adoption and Safe Families Act- Federal and N.J. Statutes

**Week 12. Domestic Violence**
Readings:
Text- Chapter 12
Domestic Violence- N.J Statutes
Abuse of Institutionalized Elderly- N.J. Statutes
Abuse of Vulnerable Adults- N.J. Statutes

**Week 13 Legal Issues in Health Care**
Readings:
Text- Chapter 13
HIV/AIDS- N.J. Statutes
Health Insurance Portability and Accountability Act of 1996 (HIPAA)
Advance Directives- N.J. Statutes
Sterilization- *In re Grady*(1981)
Minors’ Consent for Health Care- N.J. Statutes

**Week 14. Mental Health and the Law**
Readings:
Text- Chapter 14
Civil Commitment of Adults- N.J. Statutes
Civil Commitment of Children- N.J. Statutes
Insanity Defense- N.J. Statutes

**Week 15. Wrap-up and Final Examination**
X. Academic Integrity Policy

All work submitted in a graduate course must be your own.

It is unethical and a violation of the University’s Academic Integrity Policy to present the ideas or words of another without clearly and fully identifying the source. Inadequate citations will be constructed as an attempt to misrepresent the cited materials as your own.

Use the citation style preferred by the discipline.

Effective September 2, 2008, a revised Policy on Academic Integrity will go into effect. The new policy is posted at http://academicintegrity.rutgers.edu/integrity.shtml<file://localhost/owa/redir.aspx>

Please Note: Violations of academic integrity by graduate and professional students will normally be penalized more severely than violations by first-year undergraduate students. Since all violations of academic integrity by a graduate or professional student are potentially separable under the Academic Integrity Policy, faculty members should not adjudicate alleged academic integrity violations by graduate and professional students, but should refer such allegations to the appropriate Academic Integrity Facilitator (AIF) or to the Office of Student Judicial Affairs. The AIF that you should contact is Antoinette Y. Farmer, 732.932.2621. The student shall be notified in writing, by email or hand delivery, of the alleged violation and of the fact that the matter has been referred to the AIF for adjudication. This notification shall be done within 10 days of identifying the alleged violation. Once the student has been notified of the allegation, the student may not drop the course or withdraw from the school until the adjudication process is complete. A TZ or incomplete grade, shall be assigned until the case is resolved.

Definition of Plagiarism

Plagiarism is the representation of the words or ideas of another as one’s own in any academic exercise. To avoid plagiarism, every direct quotation must be identified by quotation marks or by appropriate indentation and must be properly cited in the text or in a footnote. Acknowledgment is required when material from another source is stored in print, electronic, or other medium and is paraphrased or summarized in whole or part in one’s own words. To acknowledge a paraphrase properly, one might state: to paraphrase Plato’s comment...and conclude with a footnote identifying the exact reference. A footnote acknowledging only a directly quoted statement does not suffice to notify the reader of any preceding or succeeding paraphrased material. Information which is common knowledge, such as names of leaders of prominent nations, basic scientific laws, etc., need not to be footnoted; however, all facts or information obtained in reading or research that are not common knowledge among students in the course must be acknowledged. In addition to materials specifically cited in the text, only materials that contribute to one’s general understanding of the subject may be acknowledged in the bibliography. Plagiarism can, in some case, be a subtle issue. Any question about what constitutes plagiarism should be discussed with the faculty member.

XI. Disability Accommodation

Please Note: Any student who believes that s/he may need an accommodation in this class due to a disability should contact the Office of Disability Services, Kreeger Learning Center, 151 College Avenue; doffice@rci.rutgers.edu; 732-932-2847.

Students must have a letter of accommodation from the Office of Disability Services in order to receive
accommodations.

XII. Bibliography

BOOKS


Dickson, Donald T. Confidentiality and Privacy in Social Work (Free Press, 1998)


Knapp, Samuel and VandeCreek, Leon. Privileged Communications in the Mental Health Professions. (Van Nostrand Reinhold, 1987).


ARTICLES AND PAPERS


Menninger Foundation, "Brief of the Menninger Foundation as Amicus Curiae Supporting Respondents, Jaffee v. Redmond, 1995 LEXIS.


Note, "Statutes limiting mental health professionals; liability for the violent acts of their patients," 64 Indiana L. J. 391 (1989).


Trasen, Jan L., "Privacy v. public access to juvenile court proceedings: Do closed hearings protect the child or the system?," 15 *Boston College Third World L. J.* 359 (1995).


Winick, Raphael, "Searches and seizures of computers and computer data," 8 *Harvard J. L. and Technology* 75 (199?).

Winters, Steven, "Comment-- the new privacy interest: Electronic mail in the workplace." 8 *High Technology L. J.* 197 (1993).


**CASES AND STATUTES**

Due Process, Equal Protection

Gender Based Discrimination  


Abortion Notification (N.J.)  

Confidentiality and Privilege (N.J.)  

Social Worker Immunity (N.J.) § 2a:62a-16. Medical or counseling practitioners' immunity from civil liability

Informed consent: physician assisted suicide

Children and families: divorce (N.J.)
   Chapter 34. Actions for divorce or nullity of marriage
Harassment and stalking (N.J.) §2C:33-4 ff.

Same sex marriage/domestic partnerships

Adoption/visitation
Adoption and safe families act of 1997 Title i--reasonable efforts and safety requirements for foster care and adoption placements
   Adoption and foster care rights 42 U.S.C. §1996b

Confidentiality of adoption records
   In re: Adoption of Baby S., 308 N.J. Super. 207 (1997)

Adoption of Native Americans

Child abuse

Recovered memory actions, statute of limitations
   § 2a:61b-1. Definitions; accrual of actions; proceedings
   Ramona v. Superior Court, 66 Cal. Rptr. 2d 766 (1997)

Mental hospital civil commitment
   N.J. court rules 4:74-7a. Civil commitment - minors

Insanity defense
   § 2c:4-1. Insanity defense
Disabilities


AIDS/HIV


HIV mandatory testing. Criminal offenses

§2a:4a-43.1. certain juveniles to submit to serological tests

*Updated: July, 2008*