

**RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY
SCHOOL OF SOCIAL WORK
COURSE OUTLINE**

**Law and Social Work
Fall, 2019**

19:910:538

Instructor:

Email:

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.

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.

Place of Course in Program

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

Program Level Learning Goals and the Council of Social Work Education's Social Work Competencies

The MSW Program at Rutgers is accredited by the Council on Social Work Education (CSWE). CSWE's accreditation standards can be reviewed at www.cswe.org.

In keeping with CSWE standards, the Rutgers School of Social Work has integrated the CSWE competencies within its curriculum. *These competences serve as program level Learning Goals for the MSW Program and include the following. Upon completion of their MSW education students will be able to: demonstrate ethical and professional behavior; engage in diversity and difference in practice; advance human rights and social, economic and environmental justice; engage in practice informed research and research informed practice; engage with individuals, families, groups organizations and communities; intervene with individual, families, groups organizations and communities; and evaluate practice with individuals, families, groups, organizations and communities.*

This course will assist students in developing the following competencies:

Competency 1: Demonstrate Ethical and Professional Behavior.

Social workers understand the value base of the profession and its ethical standards, as well as relevant laws and regulations that may impact practice at the micro, mezzo, and macro levels. Social workers understand frameworks of ethical decision-making and how to apply principles of critical thinking to those frameworks in practice, research, and policy arenas. Social workers recognize personal values and the distinction between personal and professional values. They also understand how their personal experiences and affective reactions influence their professional judgment and behavior. Social workers understand the profession's history, its mission, and the roles and responsibilities of the profession. Social Workers also understand the role of other professions when engaged in inter-professional teams. Social workers recognize the importance of life-long learning and are committed to continually updating their skills to ensure they are relevant and effective. Social workers also understand emerging forms of technology and the ethical use of technology in social work practice.

Competency 2: Engage Diversity and Difference in Practice.

Social workers understand how diversity and difference characterize and shape the human experience and are critical to the formation of identity. The dimensions of diversity are understood as the intersectionality of multiple factors including but

not limited to age, class, color, culture, disability and ability, ethnicity, gender, gender identity and expression, immigration status, marital status, political ideology, race, religion/spirituality, sex, sexual orientation, and tribal sovereign status. Social workers understand that, as a consequence of difference, a person's life experiences may include oppression, poverty, marginalization, and alienation as well as privilege, power, and acclaim. Social workers also understand the forms and mechanisms of oppression and discrimination and recognize the extent to which a culture's structures and values, including social, economic, political, and cultural exclusions, may oppress, marginalize, alienate, or create privilege and power.

Competency 3: Advance Human Rights and Social, Economic, and Environmental Justice.

Social workers understand that every person regardless of position in society has fundamental human rights such as freedom, safety, privacy, an adequate standard of living, health care, and education. Social workers understand the global interconnections of oppression and human rights violations, and are knowledgeable about theories of human need and social justice and strategies to promote social and economic justice and human rights. Social workers understand strategies designed to eliminate oppressive structural barriers to ensure that social goods, rights, and responsibilities are distributed equitably and that civil, political, environmental, economic, social, and cultural human rights are protected.

Course Learning Goals

Course level learning goals primarily relate to the aforementioned competencies/program level learning goals as the course addresses policy analysis skills and competencies as well as addresses human rights and social, economic and environmental justice through the study of the evolution of the US welfare state and the emergence of the social work profession.

Upon completion of this course, students will be able to:

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.

School of Social Work Mission Statement and School Wide Learning Goals

The mission of the School of Social Work is to develop and disseminate knowledge through social work research, education, and training that promotes social and economic justice and strengths individual, family, and community well-being, in this diverse and increasingly global environment of New Jersey and beyond.

School Wide Learning Goals: Upon graduation all students will be able to:

1. Demonstrate Ethical and Professional Behavior;
2. Engage Diversity and Difference in Practice; and
3. Engage, Assess, and Intervene with Individuals, Families, Groups, Organizations, and Communities

Required Text

A. Saltzman, D. Furman, and K. Ohman, Law In Social Work Practicee. (2015) (3rd Ed.) Cengage Learning.

Course Requirements

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

This is an intensive, weekend course, meeting once each month on a designated Saturday. There will be monthly assignments-- based on the readings-- due before each of the first three classes; one out- of- class assignment due before the final class; and a final research paper. The out- of- class assignment may be either internet- based or based on personal observations of a N.J. court hearing. 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 law-- cases, statutes, and rules, as well as actual practices and the consequences for the individuals involved. A detailed outline for the paper will be distributed.

One intensive class day is the equivalent of almost four regular classes. Therefore absences from class must be approved in advance by the instructor and will be allowed only for good reason.

Grading

Grading is weighted as follows:

Monthly assignments 30% (10% each) of the final grade;

Out of class assignment 20% of the final grade;

Final research paper 50% of the final grade.

Grading and assessment criteria:

Monthly assignments: Pass or Fail; (High Pass for outstanding work),

Out of Class and Final Research paper:

A	92-100
B+	87-91
B	82-86
C+	77-81
C	70-76
F	69 or lower.

*Scores to be rounded up at .5

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.

Course Outline

SEPTEMBER CLASS.

Unit I- A.M. Introduction-Law and the Legal System; Finding, Reading, Citing Law; Legal Research; Immigration, Deportation and the Law.

Law in social work. Sources of Law, Types of Law, Legal Research. Basic concepts and terms. Tracking a case through the legal system. Reading legal materials. Reading case decisions. Reading statutes and regulations.

Readings: Saltzman Text- Chapters 1-2

Readings On Line: Due Process and Right to Counsel in criminal and civil proceedings, *Lassiter v. Dept. of Social Services* (1981).

Privilege of Counsel (not right) in Deportation Proceedings, 8 *U.S.C. §1362* .

Effective Counsel where deportation is a possible outcome, *Padilla v. Ky.* (2010).

Administrative Law: Presidential Proclamations--*Trump v. Hawaii*, 138 S.Ct. 2392 (2018)) (Majority Opinion);

Attorney General Statements-- *DACA (Deferred Action for Childhood Arrivals): Atty. Gen. Sessions Statement 9-5-17*, Current Litigation..

Other Administrators-- Use of Dear Colleague Letters as administrative law: Campus Sexual Violence, Transgender students.(See Unit VIII)

On Line, Not Assigned:

Presidential Proclamations: Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats (Federal Register / Vol. 82 , No. 186 / Wednesday, September 27, 2017) .

Trump v. Hawaii, 138 S.Ct. 2392 (2018) (Sotomayor Dissent)

Matter of A.B., 27 I & N Dec. 316 (A.G.2018) (Interim Decision restricting asylum)

Jennings v. Rodriguez (No bail for detained immigrants) U.S. Sup. Ct, #15-1204

(2-27-18)

DACA: *NAACP v. Trump*, 298 F.Supp.3d 209 ,(also 2018 WL 3702588 (2018)) United States District Court, District of Columbia.

Unit II- P.M. Judicial System; Civil and Criminal Law; Constitutional Law.

Readings: Saltzman Text- Chapter 5

Readings On Line: U.S. Constitution, Bill of Rights, Other Constitutional Amendments.

U.S. v. Virginia (1996). *Ledbetter v. Goodyear Tire* (2013). Lilly Ledbetter Fair Pay Act Of 2009 (42 USCA § 2000e–5).

N.J. Community Notification Statutes (Megan’s law)- *In The Matter Of Registrant J.G.*(2001).

On Line, Not Assigned: *Lawrence v. Texas* (2003).

OCTOBER CLASS.

Unit III- A.M. Regulation of the Social Work Profession, Confidentiality, Privilege, Ethics.

Social Worker Privilege, Privilege protections for other professionals, privilege protections for workers in federally funded substance abuse programs

Readings: Saltzman Text- Chapter 6-7

Readings On Line: *NASW Code of Ethics* - selected provisions.

Mental Health Service Provider Privilege- *N.J.R.E.* 534 (2016)

Social Worker Privilege and disclosure of confidential information by social worker: *N.J.S.A.* §45:15BB-13.

Social Worker Privilege- *Jaffee v. Redmond* (1996).

Social Worker Licensure Act- *N.J.S.A.* §45:15BB-1 et seq.

N.J. HIV/AIDS Confidentiality Statutes- *B.R. v. Vaughn* (2012),

In Class: Confidentiality in Federally Funded Substance Abuse Programs.

Unit IV- P.M. - Social Workers in Court, Malpractice and Liability

Exceptions to professional privilege: duty to warn, NJ mandatory child abuse reporting, Workplace sexual harassment.

Readings: Saltzman Text- Chapter 3-4, 8

Readings On Line

Duty to Warn and Protect: *Mcintosh v. Milano* (1979).
Licensed Clinical Social Worker Civil Immunity- *NJSA* §2A:62A-16
Child Abuse Mandatory Reporting. Reporting- *N.J.S.A.* §9-6-8.10, Immunity: §9-6-8.13, Failure to Report: §9-6-8.14
Workplace Sexual Harassment, *Lehman v. Toys "R" Us*, 132 N.J. 587 (1993).
Interviewing Abused Children- *State of New Jersey v. Margaret Kelly Michaels* (1994).

On Line, Not Assigned. Workplace sexual harassment. *Meritor Savings v. Vinson*,
Ellison v. Brady.

NOVEMBER CLASS

Unit V- A.M. -Families and the Law: Domestic Relations, Domestic Violence

Domestic Relations

Readings: Saltzman Text- Chapter 14
Readings On Line: N.,J. Statutes- Marriage, Divorce.
Defense of Marriage Act- *U.S. v. Windsor* (2013)
Same Sex Marriage- *Obergefell v. Hodges* (2015)

On Line- Not Assigned: *Garden State Equality v. Dow* (2013) (NJ Same Sex
Marriage decision)
Indian Child Welfare Act: *Adoptive Couple v. Baby Girl* (2013)

Domestic Violence

Readings: Saltzman Text- Chapter 12
Readings On Line: Domestic Violence- N.J Statutes.
Self Defense and the Battered Spouse Syndrome: *State v. Kelley* (1984).

On Line, Not Assigned: Violence Against Women Act (VAWA), *U.S .v. Morison*
(2000) (note incorrectly cited in text as *U..S. v. Brzonkala*)

Unit VI- P.M.-Legal Issues in Health Care

Readings: Saltzman Text- Chapter 17
Readings On Line: Advance Directives- N.J. Statutes.
End of Life Decisions- *Bush v. Schiavo* (2004).
Abortion Decisions- (minors)- *Planned Parenthood of Mo. v. Danforth* (1976).

Sterilization Decisions- *In re Grady* (1981).

Health Care for Minors- *Weber v. Stony Brook Hospital* (1983), *Matter of Hofbauer* (1979).

N.J. Minors' Consent for Health Care- N.J. Statutes.

On Line, Not Assigned: *Roe v. Wade* (1973), *Planned Parenthood v. Casey* (1992), *Whole Woman's Health v Hellerstedt* (2016), *Burwell v. Hobby Lobby Stores* (2014), Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Mental Disorders- Commitment and Treatment

Readings: Saltzman Text- Chapter 18

Readings On Line: Civil Commitment of Adults- N.J. Statutes.

Civil Commitment of Children- N.J. Statutes.

Insanity Defense- N.J. Statutes.

On Line, Not Assigned: *Bragdon v. Abbott* (1998) (HIV as a Disability), *Olmstead v. L.C.* (1999) (Community Placement)

Guardianship and Protection of Vulnerable Adults

Readings: Saltzman Text- Chapter 14

Readings On Line: N.J. Guardianship statutes, N.J. Protection of Vulnerable Adults statutes

DECEMBER CLASS

Unit VII A.M. - Care and Protection of Children

Readings: Saltzman Text-Chapter 11

Readings On Line: *DeShaney v. Winnebago Co. Dept. of Social Services* (1989).

Child Abuse: N.J Statutes. Recovered Memory of Past Sexual Abuse: *R.L. v. Voytac* (2009).

Unit VIII P.M.- Education

Bullying and the Law

Readings On Line: N.J. Statutes. *L.W. v. Toms River Regional Schools Bd. of Ed.* (2007),

Off-Campus Speech: *Layshock v. Hermitage School District* (2011)

Tyler Clementi Center, Rutgers University: <http://clementicenter.rutgers.edu/>

Other Education Issues

Readings: Saltzman Text- Chapter 16

Readings On Line: Student Privacy- Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. § 1232g; 34 C.F.R. Part 99

Drug Testing in Public Schools: *Board of Education of Pottawatomie Co. v. Earls* (2002).

School Searches- *T.L.O. v. New Jersey* (1985).

Liability for Sexual Harassment in Public School: *Aurelia Davis v. Monroe Co. Bd. of Ed.*(1999).

Sexual Violence on Campus: U.S. Dept. of Education Dear Colleague Letter 9-22-17,Q and A on Campus Sexual Misconduct, 9/17.

Transgender Students in Schools, Dear Colleague Letter 2-22-17.

Ingraham v. Wright (1977) (School Discipline),

Tinker v. Board of Education (1969) (Student Speech),

ACADEMIC INTEGRITY

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 construed as an attempt to misrepresent the cited material as your own. Use the APA citation style which is described in the Publication manual of the American Psychological Association, 6th edition.

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 footnote. Acknowledgement is required when material from another source is stored in print, electronic, or other medium and is paraphrased or summarized in whole or in 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 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 cases, be a subtle issue. Any question about what constitutes plagiarism should be discussed with the faculty member.

Plagiarism as described in the University's Academic Integrity Policy is as follows: ***Plagiarism***: Plagiarism is the use of another person's words, ideas, or results without giving that person appropriate credit. To avoid plagiarism, every direct quotation must be identified by quotation marks or appropriate indentation and both direct quotation and paraphrasing must be cited properly according to the accepted format for the particular discipline or as required by the instructor in a course. Some common examples of plagiarism are:

-Copying word for word (i.e. quoting directly) from an oral, printed, or electronic source without proper attribution.

-Paraphrasing without proper attribution, i.e., presenting in one's own words another person's written words or ideas as if they were one's own.

-Submitting a purchased or downloaded term paper or other materials to satisfy a course requirement.

-Incorporating into one's work graphs, drawings, photographs, diagrams, tables, spreadsheets, computer programs, or other nontextual material from other sources without proper attribution".

Plagiarism along with any and all other violations of academic integrity by graduate and professional students will normally be penalized more severely than violations by 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 Conduct. The AIF that you should contact is Laura Curran, at lacurran@ssw.rutgers.edu. 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. For more information regarding the Rutgers Academic Integrity Policies and Procedures, see:

<http://academicintegrity.rutgers.edu/academic-integrity-at-rutgers>

It has been recommended by the Office of Student Conduct that the honor pledge below be written on all examinations and major course assignments.

To promote a strong culture of academic integrity, Rutgers has adopted the following honor pledge to be written and signed on examinations and major course assignments submitted for grading: ***On my honor, I have neither received nor given any unauthorized assistance on this examination.***

DISABILITY ACCOMMODATION

Rutgers University welcomes students with disabilities into all of the University's educational programs. In order to receive consideration for reasonable accommodations, a student with a disability must contact the appropriate disability services office at the campus where you are officially enrolled, participate in an intake interview, and provide documentation:

<https://ods.rutgers.edu/students/documentation-guidelines>.

If the documentation supports your request for reasonable accommodations, your campus' disability services office will provide you with a Letter of Accommodations. Please share this letter with your instructors and discuss the accommodations with them as early in your courses as possible. To begin this process, please complete the Registration form on the ODS web site at:

<https://ods.rutgers.edu/students/registration-form>.

