

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

**Law and Social Work
Fall, 2021**

19:910:538

**Instructor: David C. Barry
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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. School Wide Learning Goals

To prepare students for practice and leadership roles in the fields of social work and social welfare. This goal is operationalized using three of the ten Council on Social Work Education prescribed 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. Social workers: • make ethical decisions by applying the standards of the NASW Code of Ethics, relevant laws and regulations, models for ethical decision-making, ethical conduct of research, and additional codes of ethics as appropriate to context; • use

reflection and self-regulation to manage personal values and maintain professionalism in practice situations; • demonstrate professional demeanor in behavior; appearance; and oral, written, and electronic communication; • use technology ethically and appropriately to facilitate practice outcomes; and • use supervision and consultation to guide professional judgment and behavior.

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. Social workers: • apply and communicate understanding of the importance of diversity and difference in shaping life experiences in practice at the micro, mezzo, and macro levels; • present themselves as learners and engage clients and constituencies as experts of their own experiences; and • apply self-awareness and self-regulation to manage the influence of personal biases and values in working with diverse clients and constituencies.

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. Social workers: • apply their understanding of social, economic, and environmental justice to advocate for human rights at the individual and system

levels; and • engage in practices that advance social, economic, and environmental justice.

(CSWE Educational Policy and Accreditation Standards (2015))

VI. Required Text

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

VII. 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.

VIII 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

IX. 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.

X. 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),

XI. Academic Integrity Policy

As per Rutgers University Academic Integrity Policy, “Students are responsible for understanding the principles of academic integrity and abiding by them in all aspects of their work at the University. Students are also encouraged to help educate fellow students about academic integrity and to bring all alleged violations of academic integrity they encounter to the attention of the appropriate authorities.” All SSW students are expected to review and familiarize themselves with the [RU Academic Integrity Policy](#) in its’ entirety.

As per Rutgers University Academic Integrity Policy, “The principles of academic integrity require that a student: make sure that all work submitted in a course, academic research, or other activity is the student’s own and created without the aid of impermissible technologies, materials, or collaborations; properly acknowledge and cite all use of the ideas, results, images, or words of others; properly acknowledge all contributors to a given piece of work; obtain all data or results by ethical means and report them accurately without suppressing any results inconsistent with the student’s interpretation or conclusions; treat all other students ethically, respecting their integrity and right to pursue their educational goals without interference. This principle requires that a student neither facilitate academic dishonesty by others nor obstruct their academic progress; uphold the ethical standards and professional code of conduct in the field for which the student is preparing.”

Students should review all types of Academic Integrity Violations per the RU Academic Integrity Policy. Below are some of the more common violations, as articulated in Rutgers University Academic Integrity Policy:

“Plagiarism: Plagiarism is the use of another person’s words, ideas, images, or results, no matter the form or media, without giving that person appropriate credit. To avoid plagiarism, a student must identify every direct quotation using quotation marks or appropriate indentation and cite both direct quotation and paraphrasing 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, regardless of the nature of the assignment; Incorporating into one’s work graphs, drawings, photographs, diagrams, tables, spreadsheets, computer programs, or other non-textual material from other sources, regardless of format, without proper attribution.”

“Cheating: Cheating is the use or possession of inappropriate or prohibited materials, information, sources, or aids in any academic exercise. Cheating also includes submitting papers, research results or reports, analyses, and other textual or visual material and media as one’s own work when others prepared them. Some common examples are: Prohibited collaboration: receiving research, programming, data collection, or analytical assistance from others or working with another student on an assignment where such help is not permitted; Copying another student’s work or answers on a quiz or examination; Using or having access to books, notes, calculators, cell phones, technology, or other prohibited devices or materials during a quiz or examination; Submitting the same work or major portions thereof to satisfy the requirements of more than one course without permission from the instructors involved; Preprogramming a calculator or other device to contain answers, formulas, or other unauthorized information for use during a quiz or examination.; Acquiring a copy of an examination from an unauthorized source before the examination; Having a substitute take an examination in one’s place; Submitting a purchased or downloaded term paper or other materials to satisfy a course requirement; Submitting as one’s own work a term paper or other assignment prepared, in whole or in part, by someone else.”

Any faculty member or academic administrator who becomes aware of a possible

academic integrity violation must initiate a formal complaint with the Office of Student Conduct and the SSW's Academic Integrity Facilitator (Laura Curran at lacurran@ssw.rutgers.edu). The AIF deciding the case (the "adjudicator") shall notify the accused student of the allegation in writing or by electronic communication within fifteen working days of the time the faculty member becomes aware of 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, see [RU Academic Integrity Policy](#) and [Procedures for Adjudicating Academic Integrity Violations](#)

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>.

COVID -19 community safety practices

Per University community safety regulations, "face coverings must be worn:

- indoors in shared spaces (e.g., meeting rooms, conference rooms, conference rooms, breakrooms, copy rooms, etc.)
- indoors in classrooms, seminar rooms, lecture halls, etc.
- indoors in private spaces with more than one occupant (shared offices)
- indoors in public spaces (e.g., hallways, restrooms, stairs, elevators, etc.)"

For additional information about community COVID-19 safety practices, please see

<https://coronavirus.rutgers.edu/health-and-safety/community-safety-practices/>

Resources

Library Research Assistance

Meredith Parker is the social work librarian on the New Brunswick Campus meredith.parker@rutgers.edu p. 848-932-6124; **Natalie Borisovets** is at Newark, Dana Library natalieb@rutgers.edu 973-353-5909; **Katie Anderson** is at Camden, Robeson Library: Katie.anderson@rutgers.edu 856-225-2830 . They are all available to meet with students.

Writing Assistance

Success in graduate school and within the larger profession of social work depends on strong writing skills. Several resources are available to help students strengthen their professional and academic writing skills. Writing assistance is available to all MSW students as described below.

All MSW Students

All MSW SSW students: New Brunswick, Camden, Newark, Intensive Weekend, online and blended are eligible to access writing assistance at the New Brunswick Learning Center.

Online tutoring is available.

<https://rlc.rutgers.edu/student-services/academic-coaching/schedule-appointment>

Newark Students Only

The Newark writing center is available for MSW students on the Newark campus by

appointment. Online tutoring may be available.

<http://www.ncas.rutgers.edu/writingcenter>

Office on Violence Prevention and Victim Assistance

Our school is committed to fostering a safe, productive learning environment. Title

IX and our school policy prohibit discrimination on the basis of sex, which regards sexual misconduct — including harassment, domestic and dating violence, sexual assault, and stalking. We understand that sexual violence can undermine students' academic success and we encourage students who have experienced some form of sexual misconduct to talk to someone about their experience, so they can get the support they need.

Confidential support and academic advocacy are available through the Rutgers Office on Violence Prevention and Victim Assistance, **848.932.1181**, **<http://vpva.rutgers.edu>**. Services are free and confidential and available 24 hrs./day, 7 days a week.

