

## DEPAUL UNIVERSITY COLLEGE OF LAW

Fall 2008  
Wednesdays 5:00 – 7:50  
Room 631

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### LITIGATION STRATEGY – CHILD PROTECTION

#### **TEXT:**

Course materials to be provided. Materials will include custody documents, pleadings, Illinois case law and statutory authority.

#### **COURSE DESCRIPTION AND OBJECTIVES:**

This litigation course is designed to introduce students to the role of an attorney as a child's representative. The primary focus will be representing minors in domestic relations litigation, but will include issues relating to guardianship, grandparent visitation, juvenile law and adoption. The various positions an attorney is appointed to (Children's Representative, Guardian-ad-Litem, and Attorney for Child), evidentiary issues, child development, privilege, alienation and constitutional issues will be examined.

#### **FORMAT:**

Class work is done in group exercises with the students acting as both attorneys and witnesses. Some class time is spent in lecture and demonstrations. Materials for each exercise will be drawn from actual case forms and pleadings, documents, custody evaluations and statutory authority.

#### **COURT ROOM OBSERVATION AND PARTICIPATION:**

Each student is required to attend a Child's Representative Seminar at the Daley Center (dates to be provided). Each student is encouraged to be an observer of a custody trial in the Daley Center and to participate with Professor Rosenberg assisting in the representation of one or more children.

## **GRADING:**

The final grade will be based upon the following:

- 75% classroom participation and classroom exercises/attendance and case law contribution
- 25% interviewing techniques/final trial/presentation of Parenting Agreement

## **SCHEDULE & ASSIGNMENTS:**

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| August 27    | Attorney's who represent children, their roles, responsibilities and duties; the Children's Representative, Attorneys for children and Guardian-ad-Litem. Introduction of Children's Representative statute. |
| September 3  | Custody, Visitation and the best interest standard, visitation with infants, attachment/separation/loss, best interest factors.  |
| September 10 | Child custody evaluations/statutory authority.<br><br>Supreme Court Rule 215, Illinois Marriage and Dissolution of Marriage Act, 604(b), 604.5/critiquing evaluations and psychological guidelines.          |
| September 17 | Child Witness – How to Interview Children and practice interviewing of children by students.   |
| September 24 | Child development – effects of child development on child custody evaluations, children's preference, interviewing children and other related issues.  |
| October 1    | Visitation for others – grandparents, siblings, putative parents, step-parents, men who thought they were parents but are not, and standing and the evolution of the law.                                    |
| October 8    | Modification of custody and visitation, joint vs. sole custody.  |
| October 15   | Removal issues and the best interest of the children, Illinois law on removal, parentage removal vs. dissolution removal, and children's preference in removal.  |

- October 22 Parental conduct/parental alienation, effects of substance abuse on children, family violence, and sexual preference of parents. Restrictions on visitation and evolution of case law will be examined.
- October 29 Alternative dispute resolution/reducing friction and managing high conflict cases; alternative visitation and parenting coordinators.
- November 5 Review of the needs for a Children's Representative/Attorney for the Children, the case against the Children's Representative and discussion of materials for final trial.
- November 12 Guest Speaker
- November 19 "Final trial"/interview of children and parties.
- November 26 Final trial/presentation of final Parenting Agreements by students.