

**SOCIAL WORK 4800/8806
Social Work and the Law
(3 Credit Hours)**

SYLLABUS

1.0 Course Description Information

- 1.1 Catalog Description:** This course presents the fundamental principles of criminal and civil law that have relevance to the practice of social work. Topics include the legal system; legal research methods; professional ethical/legal responsibilities; family law; criminal law; juvenile law; personal injury law; employment discrimination law; capacity to make contracts and wills; rights of institutionalized patients; and rights of handicapped children to an education.
- 1.2 Prerequisites of the course:**
Undergraduates: Admission to the BSW program or permission of the School of Social Work.
Graduates: Admission to the School of Social Work at the graduate level or permission of the School of Social Work.
- 1.3 Overview of content and purpose of the course:** This course presents the fundamental principles of criminal and civil law that have relevance to the practice of social work. Topics include the legal system; legal research methods; professional ethical/legal responsibilities; family law; criminal law; juvenile law; personal injury law; employment discrimination law; capacity to make contracts and wills; rights of institutionalized patients; and rights of handicapped children to an education.
- 1.4 For whom the course is intended:** This is an elective for undergraduate and graduate social work students.
- 1.5 Unusual circumstances of the course:** None

2.0 Course Justification Information

- 2.1 Anticipated audience/demand:** This course is an elective for undergraduate and graduate social work students.
- 2.2 Indicate how often this course will be offered and the anticipated enrollment:** The course is offered once per academic year. Enrollment is predicted to be up to 25 students.
- 2.3 If it is a significant change to an existing course, please explain why it is needed:** This course syllabus includes gerontological content, an updated bibliography, and links MSW Program Objectives to course objectives and assignments.

3.0 Objective Information

3.1 List of performance objectives stated in learning outcomes:

The course meets the following MSW Program Objectives:

MSW Program Objective #1: To apply critical thinking skills within the historical and contemporary contexts of professional social work practice.

MSW Program Objective #2: Apply and analyze social work values, ethical principles and legal mandates in professional social work practice.

MSW Program Objective #3: Demonstrate cultural competency in professional social work practice.

- MSW Program Objective #4:** Identify, serve, and advocate for vulnerable client systems and populations at risk.
- MSW Program Objective #5:** Work effectively in multidisciplinary teams and settings.
- MSW Program Objective #6:** Apply bio-psycho-social-spiritual-cultural factors to assess human behavior in the social and environmental context.
- MSW Program Objective #7:** Identify and use formal diagnostic classification systems.
- MSW Program Objective #8:** Identify, select and apply empirically supported methods for clinical and integrated social work practice.
- MSW Program Objective #9:** Identify and conduct multidimensional assessments with client systems.
- MSW Program Objective #10:** Communicate effectively in oral and written forms in professional social work practice.
- MSW Program Objective #11:** Use effective supervisory, consultative and administrative skills in professional social work practice.
- MSW Program Objective #12:** Function effectively within agency and community structures to deliver professional social work services.
- MSW Program Objective #13:** Apply research methods to evaluate the effectiveness of interventions, services, policies and programs.
- MSW Program Objective #14:** Develop, implement, and analyze policies, practices, and administrative structures that promote socially just institutions and communities.

By the end of this course, students will be able to:

Course Objectives	MSW Program Objectives	Assignments
Identify the legal principles that have relevance to MSW level social work, including an understanding of compliance with laws in the areas of health, education, and juvenile proceedings for the therapist or supervisor.	1, 4, 11	Mid term exam, participation
Integrate legal and ethical tents with roles and intervention strategies, including the legal duties of therapists, the implications of the rules of evidence, and the varying roles of a social worker in the legal process including giving expert testimony.	2, 14	Mid-term exam, paper, participation
Explain the relevance of using legal information to enhance interventions, including documentation, legal research, advocacy for legal reforms, cooperation with legal professionals, and supporting clients involved in civil or criminal proceedings.	8, 9, 12, 14	Final exam, paper, participation

4.0 Content and Organization Information

4.1 List of topics to be covered in chronological sequence:

- 4.1.1 The legal system: The structure and jurisdiction of the state and federal court systems: definitions of case and statutory laws; the role of the judge and the jury; the rules of evidence; court ordered mental examinations; guidelines for expert witnesses; and public policy, ethics, government, and law in the regulation of professional practice.
- 4.1.2 Legal research: Development of statutory and case law; analyzing a case; finding legal sources; and incorporating legal information in research and testimony.

- 4.1.3 Juvenile law: Waiver of transfer of juveniles to adult courts; procedural due process; disposition; critical cases; right to treatment; status offenders; neglected and dependent juveniles; termination of parental rights, parental notification of abortion and judicial bypass; and permanent planning for youth.
- 4.1.4 Family law: Legal nature of marriage; prenuptial agreements; cohabitation without marriage; domestic violence; legal control of parent-child relations; abortion; establishing legitimacy and paternity; adoption; surrogate parenthood; parental rights and responsibilities; dissolution of marriage (legal separation, annulment, and divorce); division of marital property; the professional degree or license as marital property; alimony; child support; the best interests of the child and child custody; sole versus joint custody arrangements; visitation schedules; social/psychological assessment and testimony; in child custody determinations; modification of child custody; interstate disputes over child custody; and trends in family law. Family dispute mediation: Cases appropriate for mediation; mediation processes; and the role of social workers and attorneys in mediation.
- 4.1.5 Law of professional records: Legal requirements; child abuse reporting, client confidentiality; documenting client consent; records in the courtroom; and establishing a risk management system.
- 4.1.6 Privileged communication: Informed consent; statutory prescriptions; and duty to warn.
- 4.1.7 Professional malpractice: Standard of care; critical cases; establishing safeguards; testifying against another professional; and guidelines for avoiding being sued.
- 4.1.8 Unifying ethics and the law: Analysis of professional codes of ethics statutory and common law recognition of ethics; professional advertising; and business entities for mental health professionals (benefits and liabilities of proprietorships, partnerships, professional associations/corporations, and corporations for profit).
- 4.1.9 Rights of elderly and institutionalized patients: Sources of legal protection; application of legal theories to institutional practices; critical cases; patient advocacy; and the right to treatment.
- 4.1.10 Rights of handicapped children to an education: Historical background; litigation achievements (critical cases); Public Law 94-142-Education for All Handicapped Children Act; giving testimony in 94-142 administrative hearings; and mediation in special education disputes.
- 4.1.11 Expert testimony: Standards for data and research; assessment protocols, intervention notes, and case records; scientific treatises; preparation of reports; participation in a deposition; principles of direct and cross-examination testimony; and expert testimony in the courtroom.
- 4.1.12 Criminal law: Constitutional protection; classification of crimes; essential elements of a crime; defenses to criminal charges; the insanity defense (and related defenses); criminal procedure; right to counsel; protection against unreasonable search and seizure; protection against self incrimination; -- pretrial release from jail; right to trial by jury; principles of correctional social work; and the role of rehabilitation.

- 4.1.13 Personal injury law: Intentional torts (battery, assault, false imprisonment, and intentional infliction of mental distress); negligence; professional negligence; strict liability; product liability; premises liability; workers' compensation; and establishing damages.

5.0 Teaching Methodology Information

- 5.1 **Methods to be used:** Each class session will involve a lecture and discussion. Materials from selected legal cases will be analyzed for social work implications.
- 5.2 **Student role in the course:** Students are required to attend class and participate in class discussions in a meaningful manner, and be prepared for discussion each week on assigned reading material. Time is of the essence for completing assignments. The course must be dropped in accord with University policy. All examinations must be taken on the designated date.
- 5.3 **Contact hours:** Three contact hours per week for the 15 weeks of the semester.

6.0 Evaluation Information

6.1 Types of student projects that will be the basis for evaluating student performance

Each student will be required to:

- Complete two multiple-choice and/or essay “sectional” examinations. There will be one mid-term and one final examination. The examinations are tailored to assess progress throughout the semester.
- Undergraduate Students Only: Write a 7-10 page paper on an issue of legal significance and how it pertains to social work practices.
- Graduate Students Only: Write a 10-15 page paper on an issue of legal significance and how it pertains to social work practices (minimum of 10 reference sources).

6.2 Basis for determining the final grade

	<u>Undergraduate</u>	<u>Graduate</u>
Class Attendance & Meaningful Participation	10%	10%
Paper	10%	20%
Examinations	<u>80%</u>	<u>70%</u>
	100%	100%

6.3 Grading Type

A+	=	98% and above
A	=	94% to 97.9%
A-	=	91% to 93.9%
B+	=	88% to 90.9%
B	=	84% to 87.9%
B-	=	81% to 83.9%
C+	=	78% to 80.9%
C	=	74% to 77.9%
C-	=	71% to 73.9%
D+	=	68% to 70.9%
D	=	64% to 67.9%
D-	=	61% to 63.9%
F	=	60% and Below

NOTE: Failure to complete any of the requirements may result in a grade of “F”

regardless of other performances. However, all requirements are subject to change with reasonable notice.

7.0 Resource Material

7.1 Textbooks or other required readings used in course

Salzman, Andrea, and Proch, Kathleen. (1990, or most recent edition). Law in Social Work Practice. Chicago, IL: Nelson-Hall.

7.2 Other suggested reading material

Journal of Law and Social Work.

7.3 Current bibliography and other resources:

Balgopal, P. R. (Ed). (2000). Social work practice with immigrants and refugees. New York: Columbia University Press.

Bender, David, and Leone, Bruno. (1997). Juvenile Crime Opposing Viewpoints. San Diego, CA: Greenhaven Press, Inc.

Blome, W. W., & Steib, S. D. (2007). *Strategies for empowering the child welfare administrator facing class action lawsuits*. Journal of Public Child Welfare, 2, 5-27.

Braye, L., & Preston-Shoot, M. (2006). *The role of law in welfare reform: Critical perspectives on the relationship between law and social work practice*. International Journal of Social Welfare, 15, 19-26.

Clark, C. (2006). *Against confidentiality? Privacy, safety, and the public good in professional communications*, Journal of Social Work, 6, 136-156.

Constable, R. T., McDonald, S., & Flynn, J.P. (Eds.). (1999). School social work: Practice, policy, and research. Chicago: Lyceum Books.

DeRoma, V., Kessler, M., McDaniel, R., & Soto, C. (2006). *Important risk factors in home-removal decisions: Social caseworker perceptions*. Child and Adolescent Journal, 23, 263-277.

Dickson, D. T. (2001). HIV, AIDS, and the law: Legal issues for social work practice and policy. New York: Aldine de Gruyter.

Dickson, D. T. (1998). Confidentiality and privacy in social work: A guide to the law for practitioners and students. New York: Free Press.

Fowler, F. (2003). A practitioner's tool for child protection and the assessment of parents. Philadelphia, PA: Jessica Kingsley Publishers.

Graupner, H., & Bullough, V. L. (Eds.). (2004). Adolescence, sexuality, and the criminal law: Multidisciplinary perspectives. Binghamton, NY: Haworth Press.

Helfer, Mary Edna, Kempe, Ruth S., and Krugman, Richard D. (1987). The Battered Child. Chicago, IL: University of Chicago Press.

Juujarvi, S. (2006). *The ethic of care development: A longitudinal study of moral*

- reasoning among practical nursing, social work, and law enforcement students, Scandinavian Journal of Psychology, 47, 193-202.*
- Mackelprang, R. W. (2005). *Historical and contemporary issues in end-of-life decisions: Implications for social work. Social Work, 50, 315-324.*
- Nash, Jr., B., & Bradley, D. B. (2006). *Federal policies and local realities: The case of Appalachian senior programs. Educational Gerontology, 32, 351-365.*
- Neighbors, I. (2000). Social work and the law: Proceedings of the National Organization of Forensic Social Work. New York: Haworth Press.
- O'Brien, T. M. (2004). Child welfare in the legal setting: A critical and interpretive perspective. New York: Haworth Press.
- Pollack, Daniel. (2003). Social work and the courts: A casebook (2nd ed). New York, NY: Brunner-Routledge.
- Reamer, F. G. (2005). *Documentation in social work: Evolving ethical and risk-management standards. Social Work, 50, 325-334.*
- Reamer, F. G. (2006). *Nontraditional and unorthodox interventions in social work: Ethical and legal implications. Families in Society, 87, 191-197.*
- Saxon, C., Jacinto, G. A., & Dziegielewski, S. (2006). *Self-determination and confidentiality: The ambiguous nature of decision-making, Journal of Human Behavior in the Social Environment, 13, 55-72.*
- Schroeder, J., Guin, C., & Bordelon, D. (2006). *Mitigating circumstances in death penalty decisions: Using evidence-based research to inform social work practice in capital trials, Social Work, 51, 355-364.*
- Scourfield, J. (2006). *The challenge of engaging father in the child protection process. Critical Social Policy, 26, 440-449.*
- Smith, S. R. (2005). *Equality, identity, and the disability rights movement: From policy to practice and Kant to Nietzsche in more than one uneasy move. Critical Social Policy, 25, 554-576.*
- Steen, J. A. (2006). *The roots of human rights advocacy and a call to action. Social Work, 51, 101-105.*
- Taylor, J. S., & Clark, L. T. (2004). Intervention with infants and toddlers: The law, the participants, and the process. Springfield, IL: Charles C. Thomas.
- Wallace, H. (2005). Family violence: Legal, medical, and social perspectives (4th ed). Boston, MA: Pearson.
- Yanay, U. (2006). *Personal security and the "right" to protection, Social Policy and Administration, 40, 509-525.*

8.0 Other Information

8.1 Plagiarism

The Executive Body of the School of Social Work has passed a policy alerting students to, and

emphasizing the importance of, the issue of plagiarism.. The UNO policy on plagiarism is as follows:

"The prevention of plagiarism and the imposition of sanctions upon those who resort to plagiarism are necessary in any university that espouses the ideals embodied in the concept of academic freedom. Plagiarism is the appropriation of the work (be it ideas or words) of another without crediting the source. Such a practice is particularly reprehensible in a community dedicated to the pursuit and advancement of knowledge."

The UNO policy on Academic Integrity reads as follows:

"The maintenance of academic honesty and integrity is a vital concern of the University community. Any student found guilty of academic dishonesty shall be subject to both academic and disciplinary sanctions."

Academic dishonesty definitions, procedures and sanctions are available on the current University of Nebraska at Omaha web-site.

8.2 Procedure Regarding Student Grades/Papers

The Family Educational Rights and Privacy Act (FERPA) or 1974 requires that student grades not be published in a personally identifiable fashion. Therefore, unless prior arrangements have been made with the instructor, students must provide a self-addressed adequately stamped envelope for papers, projects, or exams that were not returned to them in class. Any remaining papers, projects or exams will be kept by the instructor for 3 months after the semester ends, at which time they will be shredded.

8.3 Statement Regarding Students with Disabilities

Accommodations are provided for students with certified disabilities. For more information contact Services for Students with Disabilities, EAB 117 or 554.2872, TTY 554.3799.

8.4 Additional Assistance

Students who have concerns about their competence in writing papers or who have extreme anxiety in taking tests or giving class presentations should address these concerns by seeking professional counseling through the University Division Counseling Services.

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