

HONORS: **ELDER LAW & JUVENILE LAW**
PROFESSOR DAVID A. BERKOVITZ

COURSE OUTLINE

We must not allow this generation to produce record numbers for the juvenile justice, runaway and homeless youth, or foster care systems. — Ruben Hinojosa

Preparation for old age should begin not later than one's teens. A life which is empty of purpose until 65 will not suddenly become filled on retirement. — Arthur E. Morgan

Mr. Hinojosa and Mr. Morgan are both correct. — David A. Berkovitz.

Semester: Fall 2023
Professor: David A. Berkovitz
Course: Elder Law & Juvenile Law
Day and Time: Monday and Wednesday 4:00 p.m. - 5:15 p.m.

Office Location: Beckman Hall Office No. 308C
Office Phone: (714) 516-5288
Email Address: berkovit@chapman.edu

Office Hours: Monday & Wednesday 12:00 p.m. - 1:00 p.m., 5:30 p.m. - 7:00 p.m.
If my office hours are not convenient for you, we can schedule a Zoom conference during other days and times. When making an appointment e-mail me 2 or 3 times and dates when you are available and I will try to schedule you for one of those suggested times. And you can e-mail me anytime with comments or questions.

Classroom: Demille Hall Seminar Room 107

Catalog Description: Prerequisite: acceptance to the University Honors Program, or consent of instructor and Honors Director. Elder Law & Juvenile Law concerns legal issues involving the rights and needs of children and the elderly. Finance, physical, and mental health matters are central in the study of elder law and juvenile law but any issue which impacts a child or an elder's quality of life is included. In this course students will study the various issues and laws which confront children and the elderly, and compare and contrast how the law impacts these two groups. (Offered as needed) 3 credits.

Course Objectives: Elder Law & Juvenile Law is an introductory course in law for undergraduates who desire to learn about the legal issues of children and the elderly, and the laws governing these issues. The focus of the course will be the legal issues and laws confronting children and the elderly with a consideration of the social and financial concerns underlying these issues and laws. Emphasis is given to how the law provides for the various legal

challenges of children and the elderly. Students should acquire a fundamental understanding of elder and juvenile law topics including wills, trusts, advance care directives, capacity, elder abuse, child abuse, conservatorships, guardianships, dependency, and the juvenile justice system.

Social Inquiry
Learning Outcome:

Students identify, frame and analyze social and/or historical structures and institutions in the world today.

Recording:

You may not record the class. Copyright of instructor prepared materials is with the instructor, 17 U.S.C.A. §501, and is provided only for the students' use in this course. Copyright to materials reproduced in this class remains with the original author and is used in this class solely for academic purposes within the permitted bounds of the U.S. Copyright Act, 17 U.S.C.A § 107. You may not give, post, disseminate, sell, license, exchange, or file-share any of these copyrighted materials to any other person, company, entity, website, file-share service or otherwise. That would be a copyright violation.

Inclusion:

In my classroom all students are welcome regardless of race/ethnicity, gender identities, gender expressions, sexual orientation, socio-economic status, age, disabilities, religion, regional background, veteran status, citizenship status, and nationality. The success of an inclusive classroom relies on the participation, support, and understanding of you and your classmates. I encourage you to speak up and share your views in a classroom environment in which we all are expected to engage respectfully and with consideration for the dignity of all others. Participation is more than showing up to class. The quality (not quantity) of your contributions to classroom discussions are an integral part of the course. If previously you have been reluctant about participating in classroom discussions, this is an opportunity to hone skills which will benefit you during important occasions such as job interviews. Participation also includes active listening, showing respect to classmates and being punctual. Tardiness and missing classes will have a negative effect on your participation grade. Absences totaling 20% of the course will result in you failing the class.

Assistance:

Please reach out to me to discuss any aspect of the course (or anything else) particularly anything that may be interfering with your learning. If you do experience difficulty with the course material it is important that you get assistance as soon as possible. Although I hope you find the course appropriately challenging, that challenge is valuable only if you have the opportunity and tools to meet the challenge. I will do everything I can to provide you the opportunity and tools to succeed in the course.

Chapman University's Students with Disabilities Policy

In compliance with ADA guidelines, students who have any condition, either permanent or temporary, that might affect their ability to perform in this class are encouraged to contact the **Office of Disability Services**. If you will need to utilize your approved accommodations in this class, please follow the proper notification procedure for informing your professor(s). This notification process must occur more than a week before any accommodation can be utilized. Please contact Disability Services at (714) 516-4520 if you have questions regarding this procedure, or for information and to make an appointment to discuss and/or request potential accommodations based on documentation of your disability. Once formal approval of your need for an accommodation has been granted, you are encouraged to talk with your professor(s) about your accommodation options. The granting of any accommodation will not be retroactive and cannot jeopardize the academic standards or integrity of the course.

Equity and Diversity Statement

Chapman University is committed to ensuring equality and valuing diversity. Students and professors are reminded to show respect at all times as outlined in **Chapman's Harassment and Discrimination Policy**. Any violations of this policy should be discussed with the professor, the **Dean of Students** and/or otherwise reported in accordance with this policy.

Student Support at Chapman University

Over the course of the semester, you may experience a range of challenges that interfere with your learning, such as problems with friend, family, and or significant other relationships; substance use; concerns about personal adequacy; feeling overwhelmed; or feeling sad or anxious without knowing why. These mental health concerns or stressful events may diminish your academic performance and/or reduce your ability to participate in daily activities. You can learn more about the resources available through Chapman University's Student Psychological Counseling Services here: <https://www.chapman.edu/students/health-and-safety/psychological-counseling/>.

Fostering a community of care that supports the success of students is essential to the values of Chapman University. Occasionally, you may come across a student whose personal behavior concerns or worries you, either for the student's well-being or yours. In these instances, you are encouraged to contact the Chapman University Student Concern

Intervention Team who can respond to these concerns and offer assistance: <https://www.chapman.edu/students/health-and-safety/student-concern/index.aspx>. While it is preferred that you include your contact information so this team can follow up with you, you can submit a report anonymously. 24-hour emergency help is also available through Public Safety at 714-997-6763.

Study Guides: Handouts and assignments will be posted on Canvas.

Major Study Units:

Estate Planning	Legal and Ethical Responsibilities to Elders
Wills, Trusts, Powers of Attorney	Elder Abuse
Advanced Health Care Directives	Age Discrimination
Probate & Trust Administration	Americans with Disabilities Act
Hospice; End-of-life decisions	Capacity
Medicare, Medicaid, Hospice	Medicare, Medicaid
Social Security	Social Security
End-of-life decisions	
Juvenile Justice System	Juvenile Court
Juvenile Justice Procedures	Diversion Programs
Juvenile Delinquency	Dependency Court
Juveniles and the Police	Transfer to Adult Court
Child Protective Services	Rights of Detained Juveniles
Child Abuse	

GRADING

Composition of Grade Scores:

Participation & Assignments:	30%
First Research Paper & Presentation:	35%
Second Research Paper & Presentation:	35%

Grades: Grading is determined by the distribution of total points at the end of the course and is based on the following scale:

- A: 93% +
- A-: 90-92.99%
- B+: 87-89.99%
- B: 83-86.99
- B-: 80-82.99%
- C+: 77- 79.99%
- C: 73-76.99%

C-: 70-72.99%

D+: 67-69.99%

D: 63-66.99%

D-: 60-62.99%

F: 0-59.99%

Extra Credit: No extra credit is available for this class.

Class Rules: You should arrive on time and stay until class is dismissed. Attendance will be taken during each class session. While in the classroom all electronics including laptops, cell phones, iPads, or other electronics must be turned off at the start of class, not turned to vibrate, but off. A waiver to this rule may be obtained for students who have received my approval after e-mailing me a request providing the basis for an accommodation allowing the student to electronically take notes.

Chapman University's Academic Integrity Policy:

“Chapman University is a community of scholars that emphasizes the mutual responsibility of all members to seek knowledge honestly and in good faith. Students are responsible for doing their own work and academic dishonesty of any kind will be subject to sanction by the instructor/administrator and referral to the university Academic Integrity Committee, which may impose additional sanctions including expulsion. Please see the full description of Chapman University's policy on Academic Integrity at www.chapman.edu/academics/academic-integrity/index.aspx.”

Canvas: Canvas will be used for this course and you are expected to be aware of any information posted at the course Canvas homepage. Accordingly, please confirm that you are connected to the Canvas course homepage.

Legal Advice: The instructor is prohibited from providing legal advice or legal services to any student. This prohibition should not prevent you from asking questions concerning the subjects covered during the course.

ASSIGNMENT LIST

WEEK

TOPIC

1. 08/28/23

1. Aging and the aging process; Capacity

1. Watch “Living Old” at:

<https://www.pbs.org/wgbh/frontline/film/livingold/>

2. Read “*Dying at 75*” at:
<https://www.theatlantic.com/magazine/archive/2014/10/why-i-hope-to-die-at-75/379329/>
 3. Listen to the National Public Radio podcast interview of Dr. Sandeep Jauhar the author of “My Fathers Brain” at
<https://sandeepjauhar.com/my-fathers-brain/>
2. 09/04/23 Conservatorships & Guardianships; Long Term Care
- A. Explore the guide concerning General and limited conservatorships at:
<https://selfhelp.courts.ca.gov/helping-person-impairment-or-disability>
 - B. Hospice; Nursing Homes; Assisted Living.
3. 09/11/23 Death and Dying
1. Washington v. Glucksberg 521 U.S 702 (1997) at
<https://supreme.justia.com/cases/federal/us/521/702/> (Read pages 702 through 736). A copy is also posted in Canvas.
 2. Oregon Patient’s Request Form for Medication & Attending Physician posted in Canvas.
 3. Read “*The funeral as we know it is becoming a relic*” at
https://www.washingtonpost.com/lifestyle/style/the-funeral-as-we-know-it-is-becoming-a-relic--just-in-time-for-a-death-boom/2019/04/14/a49003c4-50c2-11e9-8d28-f5149e5a2fda_story.html
4. 09/18/23 Grief and Grieving; Lessons learned.
1. Read: Pages 1 through 9 at “On Death and Dying: Counseling the Terminally Ill Client and the Loved Ones Left Behind” by Georgia Akers located at: https://ttu-ir.tdl.org/bitstream/handle/2346/73258/06_1ES~1.PDF?sequence=1&isAllowed=y. A copy has been posted in Canvas.
 2. Read: “5 Top Regrets of the Dying” at:
<https://www.theguardian.com/lifeandstyle/2012/feb/01/top-five-regrets-of-the-dying>
 3. Watch “What Really Matters at the End of Life” Dr. BJ Miller Ted Talk at:
https://www.ted.com/talks/bj_miller_what_really_matters_at_the_end_of_life?language=en
5. 09/25/23 Wills & Trusts; Probate & Trust Administration; Joint Ownership of Property; Reverse Mortgages

Lightly review the topics that interest you at:

https://www.americanbar.org/groups/real_property_trust_estate/resources/estate_planning/guidelines_for_individual_executors_trustees/

6. 10/02/23 Surrogate Decision Making
 - A. Advance Directives; POLST
 - B. Durable Powers of Attorney

7. 10/09/23 Elder Abuse; Medicare & Medicaid; Social Security, SSI
 - A. Lightly review “Medicare and You 2023” posted in Canvas.
 - B. Elder Abuse & Neglect; Age Discrimination in Employment; ADA

8. 10/16/23 **Presentations and First Research Paper due**

9. 10/23/23 Children and the Law

10. 10/30/23 The Juvenile Justice System

11. 11/06/23 Dependency Court

12. 11/13/23 Child Abuse & Neglect; Child Protective Services

13. 11/20/23 Thanksgiving Break

14. 11/27/23 Child Custody in Divorce Proceedings; Adoption

15. 12/04/23 Grandparenting & Grandparents Rights
 - a. View “Generations United” at www.gu.org
 - b. View “Grandparents Embrace Changing Attitudes” at
“<https://www.aarp.org/research/topics/life/info-2019/aarp-grandparenting-study.html>”

16. 12/11/23 **2nd Research Paper and Presentations (12/11/23); 4:15 p.m. - 6:45 p.m.**