Prof. Stein Appointed To New Yntema Professorship

Eric Stein, professor of international law at U-M Law School, has been named to the School's newly created Hessel E. Yntema Professorship of Law.

Program On Child Abuse Begun At Law School

Three professional schools at The University of Michigan have joined hands in a new program focusing on the nationwide problem of child abuse and neglect.

Under a grant from the Harry A. and Margaret D. Towsley Foundation of Ann Arbor, the U-M Law School has begun a new clinical program which will help student lawyers become better child advocates both in and out of the courtroom.

The grant, awarded in connection with the Law School's current capital campaign (see campaign stories elsewhere in Law Quadrangle Notes), also covers similar clinical programs at the U-M Medical School and the School of Social Work, where students will receive special training to deal with child abuse and neglect problems.

"Child abuse and neglect is one area that desperately needs more collaboration among the legal, pediatric, psychiatric and social work fields," notes Donald Duquette, who heads the U-M's clinical law program in child advocacy.

"Few lawyers or judges are familiar with psychological and family dynamic implications of child abuse cases, nor are they fully aware of the expertise available from social workers and physicians in treating child abuse and neglect problems," says Duquette. "And most psychologists, pediatricians and social workers are equally limited in their legal perspectives."

Lawyers in particular could benefit from a broader perspective, says Duquette. "In many cases, child abuse or neglect is a symptom of serious but less obvious family or personal problems. A negotiated settlement out of the judicial spotlight is often more productive and less destructive to the child and his family—as long as the child is legally protected. The ultimate goal of the court is to preserve and foster family life whenever possible.

"But it is difficult to convince a young lawyer, eager for trial experience, of the benefits of an out-of-court settlement," says Duquette. "This is one of the points we are getting across in the clinical program."

"Although negotiation and mediation skills are important in child advocacy," Duquette continues, "these skills depend to a large extent on one's ability to try a case well when called upon. When trial is necessary we do not shy away from it."

As part of the program, Duquette and his student lawyers consult with U-M pediatric, psychiatric and social work specialists on many of their cases. By broadening their knowledge of the facts, family and personal dynamics, and the possible alternatives available, the student lawyers can make legal judgments that are in the best interests of their clients, says Duquette.

Such interdisciplinary collaboration is not new in the medical field. At U-M Medical School an interdisciplinary group known as the Suspected Child Abuse and Neglect (SCAN) team frequently consults on child abuse cases. The student lawyers participate in SCAN committee meetings and call on the specialists for consultation.

Duquette notes that most of the cases handled by the U-M student lawyers are referred by two Michigan agencies, the Wayne County Juvenile Defender's Office and the Washtenaw County Prosecuting Attorney's Office. In Washtenaw County cases, the students represent the Protective Services Division of the State Department of Social Services, the agency charged with responsibility for investigating instances of child abuse and neglect in Michigan. In Wayne County cases the student lawyers represent the children directly.

"Ultimately, the goal of any intervention by the Protective Services Division in child abuse cases is the rehabilitation of the family," notes Duquette.

"It is only when therapeutic intervention breaks down—when the family refuses treatment, or the social worker concludes that the child must be protected from the family—that legal action will be initiated. And this occurs in only 10 to 20 percent of the cases handled by Protective Services," says Duquette.

Aside from dismissing a case, the judge usually has the option of returning the child to his own home under supervision of the Department of Social Services, placing the child with a relative, sending the child to a foster.