

School Vision: Building upon a foundation of social justice and an ethic of care, we are a community of learners actively engaged in the development of critical, transformative knowledge for social work practice.

Department/Program: School of Social Work
Year: 2017
Course Title: Social Work and the Law
Course Schedule: Mondays and Wednesdays 5:30-8:30
Location(s): Jack Bell Social Work Room 224

Instructor: Dr. Margaret M. Wright
Office location: Room 240
Office phone: 604-822-6073
Office hours: by appointment
E-mail address: margaret.wright@ubc.ca

Course Description

This course provides an introduction to law in Canada and British Columbia as it intersects with the practice of Social Work. We will explore some of the many critical perspectives on law, the legal system and the legal processes that interact with our professional practice. In this course, students will become familiar with the legal process, legal research and legal analysis. This course will introduce students to and examine basic legal principles in relationship to social work. We will study the impacts of judicial decision making and the role of social work and legal ethics as well as the cultures of both professions. Since this course is an introduction to these concepts, only a few areas of law will be examined. These will include human rights; criminal and youth justice; child welfare; adoption; marriage and divorce; mental health, poverty; immigration; disability; and substitute decision-making.

Format of the course: seminar format combined with lecture and guest speakers

Required and Recommended Reading:

Regehr, Cheryl, Kanani, Karima, McFadden, Jesstina, and Saini, Michael. (2016). *Essential Law for Social Work Practice in Canada*. 3rd. Edition. Toronto: Oxford University Press.

This library web page is a gateway to many law sites: <http://guides.library.ubc.ca/leggov>

Some of them are listed below:

- Supreme Court of Canada: <http://scc.lexum.org/en/index.html>
- Criminal Code of Canada: <http://laws-lois.justice.gc.ca/eng/acts/C-46/>

- Centre for Elder Law Studies: <http://www.bcli.org/ccel>
- Community Legal Assistance: <http://www.clasbc.net/>
- Disability Law: <http://www.legaltree.ca/node/26>
- Aboriginal Law: <http://www.usask.ca/nativelaw/>
<http://www.bloorstreet.com/300block/ablawleg.htm> scroll down to Canada section

Course Assignments, Due dates and Grading:

First Assignment Due June 5th: Analysis of a BC Court of Appeal Decision or a Supreme Court of Canada decision that is relevant to social work practice. Detailed information about expectations will be handed out in class. 50%

Exam: during exam period. **Papers** for MSW students due June 30.

Course Schedule:

May 15: Introduction.

Chapters 1 and 2

- Discussion about course expectations.
- Beginning discussion of Canadian legal system, most relevant areas for social work and provincial and federal jurisdictions.
- What is law? What is the purpose of law? What is the Canadian foundation of law?
- Distinction between laws and regulations.
- Levels of Court.
- Canada's Charter of Rights and Freedoms
<http://laws-lois.justice.gc.ca/eng/>
<http://www.justice.gc.ca/eng/csj-sjc/ccs-ajc/>

May 17: Human Rights, Class Interests and the Law:

Chapter 2

Chesnay, Catherine T., Bellot, Céline, Sylvestre, Marie-Eve. (2013). Taming Disorderly People One Ticket at a Time: The Penalization of Homelessness in Ontario and British Columbia. *Canadian Journal of Criminology and Criminal Justice*, Vol. 55(2), pp. 161-185.

Chunn, Dorothy and Gavigan, Shelley A.M. (2004). Welfare Law, Welfare Fraud and the Moral Regulation of the 'Never Deserving' Poor. *Social and Legal Studies*. Vol. 13(2), 219–243.

Janet Mosher January 14, 2015. Canadian Forum on Civil Justice.
<https://vimeo.com/116693960>

Canadian Welfare Laws and Reports:
<http://www.canadiansocialresearch.net/welfare.htm>

May 24: Criminal Code

Law Commission of Canada: *What is a Crime? Challenges and Alternatives*.
<http://dalspace.library.dal.ca/bitstream/handle/10222/10301/What%20Is%20a%20Crime%20Discussion%20Paper%20EN.pdf?sequence=1>

Zinger, Ivan. (2016). *Human Rights and Federal Corrections: A Commentary on a Decade of Tough on Crime Policies in Canada*. *Canadian Journal of Criminology and Criminal Justice* Vol. 58.(4), p609-627.

Jung, Sandy; Ahn-Redding, Heather; Allison, Meredith. (2014). Crimes and Punishment: Understanding of the Criminal Code. *Canadian Journal of Criminology & Criminal Justice*. Vol. 56.(3), p341-366.

Gulayets, Michael. (2016). Exploring Differences between Successful and Unsuccessful Mental Disorder Defences. *Canadian Journal of Criminology & Criminal Justice*. 2016, Vol. 58.(2), p161-193.

Verdun-Jones, Simon N.; Butler, Amanda. (2013). Sentencing Neurocognitively Impaired Offenders in Canada. *Canadian Journal of Criminology & Criminal Justice*. Vol. 55. (4), p495-512.

May 29: Youth Justice

Chapter 8

Weinrath, Michael, Donatelli, Gavin and Murchison, Melanie J. (2016). Mentorship: A Missing Piece to Manage Juvenile Intensive Supervision Programs and Youth Gangs? *Canadian Journal of Criminology and Criminal Justice*. Vol. 58,(3). p322-353.

Sprott, Jane B. Sutherland, Jessica. (2015). Unintended Consequences of Multiple Bail Conditions for Youth. *Canadian Journal of Criminology & Criminal Justice*. Vol. 57,(1), p59-82.

Green, Ross. (2015). Where the Systems Collide: Youth Court, Child Protection, Interdisciplinary Approaches, and Section 35 Reports. *Canadian Criminal Law Review* Vol.19,(1) p 21-25.

Sprott, Jane B. (2012). The Persistence of Status Offences in the Youth Justice System *Canadian Journal of Criminology & Criminal Justice*. 54,(3), 309-332.

Greene, Carolyn, Sprott, Jane B., Madon, Natasha S. Jung, Maria. (2010). Punishing Processes in Youth Court: Procedural Justice, Court Atmosphere and Youth's Views of the Legitimacy of the Justice System. *Canadian Journal of Criminology & Criminal Justice*. 52, (5) p527-544.

May 31 : Victims in the Criminal Justice System:

Chapter 9

Manikis, Marie and Roberts, Julian. (Apr 2011). Recognizing Ancillary Harm at Sentencing: A Proportionate and Balanced Response. *Canadian Criminal Law Review*. Vol.15, (2) p 131-144.

Anderson, Kristin L. (2015). Victims' Voices and Victims' Choices in Three IPV Courts. *Violence Against Women*. Vol. 21(1) 105–124.

Grubb, Amy, Turner, Emily. (2012). Attribution of blame in rape cases: A review of the impact of rape myth acceptance, gender role conformity and substance use on victim blaming. *Aggression and Violent Behavior* Vol. 17 443–452.

Van Camp, Tinneke and Wemmers, Jo-Anne. 2016. Victims' Reflections on the Protective and Proactive Approaches to the Offer of Restorative Justice: The Importance of Information. Vol. 58 (3), p415-442.

Perrin, Benjamin, 2014. Oldest Profession or Oldest Oppression? Ebook. Ottawa: Macdonald-Laurier Institute for Public Policy

June 5 Child Protection and Adoption and Surrogacy Law :

Chapter 4 and 5

Child, Family and Community Service Act [RSBC 1996]
Chapter 46

http://www.bclaws.ca/Recon/document/ID/freeside/00_96046_01

Representative for Children and Youth:
<https://www.rcybc.ca/>

June 7: Canadian Law and Aboriginal People

Tibbits, Janice. (2013). Aboriginal Law Rising. Canadian Lawyer Magazine.
<http://www.canadianlawyermag.com/4601/Aboriginal-law-rising.html>

Friedland, Hadley (2012). Reflective Frameworks: Methods for Accessing Understanding and Applying Indigenous Laws. *Indigenous Law Journal*. Vol. 11,(1).

Supreme Court of Canada Cases Involving Aboriginal Peoples:
<http://www.lib.sfu.ca/help/research-assistance/subject/criminology/legal-information/indigenous-scc-cases>

Dickson-Gilmore, Jane. (2014). Whither Restorativeness? Restorative Justice and the Challenge of Intimate Violence in Aboriginal Communities. *Canadian Journal of Criminology & Criminal Justice*. Vol. 56 (4), p417-446

Jeffries, Samantha; Stenning, Philip. (2014). Sentencing, Aboriginal Offenders: Law, Policy, and Practice in Three Countries. *Canadian Journal of Criminology & Criminal Justice*. Vol. 56 (4), p447-494.

June 12: Health and Mental Illness:

Chapter 7.

Guide to the Mental Health Act:

www.health.gov.bc.ca/library/publications/year/2005/MentalHealthGuide.pdf
http://www.viha.ca/NR/rdonlyres/5CACE7D4-86ED-4403-886D-387DC6A4EBF2/0/mental_health_act_learning_module.pdf

Davis, Krista M., Peterson-Badali, Michele, Weagant, Brian, Skilling, Tracey A. A Process Evaluation of Toronto's First Youth Mental Health Court. (2015). *Canadian Journal of Criminology and Criminal Justice*, Vol. 57, (2), pp. 159-187.

Disability and Substitute Decision Making: Chapter 6.

Substitute Decision Making and Incapacity Planning:

<http://www2.gov.bc.ca/gov/content/family-social-supports/seniors/financial-legal-matters/substitute-decision-making>

Public Guardian and Trustee:

<http://www.trustee.bc.ca/services/services-to-adults/Pages/healthcare-decisions.aspx>

Emergency Room Medicine:

<http://www.cbc.ca/radio/thecurrent/the-current-for-april-13-2017-1.4068055/from-toronto-to-addis-ababa-life-lessons-from-an-er-doctor-1.4068098>

June 14: Marriage and Divorce:

Chapter 3

<http://www.familylaw.lss.bc.ca/>

<http://www.thecanadianencyclopedia.ca/en/article/marriage-and-divorce/>

<http://www.cbc.ca/radio/thecurrent/the-current-for-february-21-2017-1.3991287/how-two-friends-fought-to-be-legal-co-mommas-to-a-7-year-old-boy-and-won-1.3991307>

Barbeau v. British Columbia (Attorney General), 2003 BCCA 251

June 19: Immigration:

Chapter 10.

Citizenship and Immigration Canada Website: <http://www.cic.gc.ca/english/index.asp>

Pratt, A. (2010). Between a Hunch and a Hard Place: Making Suspicion Reasonable at the Canadian Border. *Social and Legal Studies*. Vol. 14. 461.

Aliverti, A. (2012). Exploring the Function of Criminal Law in the Policing of Foreigners: The Decision to Prosecute Immigration-related Offences. *Social and Legal Studies*.

Vol. 21. 511.

Kaye, Julie; Winterdyk, John; Quarterman, Lara. (2014). Beyond Criminal Justice: A Case Study of Responding to Human Trafficking in Canada. *Canadian Journal of Criminology & Criminal Justice*. Vol. 56, (1).

Human Trafficking in Canada: <http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ntnl-ctn-pln-cmbt/index-eng.aspx>

<http://www.cbc.ca/radio/thecurrent/the-current-for-february-22-2017-1.3992510/canadians-will-welcome-you-refugees-begin-long-trek-north-via-mexico-1.3992563>

<http://www.cbc.ca/news/canada/manitoba/human-traffickers-going-unpunished-in-canada-experts-say-1.2584944>

June 21: Social Workers as Experts and Regulation of Social Workers:
Chapters 11 and 12.

<http://www.cbc.ca/radio/thecurrent/the-current-for-april-17-2017-1.4071273/saskatchewan-nurse-fights-26k-fine-for-criticizing-grandfather-s-care-on-facebook-1.4071276>

<http://www.cbc.ca/radio/thecurrent/the-current-for-april-10-2017-1.4061220/patients-speak-out-about-doctors-accused-of-sexual-impropriety-still-being-allowed-to-practice-1.4061369>

June 26: Exam period

Course Policies:

- ◆ **Students who miss more than 3 classes may be refused the right to hand in a final assignment. Attendance sheets must be signed during each class.**
- ◆ **Academic Dishonesty: Please read the UBC Calendar on the subject of academic regulations and the University's policies on plagiarism.**
- ◆ **Students must retain a copy of all work submitted in case of loss or if the need for a Review of Assigned Standing arises (See Academic Regulations, UBC Calendar). Students have the right to view their marked examinations with their instructor, providing they apply to do so within a month of receiving their final grades. This review is for pedagogic purposes. The examination remains the property of the university.**
- ◆ **.Students with ability/disability issues are encouraged to inform the instructor of these issues at the beginning of the course so that appropriate accommodations can be made for them. The University accommodates students with disabilities who have registered with the Disability Resource Centre.**
- ◆ **The University accommodates students whose religious obligations conflict with attendance, submitting assignments, or completing scheduled tests and examinations.**

Please let your instructor know in advance, preferably in the first week of class, if you will require any accommodation on these grounds.

- ◆ Students who plan to be absent for varsity athletics, family obligations, or other similar commitments, cannot assume they will be accommodated, and should discuss their commitments with the instructor before the drop date.
- ◆ Late Assignments: Extensions are granted only in cases of personal illness or family issues and not because of academic workload or conflicts. Extensions must be requested in advance of the due date of the assignment
- ◆ Participation is expected of all students beyond simple attendance. Students are expected to read all of the assigned readings before every class and to come to class prepared to discuss the material.
- ◆ Students who use electronic devices to aid in their learning process (e.g. laptop computers) must have the permission of the instructor to use the device and, if permission is granted, must have the wireless capacity of the device turned off.
- ◆ All cell phones must be turned off.

ASSIGNMENTS

Submitting Assignments-

Assignments should be submitted by email to the instructor

Return of marked student assignments -

The instructor will mark assignments on-line (with track changes) and return to the student on-line.

GRADING CRITERIA:

Letter Grade	Percent Range	Mid-Point	
A+ A A-	90-100 85-89 80-84	95 87 82	Represents work of exceptional quality. Content, organization and style are all at a high level. Student demonstrates excellent research and reference to literature where appropriate. Also, student uses sound critical thinking, has innovative ideas on the subject and shows personal engagement with the topic.
B+ B B-	76-79 72-75 68-71	77.5 83.5 69.5	Represents work of good quality with no major weaknesses. Writing is clear and explicit and topic coverage and comprehension is more than adequate. Shows some degree of critical thinking and personal involvement in the work. Good use of existing knowledge on the subject.
C+ C C-	64-67 60-63 55-59	65.5 62.5 57	Adequate and average work. Shows fair comprehension of the subject, but has some weaknesses in content, style and/or organization of the paper. Minimal critical awareness or personal involvement in the work. Adequate use of literature.
D	50-54	52	Minimally adequate work, barely at a passing level. Serious flaws in content, organization and/or style. Poor comprehension of the subject, and minimal involvement in the paper. Poor use of research and existing literature.
F	0-49		Failing work. Inadequate for successful completion of the course or submitted beyond final date of acceptance for paper.

