

Pre-Law

A Lesson Plan from Rights, Respect, Responsibility: A K-12 Curriculum

Fostering responsibility by respecting young people's rights to honest sexuality education.

NSES ALIGNMENT:

SH.8.INF.2 – Describe the state and federal laws related to age of consent, minors' ability to consent to health care, confidentiality in a healthcare setting, child pornography, sexting, safe haven, and sex trafficking

SH.8.CC.10 – Describe the state and federal laws related to minors' access to sexual healthcare services, including pregnancy and STD/HIV prevention, testing, care, and treatment

TARGET GRADE: Grade 7

TIME: 50 Minutes

MATERIALS NEEDED:

- Laptop
- LCD Projector
- Screen
- L ½ Glossary handout (one for each student)
- Manilla envelopes (labeled and prepared in advance)
- State specific law handout on age of consent and minor's rights to healthcare
- Stop watch – the larger the better so all students have access

LEARNING OBJECTIVES:

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

1. Describe the state and federal law related to age of consent [Knowledge]
2. Identify local laws related to confidentiality in sexual health care [Knowledge]

LESSON RATIONALE:

Identifying national and local laws related to sexual health and services ensures that young people have the ability to make informed decisions instead of allowing life and legal repercussions to happen to them. This lesson provides an experience for the students to understand the content and then apply it to multiple scenarios to truly understand the content.

ADVANCE PREPARATION:

Prior to the class check in with the school counselor to see which students have had any interaction with the legal system whether that be themselves or a family member. Privately connect with the student in advance to see if participating in the class which would include a mock trial would be a comfortable experience for them. If not, please secure a safe place for the student to pass on the lesson.

Using the following websites and instructions, locate your state and identify the age of consent and also how much confidentiality minors are entitled to within your state as a full class. Put both sets of information on a print out for each student to use when completing their mock trial.

Age of Consent by State - <https://www.ageofconsent.net/states>

Minor's Right to Healthcare Confidentiality – Utilize this printer friendly chart from Guttmacher or share the data specifically for your state with your students - <https://www.guttmacher.org/print/state-policy/explore/overview-minors-consent-law>.

To create a fun and engaging environment for the lesson you can do the following to make the experience feel truly immersive. You can set out name tags for the students that are labeled as L ½ Student: (enter name). Law students are typically referred to as L 1, 2, or 3 depending on what year of study they are completing in the three-year course of study. Additionally, you can have name tents or name tags for the jurors and judge for later in the class. If students want to dress up for the class provide advance notice and multiple reminders to wear

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their most powerful outfit. The lesson includes a mock trial so any props or related items (ex: gavel, lade justice, etc.) to help create an immersive experience would be great.

PROCEDURE:

STEP 1:

Begin the class by welcoming students to their first day of Pre- Pre- Law. Say something like, **"Today we are going to role play as if it is the first day of 7th grade law school and all of you are the newest students at the 3Rs Law school for health equity. Congratulations! As new law students it is important to get a strong foundation in the federal laws – which are laws for the entire United States as well as state laws – which are laws created by and for the state that we live in. Today we will be taking a close look at two areas: laws around the age of consent and laws to establish confidentiality when seeing a healthcare provider. Law students are called L1, 2, or 3 depending on what year of their studies they are in and since you aren't technically in law school and this is a prep class we are going to consider all of us L1/2 students. So, L1/2 law students let's jump in."**

(2 minutes)

STEP 2:

Using the provided Power point advance to Slide 2 and explain the following by saying, **"Before we focus on age of consent and confidential health care laws, we need to make sure we understand the difference between federal and state law. Federal laws apply to every state in the United States. An example of this would be the legal age to buy alcohol is 21 no matter where you live in the US. A state law would be one that would only apply within that specific state. For example, there are some states that require that all students receive sex education. There are also some states that do not require students receive sex education, so in those states each school does what it thinks is best. Typically, the state laws explain what people in that state can or cannot do."** Ask students if they have any questions on the difference between a federal and state law.

Once clarity has been established, pass out a L1/2 glossary handout to each student and continue by saying, **"Being a law student means a lot of reading and writing. In order to do that we must create a glossary or book of terms that we can refer to in order to make strong cases. Please find an elbow partner to work with for this next activity. On the screen (Advance to Slide 3) I have projected a Word bank. You and your partner are to match those terms with your L ½ worksheet to create a glossary of legal terms. I will make my way around the room to help as needed. Feel free to use computers or resources to find the correct answers. Get to work."**

Once students have matched their terms, use the power point Slides 4-12 to review their answers. The terms the students will be matching include: age of consent, confidential, provider – patient privilege, child pornography, sexting, safe haven, and sex trafficking. Say, **"Great work, keep your glossary near you as a reference. We all have a strong foundation and now we will take a look at how these terms fit in with the laws we have nationally and then in our state."**

(10 minutes)

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STEP 3:

Say something like, **“Okay let’s look at our two areas of focus today: age of consent and confidentiality when visiting healthcare providers. Federally, there are guidelines on age of consent that provide a range for states to designate their specific age of consent. Federally, no state will have an age lower than 12 or higher than 18.”**

“As for a minor’s right to confidentiality when seeing a healthcare provider there are not any clear federal laws on whether a person under the age of 18 is entitled to confidentiality and instead that is left up to the states to make their own laws. In order to give you more time for your trial, I have found our state’s laws on these two areas.”

Pass out the Pre-Law State Card you created for your specific state to each student. Invite student’s to look it over and ask any questions they might have.

(2 minutes)

STEP 4:

Say, **“Each of you have a clear understanding of our state’s laws around consent and confidentiality. Now it is time to apply everything that we learned by participating in our mock trial. We will have three types of volunteers: one judge, six attorneys, and everyone else will serve as a juror. The judge will hold the attorneys responsible to the laws and the terminology, the attorneys will be responsible for using their glossary and understanding of our state law to create and share their position, and the jurors will be responsible for deciding which legal team makes the strongest argument. Can I get 6 volunteers to serve as attorneys? Can I get a volunteer to serve as judge?”**

“We have six attorneys who will work in teams of three. The Plaintiff attorneys will be arguing on behalf of the state and the Defendant attorneys will be arguing on behalf of a client. Both teams, the plaintiff and defendant attorneys need to prepare a four-minute argument about why their side is correct so they are prepared to present when it is their turn. We will not have anyone playing the role of client and instead we will just act as if they requested to not be in court for the trial. Our judge is going to sit at the front of the class. The two sets of attorneys are going to be seated on opposite sides of the class, and the jurors are together in a large group. Please follow the instructions provided which asks the judge to begin the process by reading the scenario to the full class. The plaintiff attorney group will go first and share their four-minute argument for the scenario and then the defendant attorney group will have four minutes to share their argument against the scenario. Each set of attorneys will then have one minute to share a closing statement. The jurors will be given four minutes to deliberate, discuss, and select the strongest argument which will then be shared by the judge.”

Ask the students to break into their groups, have the judge sit in one area of class, have the plaintiff attorneys to sit together in a group of three and the defendant attorneys sit together in a group of three, and the jurors sit together. Distribute the packets labeled for each group and give them ten minutes to prepare for trial.

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NOTE TO THE TEACHER: Each packet includes copies of the “case”, a description of the role served, instructions unique to each role, and probing questions to consider during the process.

(15 minutes)

STEP 5:

After allowing the students time to prepare, call the court to attention. Point out the stop watch for all students to keep an eye on during the trial. If you have a large class you can even ask for a student volunteer to serve as the time keeper.

As a reminder, have the judge sit at the front of the class. The two sets of attorneys on opposite sides of the class, and the jurors in a large group. Allow the students to follow the instructions provided which asks the judge to begin the process by reading the scenario to the full class. The plaintiff attorney group will go first and share their four-minute argument for the scenario and then the defendant attorney group will have four minutes to share their argument against the scenario. Each set of attorneys will then have one minute to share a closing statement. The jurors will be given four minutes to deliberate, discuss, and select the strongest argument which will then be shared by the judge. Assist the students by keeping an eye on time limits and answering questions when needed.

(20 minutes)

STEP 6:

In closing say, **“As we have seen today during our class, laws can serve multiple roles and make an impact in our lives in a big way. By understanding the laws in our states, we are prepared to access healthcare and engage with others in a way that protects us. Thank you for your hard work and you have officially graduated from the seventh grade 3Rs Law School for Health Equity.”**

(1 minute)

RECOMMENDED ASSESSMENT OF LEARNING OBJECTIVES AT CONCLUSION OF LESSON:

Objectives 1 and 2 are completed in Steps 2 and 3. The objectives are then applied in Step 4 and the homework.

OPTIONAL HOMEWORK:

Write a journal entry detailing your thoughts around the class mock trial. What are you still thinking about? What are you feeling? How could these laws impact the lives of young people like you and your friends? What do you want to know more about concerning these laws?

L 1/2 Glossary

1. _____ the age in which a person can legally provide consent to sex.
2. _____ To keep from others. Specifically, keep information from others as a trusted source.
3. _____ A healthcare provider not sharing medical information about their patient without their permission. The level of privilege varies state to state on what a healthcare provider can keep confidential when treating someone under the age of 18.
4. _____ Sending OR receiving sexually explicit images or messages through a phone or tablet device.
5. _____ Sexually explicit image of any person under the age of 18 years old.
6. _____ law that allows a parent to surrender a child within a specific time frame to a trusted adult in a specific location (ex: a fire station or hospital) instead of abandoning the infant. As long as the infant does not have any signs of abuse a parent can surrender the infant without being in any trouble.
7. _____ When a person is forced to have sex with others through acts of intimidation or coercion.

Mock Trail Scenarios

Note to the Teacher: *Scenario 2 is for a state that has laws that has minimal or no laws about confidentiality. Select the scenario that best meets the description of your state's laws, then print and place a copy in each manila envelope.

1. SCENARIO FOR CASE:

A 15-year-old student started dating a 17-year-old student. They met online and attend different high schools. The younger student lied and said that they were 17 years old. The two are in love. The 15-year old's parents are not supportive of the relationship and told their child they are not allowed to date the older student.

The two teens continue to see each other and even make plans to attend prom.

After the dance, the 15-year old's parents find the two having sex at a local party.

The parent's have pressed charges against the 17-year-old student.

Client: 17-year-old patient

Law in question: Age of Consent

2. SCENARIO FOR CASE:

A new doctor who works with young people moved to your state after completing their training. They joined an office and are so excited to start seeing patients.

After their first day at work, the office gets a phone call from an angry parent because their kid went to the clinic without their permission. The new doctor politely explained that because of patient provider privilege they would be unable to share anything discussed during the visit without the permission of the patient. The office is threatening to fire the doctor if they do not disclose what happened in the visit to the parent.

Client: The healthcare physician

Law in question: Confidentiality rights for minors when seeing a healthcare provider

Judge Packet

YOUR ROLE:

As the judge, you will hold the attorneys responsible to the laws and the terminology. If they need support with understanding and using any of the terms from the class use your glossary to assist them. You also will help organize the trial. Use the instructions below to help keep the trial on task.

STEP 1: Read the following – “Welcome to court, I am Judge (enter your name). Today we have an interesting case. Let me share some background information.” Read the scenario out loud to the class. Then say, “Each side will have four minutes to share their prepared arguments and then one minute each for closing statements. Then the jurors will discuss and decide who has the strongest argument. Plaintiff attorneys you are up first and you have four minutes.”

STEP 2: After four minutes thank the plaintiff side for their argument and then invite the defendant attorneys to share their prepared arguments. Say, “Defendant attorneys you are now up to share your prepared argument. You have four minutes.”

STEP 3: After four minutes thank the defendant side for their argument.

STEP 4: Ask the plaintiff side to share their closing statement. They have one minute to do so.

STEP 5: Ask the defendant side to share their closing statement. They have one minute to do so.

STEP 6: Thank both sides and then ask the jurors to find a space in the class to discuss and decide on who had the strongest argument. Explain that the decision will be a majority rule which means that the team with the most votes will win. They have four minutes to discuss and decide.

STEP 7: After four minutes ask the jurors if they have come to a decision. If they have unanimously decided which side made the strongest argument ask them to share and rule in that side's favor. If they have not unanimously decided declare a hung jury which means that a decision could not be made.

Plaintiff Attorney Packet

YOUR ROLE:

Your job as the plaintiff attorneys is to defend the state's law. Use the law of your state and your glossary to clearly explain how the defendant is violating the law. Your argument should be clear and based on facts. You only have 4 minutes to state your case. The questions below can be used to help you create an argument in favor of the law.

QUESTIONS TO CONSIDER:

1. Why are laws created?
2. Who creates the laws?
3. What is the purpose of the laws created?
4. If the law did not exist how would it impact the people in the state?
5. Does the law need amendments (or to be changed/updated)?
6. Did the defendant follow the law?

Defendant Attorney Packet

YOUR ROLE:

Your job as the defendant attorneys is to defend the rights of your client. Use the law of your state and your glossary to clearly explain how the defendant is violating the law. Your argument should be clear and based on facts. You only have 4 minutes to state your case. The questions below can be used to help you create an argument in favor of the law.

QUESTIONS TO CONSIDER:

1. What was your client trying to do? What was their intention?
2. Does your client have a right to what they are seeking?
3. Does the current law infringe on your client's rights?

Juror Packet

YOUR ROLE:

As a juror it is your job to listen to both sides of the argument with an open mind. You should not decide prior to hearing both sides. After the arguments and closing statements are shared you and your fellow jurors will discuss together who had the strongest argument and why. You then as a group can take a vote.

The decision will be made on a majority rule so whichever team has the most votes wins the argument. After discussing, voting, and counting the votes share that information with the judge.