

The Lake Assignment

<https://thisiscriminal.com/episode-117-the-lake-6-21-2019/>

This podcast focuses on child neglect, social justice, and the nurse's role in involving the state. After listening, answer the following questions completely. You must include at least 1 scholarly source within the last 5 years that addresses child abuse or removing children from parental custody to support your opinion in at least one of the questions. This source must be properly cited with in-text citations and the full citation must be provided in APA format. **Total word-count for this assignment is to be no less than 600 words** (this only applies to the content of your answers, not the questions or citations).

1. Do you think that investigators (DCFS/police) made assumptions based on the social status of Amanda and Maurice?

I think that the police and DCFS did make assumptions based on Amanda and Maurice's social status. Regarding the police, I draw my conclusion based on recordings of their interviews with Amanda. In one interview, the investigator offers two unflattering scenarios of how Amanda is perceived: either as a "cold, calculated, murderous bitch" or a young, disadvantaged mother who was manipulated by a predatory boyfriend into a scheme to kill her children (Alexander, 2019). The implicit message is that investigators assume that Amanda knew her kids would be harmed and only question whether her participation in the plan was active or a product of coercion. Both theories make requisite assumptions about Amanda and Maurice's social status; either Amanda was motivated to kill her children to improve her low economic station or was a vulnerable single mother easily bullied by Maurice. At trial, the prosecution painted Maurice as a person who prioritized drug use, philandering, and avoiding work by exploiting his girlfriend (Alexander, 2019).

Regarding DCFS, acting under a doctrine of anticipatory neglect necessarily implies an assumption that Amanda's children are likely to be at risk due to previous events or existing circumstances. While the events in 2003 appear to be the major determinant, factors related to Amanda's social status also explicitly come into play (Alexander, 2019). Specifically, the State of Illinois concerns itself with Amanda's history of drug use and her pattern of entering abusive relationships (Alexander, 2019).

2. Based on your knowledge of psychotropic medications, do you think it was appropriate for investigators to interrogate Amanda after she received 3 different medications while admitted in an inpatient psych unit? (this occurs around 11 mins in).

My instinct is that it was not appropriate, with the caveat that we do not know which medications or dosages she received. Given the totality of the circumstances, it is difficult for me to envision a scenario where her statements' reliability is not questionable. Polypharmacy increases the risk of adverse drug reactions, and psychotropic medications can cause neurological effects and mental status alterations (Cantlay et al., 2016; Jones & Bartlett Learning, 2019). Furthermore, studies have established that psychological stress negatively influences the reliability of testimony (O'Mara, 2018). Thus, in the absence of evidence that

Amanda was lucid during her testimony, I must conclude that it is possible, if not likely, that her cognitive faculties were impaired.

3. Based on Maurice's testimony (about 15 mins in) regarding his behavior with Amanda's children, do you think he was acting maliciously or using poor judgment during the day of the accident?

I think that Maurice was both acting maliciously and using poor judgment. If we take Maurice at his word, he deliberately parked the car on a boat ramp for the sake of a prank on Amanda's children (Alexander, 2018). In doing so, he exercised poor judgment by engineering an unnecessarily risky situation. The prank's nature, which was to scare young children into believing he would drive the car into the water, is inherently malicious; Maurice intended to evoke fear and distress (Alexander, 2019). However, while I believe that Maurice acted negligently and that his behavior was malicious, I also do not think that there was sufficient evidence to conclude that he intended to kill the children.

4. Do you think there was a racial bias that impacted Maurice's sentence more than Amanda's?

I do not have enough information to make a firm conclusion. The statements by Amanda's defense attorney are speculative (Alexander, 2019). Furthermore, I cannot enter the mind of the judge that sentenced Maurice. I recognize that the literature supports a general conclusion that racial bias against African Americans in criminal sentencing exists (Exum, 2020). However, I also think that even if we take Maurice and Amanda entirely at their word that Maurice bears greater immediate responsibility for the deaths of the children than Amanda. Maurice, not Amanda, decided to park the car on the boat ramp for the sake of a prank (Alexander, 2019). Thus, it stands to reason that Maurice should have received a greater sentence than Amanda.

5. Since Amanda was convicted of child endangerment, do you think she has the right to have additional children after serving her time in prison?

While I question the wisdom of Amanda's choice to have more children, I do not dispute that she had a right to do so. In support of my conclusion, I look to legal precedent. The United States Supreme Court held in *Skinner v. Oklahoma* that procreation is a negative right (Mutcherson, 2017). In that case, the Court asserts that the right to procreate is innate and that it is unconstitutional for the government to take action to curtail it by, for example, compulsory sterilization (Mutcherson, 2017). I would note that a right to procreate is not equivalent to a guarantee that government agencies will not pursue the removal of children from their parents in the interest of promoting the child's well-being. However, it has been well established in judicial precedent that the state is obligated to justify doing so (Sen et al., 2020).

6. Do you think the hospital staff had the right to notify DCFS that Amanda Hamm had more children? What about the father's rights?

Hospital staff has not only a right but, as mandatory reporters, an obligation to notify DCFS when they believe children may be in danger (Geiderman & Marco, 2020). In many states a failure to report suspected child abuse can carry criminal penalties for the healthcare provider (Geiderman & Marco, 2020). Provided that the reporting hospital staff acted in good faith, they were ultimately acting per professional standards. Furthermore, mandatory reporters generally enjoy immunity from civil liability related to reporting suspected abuse (Geiderman & Marco, 2020).

As discussed by the attorney in the podcast, the state prioritizes children's interests over their parents' interests (Alexander, 2019). Although the Supreme Court recognizes a parent's right to direct their children's upbringing and views familial liberty as an intrinsic right, courts also recognize that these rights can be infringed, provided due process, if justified (Sen et al., 2020). While the impetus for the involvement of DCFS was Amanda's history rather than Leo's, Amanda and Leo are married and share a home (Alexander, 2019). My interpretation is that, so long as Amanda and Leo are together, staying with Leo would implicitly mean the children have exposure to Amanda. Thus, whether Leo himself represents a risk to his children is irrelevant; the state need only consider the implications living with Amanda could have for the children.

7. What is your opinion on "anticipatory neglect" in this case? Do you think that the courts ruled in the benefit of the Hamm-Ware children in this case?

I believe that the doctrine of anticipatory neglect has legitimate and proper use. As the DCFS attorney in the podcast explains it, the state should not wait until actual harm occurs to intervene when there is reason to believe that the risk of harm is significant (Alexander, 2019). For example, if parents abuse one child in a home with several children, it is reasonable to assume that the other children are at risk for abuse. However, in this case, I believe the state acted too hastily and tests the limits of credulity. When DCFS initially acted to remove the children from the Ware home, they did so solely based on Amanda's conviction stemming from involvement in the 2003 incident at Clinton Lake, which, by that point, occurred over a decade ago (Alexander, 2019). Amanda and Leo had two other children at the time and had not had any prior DCFS complaints against them.

Whether removal from the Hamm-Ware home was beneficial for the children is a complicated question. On the one hand, significant life changes such as child's separation from their parents are stressful and potentially traumatic (Trivedi, 2019). On the other hand, the DCFS investigation after the initial complaint raises several findings that cause me to question if the Hamm-Ware household is a healthy environment for children. First, Leo failed at least one drug test while the DCFS hearings were occurring (Alexander, 2019). Taking a risk like using drugs when he knew that his parental rights hang in the balance forces me to wonder if Leo has problems with impulse control or if his problems with substance abuse are severe enough that they could affect the lives of his children. Secondly, Leo had hit Amanda on at least one occasion, which, taken into consideration with his criminal history, again raises concern for impulse control and anger management problems (Alexander, 2019). Ultimately, I believe

whether the Ware children benefitted from being removed from the home depends on their subsequent home's quality. If that environment is a stable and loving one, free from parental issues with substance abuse or domestic violence, I would say that the children benefitted.

References

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The Lake Assignment Rubric N433: Clinical Learning Activity

Minimum Word Count: 600 words

CRITERION	POOR	FAIR	GOOD
<p>-Concise and Complete</p> <p><i>Total Weight- 3 points</i></p>	<ul style="list-style-type: none"> - Content is incomplete. - Major points are not clear and /or persuasive <p>Weight-1 point</p>	<ul style="list-style-type: none"> - Content is not comprehensive and /or persuasive. - Major points are addressed, but not well supported. - Research is inadequate or does not address course concepts. <p>Weight- 2 points</p>	<ul style="list-style-type: none"> - Content is comprehensive, accurate, and persuasive. - Major points are stated clearly and are well supported. - Content and purpose of the writing are clear. <p>Weight- 3 points</p>
<p>Thoughtful Reflection- How will this affect your practice or will it?</p> <p><i>Total Points- 10 points</i></p>	<ul style="list-style-type: none"> - Paper lacks many elements of correct formatting. - Paragraphs are inadequate or excessive in length. -Unspecific as to how simulation meets learning objectives. <p>Weight- 1 point</p>	<ul style="list-style-type: none"> - Paper follows most guidelines. - Paper is under word length. -Lacks some specifics as to how simulation meets learning objectives. <p>Weight- 5 points</p>	<ul style="list-style-type: none"> - Paper follows designated guidelines. - Paper is the appropriate length as described for the assignment. -States clearly as to how simulation meets learning objectives. <p>Weight- 10 points</p>
<p>APA Format Correct spelling/Grammar.</p> <p>At least 1 scholarly reference required.</p> <p><i>Total Weight- 10 points</i></p>	<ul style="list-style-type: none"> -Lack of APA format. -Paper contains numerous grammatical, punctuation, and spelling errors. - Language uses jargon or conversational tone -Lack of APA citation use and Reference page if references used. <p>Weight- 1 point</p>	<ul style="list-style-type: none"> - Inappropriate APA format. - Paper contains few grammatical, punctuation and spelling errors. - Language lacks clarity or includes the use of some jargon or conversational tone. -Inappropriate APA citation use and Reference page if references used. <p>Weight- 5 points</p>	<ul style="list-style-type: none"> -Correct APA format. -Rules of grammar, usage, and punctuation are followed; spelling is correct. - Language is clear and precise; sentences display consistently strong, varied structure -Correct APA citation and reference page if references used. <p>Weight- 10 points</p>
<p>Paper submitted to dropbox within 72 hours of the simulation experience.</p> <p><i>Total Weight- 2 points</i></p>			<ul style="list-style-type: none"> -Paper submitted to dropbox on time. <p>Weight- 2 points</p>

Total Points: _____