

EDITOR'S NOTE

It is my privilege to introduce the Winter 2009 issue of the *Journal of Juvenile Law & Policy*. Now in its thirteenth year of publication, the *Journal* continues to provide a unique medium for enhancing the body of scholarship surrounding juveniles and the law. As exemplified by the articles in this issue, juvenile law is a continually expanding and diverse field. Furthermore, as each of these articles displays, there is a tremendous immediate, emotional, and substantive impact created by changes and development in juvenile law. It is an area of law rooted in the efforts to better humanity, and thus necessitates constant observation, modification, and analysis.

The first piece in this issue is *Raising the Cut-Off: The Empirical Case for Extending Adoption and Guardianship Subsidies from Age 18 to 21* by Mary Eschelbach Hansen of American University and Josh Gupta-Kagan of the Children's Law Center in Washington D.C. Their research analyzes age cut-offs under current federal and state law surrounding adoption subsidies, with a focus on the disparities that result. The analysis provides a thorough and compelling argument of the benefits of raising subsidy cut-offs to 21.

Pamela Foohey, a Post-Graduate Fellow at Harvard University analyzes a major oversight in current child support guidelines: the struggle for parents to pay the costs. Her article, titled *Child Support And (In)ability to Pay: The Case For The Cost Shares Model* provides an argument for change to child support guidelines. She displays payment characteristics that support the contention that lower child support obligations increases the likelihood that parents will actually make an effort to fulfill their obligations.

The third article, written by William Wesley Patton, Associate Dean and Professor of Law at Whittier Law School provides a thorough analysis of the wake of the *Chapman v. California* "beyond a reasonable doubt" standard for harmless error in child dependency proceedings. In his article, *To Err Is Human, To Forgive, Often Unjust: Harmless Error Analysis in Child Abuse Dependency Proceedings*, Professor Patton

conducts a thorough examination of the *Chapman* standard, as well as the wisdom and legality a lower standard. It is his ultimate conclusion that the *Chapman* standard should be retained.

The final article in this issue, *Unpacking the Package Theory: Why California's Statutory Scheme for Terminating Parental Rights in Dependent Child Proceedings Violates the Due Process Rights of Parents as Defined by the United States Supreme Court in Santosky v. Kramer*, is written by Konrad S. Lee, and Matthew I. Thue. This article examines the United States Supreme Court holding in *Santosky v. Kramer* that a "clear and convincing evidence" standard is necessary under due process in allegations underlying an order to terminate parental rights in custody proceedings, putting it side by side with California's statutory scheme, which seemingly lowers the burden of proof in California courts. Using thorough, thoughtful, and careful analysis, Lee and Thue argue that California's current statutory scheme stands in violation of *Santosky v. Kramer*, thus creating a due process violation in California custody proceedings.

A sincere thank you to the authors and contributors to this issue. An additional thank you to the journal staff, and the supportive faculty of University of California, Davis School of Law.

Yours Truly,

Robert Richard Gower
Editor-in-Chief