

# State of Iowa v. Grandparents

## Mock Trial

### History Through the Arts



ANNIE TURNER WITTENMYER

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## **Instructions for Moderators**

Moderators may be non-lawyers. This program is for middle school through high school students. Moderators will set up the room with 2 counsel tables, a judge's bench, clerk's station, and witness chair. Place the exhibits on the bench.

You are here to facilitate the mock trial and jury deliberations. You will have about 20 minutes for the trial, 10 minutes for deliberations, and 10 minutes for discussion and questions.

Once your group arrives, please do the following:

1. Assign roles. Don't ask for volunteers (takes too long, and causes confusion). Ask the students if they are comfortable reading out loud, if not, find someone else. Try to balance the number of roles between boys and girls. Anyone not selected for a role in the trial is a juror, so everyone will get to do something.

2. Hand out scripts to each cast member (the scripts are highlighted with the person's part). Give any hats, props, etc., to the correct witness.

3. Seat the attorneys, parties and witnesses at the counsel tables.

4. Have the judge go to the back of the room to put on the robe. Then, when court is announced (clerk bangs gavel), the judge comes forward and sits at the bench.

5. Attorneys are free to use the exhibits during opening and closing arguments. Help the attorneys/witnesses show and pass the exhibits to the jurors during relevant testimony (keep testimony going while the exhibits are passed around).

6. After closing arguments, have jury deliberate. If group is large, split into two or more panels. If the mock trial participants or adults in the room want to deliberate too, that's fine. But the verdict should be the result of the kids' discussion.

7. After verdict returned, answer any questions the students have, or use the discussion questions until your time is up. The students would also like to hear a short biography about you, and why you think being a lawyer is a good career.

## ANNIE WITTENMYER MOCK TRIAL SCRIPT

### **Cast:**

Judge:	The Honorable Judge Smith
Clerk of Court:	
Plaintiff's Attorney:	J.S. Brown
Defense Attorney:	C.L. Jones
Plaintiff's Witness:	Director of Annie Wittenmyer Home
Plaintiff's Witness:	Doctor Larson
Defense Witness:	Grandparent Richards
Defense Witness:	Teacher

### **About this case (Moderator reads or summarizes the following):**

In 1861, the Civil War began. Many men had to leave their homes and families to fight in the war. Many women also left home to be nurses in the war. Many people died during the war, leaving their children without a father or a mother. The children who lost both parents were orphans.

These orphans had only three options. One option was for their grandparents or other family members to take care of them. The second option was for the orphans to be adopted by another family. But some families made adopted orphans work hard every day and did not send them to school. The third option for these children was to live in an orphanage like the Annie Wittenmyer Home. At the Annie Wittenmyer Home, orphans lived in cottages with adults who took care of them. The children were fed and went to school.

In this fictional case, Sam and Taylor Richards, ages 7 and 12, are living with their grandparents because their dad and mom were serving in the Civil War. Their dad was a soldier, and their mom was a nurse at the same place their dad was fighting. Their dad died in battle. The family has not heard from the mother since that battle. The grandparents are very old and sick and cannot take care of the kids. They hope that the mother will return home. They do not want the kids to be adopted. The grandparents want the kids to live in a good place like the Annie Wittenmyer Home. The State of Iowa is arguing against the grandparents, saying that the children should be put up for adoption now, because their mother probably will not come back, and it would be better for the children to have a permanent home.

## Annie Wittenmyer Facts

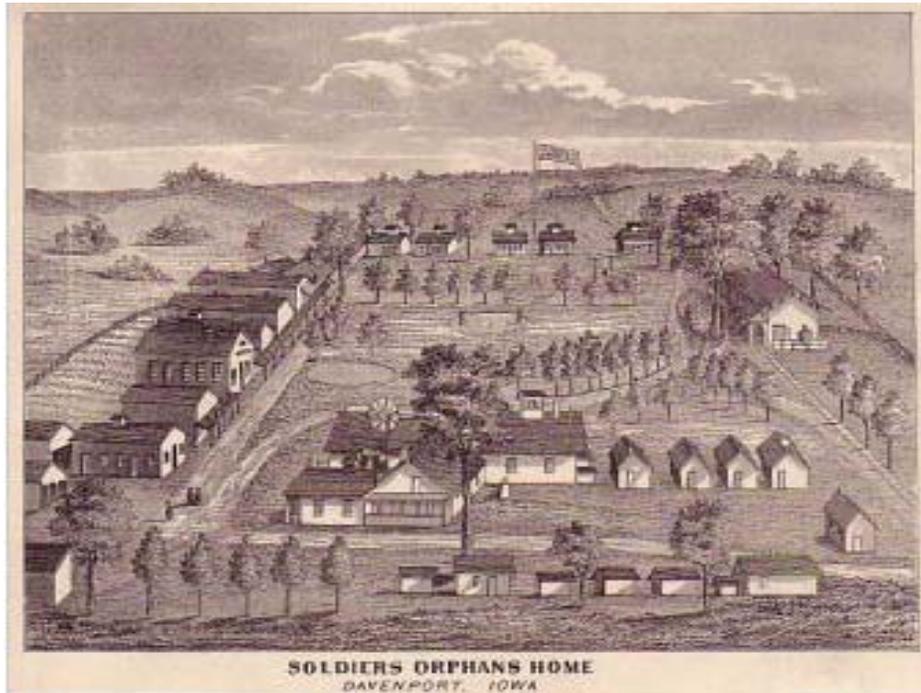
- Sarah "Annie" Turner was born on August 26, 1827, in Sandy Springs, Ohio.
- 1846: Iowa became a state.
- Annie married William Wittenmyer and moved to Keokuk, Iowa, in 1850.
- At that time in Iowa, only wealthy families could send their kids to school.
- In March 1853, Annie started a free school for all children, because she knew it was important for kids to be educated.
- 1861: the Civil War started.
- The Estes House in Keokuk, Iowa, was a place where a lot of wounded soldiers were sent for care. Annie Wittenmyer volunteered at this army hospital.
- Annie's hard work encouraged other women in Iowa to volunteer their time and to donate money.
- September 1862: Annie was honored by the Ninth General Assembly of Iowa, which gave her a job as Iowa's first Sanity Agent for the Iowa State Sanitary Commission. She was the first woman given a job by the Iowa legislature.
- 1863: Annie started taking care of orphan children who lost one or both of their parents in the Civil War.
- 1864: Annie opened the first orphan home in Farmington, Iowa.
- 1865: Annie built another orphan home in Cedar Falls, Iowa, because there were a lot of children on the waiting list.
- 1865: The first orphan home in Farmington was too crowded so the government donated the buildings at Camp Kinsman in Davenport, Iowa to be the new location of this orphanage.
- Annie Wittenmyer did a lot of other good deeds in her life. She set up a special dietary kitchen system that is still used today in all U.S. Army hospitals. She edited two magazines, *The Christian Woman* and *The Christian Child*. She wrote hymns, books, and articles.
- 1889: Annie became President of the National Woman's Relief Corps. She helped build homes for retired nurses, and the widows and mothers of war veterans.
- 1890: Annie campaigned the U.S. Congress for retired Army nurse pensions, and the bill was passed in 1892.
- Annie wrote her autobiography called Under the Guns.
- February 2, 1900: Annie died of an asthma attack.

### Sources:

Davenport PublicLibrary, Quad City Memory, Annie Wittenmyer, available at [http://www.qcmemory.org/Page/Annie\\_Wittenmyer.aspx?nt231](http://www.qcmemory.org/Page/Annie_Wittenmyer.aspx?nt231)

The University of Iowa, The Biographical Dictionary of Iowa, University of Iowa Press Digital Editions, Wittenmyer, Sarah Ann "Annie" Turner

Pictures of the Annie Wittenmyer Home



Sources:

[http://davenportmon.homestead.com/files/orphans\\_home\\_1885.JPG](http://davenportmon.homestead.com/files/orphans_home_1885.JPG)

<http://www.celticcousins.net/scott/anniewpics.htm>

Moderators use as needed:

### Discussion Questions and Vocabulary

1. What are the good and bad things about each of the options for Sam and Taylor?
  - a. What if they are adopted right away?
  - b. What if they go to live in the Annie Wittenmyer Home?
2. Should the children get to decide where they want to go?
  - a. Sam and Taylor are 7 and 12 years old. Are they old enough to make this very important decision?
  - b. How old does a child have to be to make an important decision like this one?
    - Today, the law says that at age 18 a person becomes an adult. Today, the law also says that if a person is 14 years old or older they are allowed to make the decision of whether they should be adopted. (Iowa Code § 600.7(1)(d))
3. Should there be a time limit put on how long the children could live at the Annie Wittenmyer Home before being put up for adoption?
4. Did the trial seem fair? Why or why not?
  - a. Is there a better way to have a trial?
  - b. Did the trial leave out important information? What else did you want to know?
  - c. Should this case be decided by a judge alone? Or by a jury? Why?

#### Vocabulary:

**Adoption:** To legally take another person's child and make them a part of your family.

**Plaintiff:** The person who has a problem with someone else, and files a lawsuit to have a trial so a jury or judge will decide how to fix the problem.

**Defendant:** The person who has to go to court to respond to the plaintiff and try to solve the problem at a trial.

**Orphanage:** A place where children who do not have parents live until they are either adopted or old enough to take care of themselves.

**Verdict:** The jury's decision solving the problem with the facts and law in the case.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA

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State of Iowa,	)	Civil No. 4:1856-cv-00012
	)	
Plaintiff,	)	
	)	
vs.	)	Trial in the Matter of Sam and
	)	Taylor Richards
Grandparents Joe and	)	
Edna Richards,	)	
	)	
Defendants.	)	

**Clerk:** [Hit the gavel 3 times] All rise, the United States District Court is now in session for the case of State v. Grandparents, the Honorable Judge Smith presiding.

**Judge Smith:** This is a case involving two young children, ages 7 and 12, whose father died during the Civil War, and whose mother has not been found. The exhibits are here for the lawyers and witnesses to use. The Plaintiff will now give its opening statement.

**Plaintiff's Attorney:** May it please the Court, opposing counsel. We are here today because these two children, Sam and Taylor Richards, need a home. Their dad was a soldier in the Civil War, and he died during battle. Their mom was a nurse in the Civil War, and no one knows where she is now, or if she is still alive. The grandparents have been taking care of the children, while their parents are gone. The grandparents are very old and sick. They cannot take care of the two young children anymore. These children should live in the Annie Wittenmyer Home for orphans. They should be adopted as soon as possible, so they can have a real family to take care of them.

**Judge Smith:** Thank you. The Defense will now give their opening statement.

**Defense Attorney:** May it please the Court, opposing counsel. I represent the grandparents. The grandparents agree that they are too old and sick to take care of the two kids any longer. The grandparents do not want Sam and Taylor to be adopted, because their mother might come home. If their mother comes home, they should be able to live with her. If they are adopted, their mom won't be able to find them and get them back. We think the children should go to the Annie Wittenmyer Home to live until their mom is found, but they should not be put up for adoption.

**Judge Smith:** The Plaintiff may now call the first witness.

**Plaintiff's Attorney:** The Plaintiff calls the Director of the Annie Wittenmyer Home to the stand.

**Clerk:** Raise your right hand. Is the testimony you are about to give the truth?

**Director:** Yes.

**Clerk:** You may take the stand.

**Plaintiff's Attorney:** Please state who you are, and why you are here today.

**Director:** I am the Director of the Annie Wittenmyer Home, which is an orphanage for children, as shown in Exhibit 1. (Show Exhibit 1)

**Plaintiff's Attorney:** What is the Annie Wittenmyer Home?

**Director:** The Annie Wittenmyer Home is the first orphanage opened in Iowa. It opened in 1864. It is a home for children whose parents are dead, or cannot take care of them.

Many of the children in the Annie Wittenmyer Home are there because their fathers died in the Civil War, and their mothers either died or could not take care of them.

**Plaintiff's Attorney:** How many children are at the Annie Wittenmyer Home?

**Director:** There are about 500 children living there.

**Plaintiff's Attorney:** What is it like for children living at the Annie Wittenmyer Home?

**Director:** The children at the Annie Wittenmyer Home live in small groups in cottages, with adults who take care of them. Each child has a bed. They eat 3 meals a day at the Dining Hall, and go to school for free. The children can play, read books, and learn trades. It is a wonderful place for children to live until they are adopted.

**Plaintiff's Attorney:** Do you think the Richards children should live in the Annie Wittenmyer Home, and then be adopted?

**Director:** Yes, there are many children who live at the Annie Wittenmyer Home until they are adopted. This is the best short-term place for orphans to stay. But for the long-term, children without parents should be adopted, so they can have a real family of their own again.

**Plaintiff's Attorney:** No further questions.

**Judge Smith:** Defense Attorney, do you have any questions for the Director?

**Defense Attorney:** Yes. Director, is the Annie Wittenmyer Home a good place for children to live while they are waiting for a parent to be found?

**Director:** Yes, it is.

**Defense Attorney:** Do you agree that, because of the war, some parents have lost contact with their children?

**Director:** Yes.

**Defense Attorney:** Can children stay at the Annie Wittenmyer Home if they are not put up for adoption?

**Director:** Yes, but we prefer to find homes for the children, and make room for new orphans who are on the waiting list to come to the orphanage.

**Defense Attorney:** Is it true that Sam and Taylor might not be adopted into the same family?

**Director:** Yes. In fact, that's most likely, because Sam is older than Taylor and can work. That means more families would want to adopt Sam instead of Taylor.

**Defense Attorney:** Is it true that some families adopt children to help with farm work?

**Director:** Well, yes, this is Iowa.

**Defense Attorney:** No further questions.

**Judge Smith:** You may return to your seat. The Plaintiff may call the next witness.

**Plaintiff's Attorney:** The Plaintiff calls Dr. Larson.

**Clerk:** Raise your right hand. Is the testimony you are about to give the truth?

**Doctor:** Yes.

**Clerk:** You may take the stand.

**Plaintiff's Attorney:** Please state who you are, and why you are here.

**Doctor:** I am a doctor for children who live at the Annie Wittenmyer Home. I have experience with orphans and children who are waiting to be adopted.

**Plaintiff's Attorney:** What do you think is best for Sam and Taylor?

**Doctor:** The children should be put up for adoption now. They can live at the Annie Wittenmyer Home until the adoption happens.

**Plaintiff's Attorney:** Why is adoption now best for Sam and Taylor?

**Doctor:** All children need to live with a family that cares for them. Children who do not have parents can be very sad and lonely. Children who do not have families of any kind sometimes get into trouble, and have problems in school. Finding a permanent home now is best for Sam and Taylor, because no one has heard from their mother in months. We also need space at the home for other kids.

**Plaintiff's Attorney:** No further questions.

**Judge Smith:** Defense Attorney, do you have any questions for the doctor?

**Defense Attorney:** Yes. The cottages that the kids live in at the Annie Wittenmyer Home are like a home, and the adults there are like parents, right? Could this help Sam and Taylor be happy and stay out of trouble?

**Doctor:** Yes, the Annie Wittenmyer Home could be a short-term home and family for kids, and probably make them happy and stay out of trouble.

**Defense Attorney:** Sam and Taylor will probably not be adopted together, into the same family, right?

**Doctor:** That's true. Families are looking for help and older kids, like Sam, who can work. But, the longer we wait, the less likely it is they will be adopted at all. Plus, it's good for kids to be working outside in the fresh air, as they would on the farm. Exhibit 2 is an example of this. (Show Exhibit 2)

**Defense Attorney:** No further questions.

**Judge Smith:** You may take your seat, Doctor. Does the Plaintiff have any more witnesses?

**Plaintiff's Attorney:** No, Your Honor, the Plaintiff rests.

**Judge Smith:** The Defense may call a witness.

**Defense Attorney:** The Defense calls Grandparent Richards.

**Clerk:** Raise your right hand. Is the testimony you are about to give the truth?

**Grandparent:** Yes.

**Clerk:** You may take the stand.

**Defense Attorney:** Please state who you are and why you are here.

**Grandparent:** I am Sam and Taylor's grandparent. I am here because we can no longer take care of these children. We are too old and sick. We love them and want the best for them. We took the kids when their parents went off to the war. My son died in the war, and we haven't heard from his wife since then. She was bravely serving as a nurse to our soldiers. Here is a picture of my son and his wife. (Show Exhibit 3)

**Defense Attorney:** What is best for Sam and Taylor?

**Grandparent:** I do not want them to be adopted by a new family or split up. Although our son died, we know their mom loves them and will be back if she possibly can.

**Defense Attorney:** Well then, where should the children be placed?

**Grandparent:** The best place for the kids is the Annie Wittenmyer Home, where they can live in a cottage until we can find their mom.

**Defense Attorney:** No further questions.

**Judge Smith:** Does the Plaintiff have any questions for the grandparent?

**Plaintiff's Attorney:** Yes. You agree to the children being placed in the Annie Wittenmyer Home to live, but only if they are not put up for adoption. Why?

**Grandparent:** If Sam and Taylor's mom does come home, they will be able to go back and live with her. And if she does not come back, the people who take care of the kids at the Annie Wittenmyer Home will be their family. We would try to come and visit. I do not think the kids need to be adopted to have a family. The Annie Wittenmyer Home is a great place for kids to live and be happy.

**Plaintiff's Attorney:** How long has it been since you heard from Mrs. Richards?

**Grandparent:** More than 6 months. She was at the same battle where our son was killed.

The last time we got a letter from her, she said she would come back when she could.

Here is her letter. (Show Exhibit 4)

**Plaintiff's Attorney:** No more questions.

**Judge Smith:** You may take your seat. The Defense may call another witness.

**Defense Attorney:** The Defense calls the children's school teacher.

**Clerk:** Raise your right hand. Is the testimony you are about to give the truth?

**Teacher:** Yes.

**Clerk:** You may take the stand.

**Defense Attorney:** Please tell us who you are and why you are here today.

**Teacher:** I am a teacher for the Richards children. This is a picture of Sam and Taylor.

(Show Exhibit 5) I am here today to keep the kids from being put up for adoption.

**Defense Attorney:** Why should the kids not be adopted?

**Teacher:** Because of the Civil War, there are a lot of parents missing who might come back to their kids again. I teach in a school where many children have at least one missing parent, and live with their other parent. Sam and Taylor are good kids who do not get into trouble, and they deserve the chance to wait for their mom to come back. If they were adopted, this would not be possible. The kids have told me how much they miss their mom, and want her to come back.

**Defense Attorney:** No further questions.

**Judge Smith:** Does the Plaintiff have any questions?

**Plaintiff's Attorney:** Yes. Do you agree to the children being placed in the Annie Wittenmyer Home?

**Teacher:** Yes. The children's grandparents can no longer take care of them. The Annie Wittenmyer Home is the best place for them to live and have a family to take care of them. They can stay together.

**Plaintiff's Attorney:** Wouldn't adoption give these kids a family to take care of them?

**Teacher:** Yes, but it will only be good for them if they stay together. It would be very sad if they were sent to different families far apart. The children should wait for their mom to come back, and stay in touch with their grandparents.

**Plaintiff's Attorney:** No further questions.

**Judge Smith:** Does the Defense have any more witnesses?

**Defense Attorney:** No, Your Honor. The Defense rests.

**Judge Smith:** Now that we have heard all the testimony, both sides will make closing arguments. The Plaintiff will go first.

**Plaintiff's Attorney:** May it please the Court, opposing counsel. These children deserve a family to take care of them, and the Annie Wittenmyer Home cannot be their family forever. The Annie Wittenmyer Home is where they should live only until they are adopted. Adoption is the best solution for these children, because their mom is gone, and her return is unlikely. Sam and Taylor should be put up for adoption now.

**Judge Smith:** The Defense may now present its closing argument.

**Defense Attorney:** May it please the Court, opposing counsel. These children have already lost their father because of the Civil War, and should not have to give up the

chance to be with their mother if she does return. Adoption is forever. If these children are adopted, they will not be able to be with their mother, if she does come back. Also, adoption may split them up, into different families. The children should be placed in the Annie Wittenmyer Home to live and wait for their mother, to stay in contact with their grandparents, and to go to school. At the Annie Wittenmyer Home, they will have a cottage to live in, and will be taken good care of. The State should take care of these kids until their mom comes home, or they can take care of themselves — even for up to 10 years.

**Judge Smith:** This case is now submitted to the jury for a verdict. If you decide that the children should be adopted now, you must decide in favor of the State. If you decide that the children should live at the Annie Wittenmyer Home and not be put up for adoption now, you should decide in favor of the grandparents.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA

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State of Iowa, ) Civil No. 4:1856-cv-00012  
)  
Plaintiff, )  
)  
vs. )  
) **Verdict Form**  
)  
Grandparents Joe and )  
Edna Richards, )  
)  
Defendants. )

Choose only **ONE** of these two:

- We, the jury, find that adoption now is in the best interests of the Richards children. We decide in favor of the Plaintiff, the State of Iowa.

--OR--

- We, the jury, find that the Richards children should stay at the Annie Wittenmyer Home, and not be put up for adoption now. We decide in favor of the Defendants, the grandparents.

Signed by: \_\_\_\_\_

Presiding Juror

Date: \_\_\_\_\_