

## HDFS-264 - Legal Aspects of Family Life – Family Law - 2007

Steve Wisensale, Ph.D  
Phone: 486-4576  
e-mail: [steven.wisensale@uconn.edu](mailto:steven.wisensale@uconn.edu)

HDFS-264  
Office: Room 121  
Hours: Tu-Thur. 11-12

One would be in less danger from the wiles of the stranger  
If one's own kin and kith were more fun to be with.

*Family Court*  
By Ogden Nash

### **Course Description:**

The purpose of this course is to provide the student with a general overview of the most important aspects of family law. Topics covered include the regulation of marriage, separation and divorce, alimony, child custody and support, adoption, parental authority and children's rights, abortion, and the impact of technology on families. Students will be expected to grasp the historical roots of family law as well as analyze the causes and effects of ongoing trends in this complex and dynamic field. The case method will be the primary method of instruction.

### **Required Readings:**

Krause, Elrod, Garrison, and Oldham, *Family Law: Cases, Comments, and Questions*, 5<sup>th</sup> edition.

Additional readings will be assigned. They may be in the form of class handouts, selected items from the required listserv (see below), current news articles that I send to you via Vista e-mail, or referrals to a specific web site.

**Listsrv subscription requirement:** You are required to subscribe to a daily legal listsrv. Go to <http://newsletters.findlaw.com/> and then check the first box ("Legal News Headlines") at the top of the column on the far right of the page. Then hit submit button at bottom of page, register etc.

### **Course Objectives:**

There are three (3) major objectives of this course, all of which are presented below in the form of questions.

1. What are the major forces that are responsible for shaping American family law as we know it?
2. What are some of the most important court cases and legislative acts that have had a major impact on America's families?
3. From a legal perspective, and based on key lessons learned in this course, what does the future hold for America's families?

### **Course Requirements and Evaluations:**

There will be three (3) exams, including the final. The three exams will count 30% each. Class participation will account for the remaining 10%. Regular attendance and solid and consistent preparation for class discussion will be expected throughout the course.

Grading will be as follows: 93-100 (A), 90-92(A-), 87-89 (B+), 83-86 (B), 80-82 (B-), 77-79 (C+), 73-76 (C), 70-72 (C-), 67-69 (D+), 63-66 (D), 60-62 (D-), below 60 = F.

### **Note: A statement concerning severe weather conditions**

Because I live an hour's drive from campus, there may be an occasion or two when I cannot make it to class due to severe weather conditions. I suggest you check your Vista box for any messages prior to leaving for class. If there are no messages, class is on.

### **Course Schedule, Reading Assignments, and Study Guide**

#### **Week 1 – Jan 16<sup>th</sup> - 18<sup>th</sup> - Developing a Legal Framework**

Introduction to the course

The American judicial system and family courts

How to read a case; how to brief a case (Example: *Reynolds v. U.S.*)

Suggested web sites: Connecticut Courts: <http://www.jud.ct.gov/courts.htm>

The Federal Judiciary: <http://www.Uscourts.gov/>

American Bar Assoc. <http://www.abanet.org/family/welcome.html>

At ABA site, click on "FAQs" and read all of it.

Find Law: <http://stu.findlaw.com/prelaw/>

Visit this site if you are interested in attending law school. It offers some valuable advice.

Law Dictionary: <http://www.duhaime.org/dictionary/diction.htm>

Law Dictionary: <http://www.lectlaw.com/ref.html>

#### **Week 2 – Jan 23<sup>rd</sup> and Jan. 25<sup>th</sup> – American Family Law - What is a family?**

Krause, pp. 1-32

Cases: *Moore v. City of East Cleveland*

(Skip *Ankenbrandt v. Richards*, pp. 10-27)

*Loving v. Virginia* **Note:** Google this case by its title.

*Baker v. Vermont* (use same source as *Loving*)

Defense of Marriage Act (DOMA) <http://www.lectlaw.com/files/leg23.htm>

and/or [http://en.wikipedia.org/wiki/Defense\\_of\\_Marriage\\_Act](http://en.wikipedia.org/wiki/Defense_of_Marriage_Act)

*Goodridge v. Department of Public Health* – Use the Google search engine and then the Wikipedia site for a summary of this case.

**Questions and Problems:**

Respond to the following questions: 1 on p. 9; 1 on p.14; 4 on pp. 15-16; and question 5 on pp. 16-17. Understand the significance of *Braschi v. Stahl Associates*. Solve problems 1-1 and 1-2 on pp. 18 and 19. Also, understand what Executive Order 12606 was and what its purpose was. Understand the ruling and rationale in the *Goodridge* case

**Week 3 – Jan. 30<sup>th</sup> and Feb. 1<sup>st</sup> – The Regulation of Marriage**

Krause, pp. 33-96

*Zablocki v. Redhail*,  
*Potter v. Murray*  
*Baehr v. Lewin*  
*Israel v. Allen*  
*Moe v. Dinkins*

*Larson v. Larson*  
*Smith v. INS*,  
*Carabetta v. Carabetta*  
*Estate of Keimig*  
*In re Estate of Vargas*

**Questions and Problems:**

Respond to questions 1 and 2 on p. 43 and problem 2-1 on p. 44. Answer #5 on p. 51, #4 on pp. 60-61, read notes 7 and 8, pp. 62-63 Then respond to question 3 on p. 73, #1 and 2 on p. 83, #3 on p. 92 And solve problem 2-3 on p. 96.

**Week 4 - Feb. 6<sup>th</sup> and 8<sup>th</sup> - Marital Agreements**

Krause, pp. 175-218

*Maynard v. Hill*  
*Walton v. Walton*

*Gross v. Gross*  
*DeLorean v. DeLorean*

*Borelli v. Brusseau*  
*Curry v. Curry*

**Questions and Problems:**

Respond to the following questions: 2 on p. 184; 5 on p. 185, 7 on p. 186; 2 on p. 193; 1 on p. 216; and 4 on p. 217. Solve problem 4-1 on p. 186 and problem 4-6 on p. 203. Be sure to read and understand the UPAA on pp. 195-196. Also, read Lenore Weitzman's contract on pp. 205-207 and respond to the four questions that follow.

**Week 5 - Feb. 13<sup>th</sup> and 15<sup>th</sup> – Cohabitation (Note: Exam #1 this week!)**

Krause, pp. 219-259

*Marvin v. Marvin*  
*Hewitt v. Hewitt*  
*Connell v. Francisco*

*In Re Marriage of Heinzman*  
*Cochran v. Cochran*

### Questions and Problems:

Respond to question 1 on p. 228, questions 1 through 4 on p. 236, and questions 1 and 2 on p. 240. Solve problem 5-1 on p. 241. Be familiar with civil unions and domestic partnerships as discussed on pp. 244-246. Review the basics of Vermont's Civil Union Law. Also, understand what a "heart balm action" is and what the "ALI approach" is. Who gets the engagement ring after an engagement is broken?

**Note: Exam #1 is scheduled for Thursday, February 15<sup>th</sup>**

### Week 6 - Feb. 20<sup>th</sup> and 22<sup>nd</sup> - Procreation and Abortion

Krause, 260-286

*Griswold v. Connecticut*

*Roe v. Wade*

*Planned Parenthood of Central Missouri v. Danforth* (p. 147 in Krause)

*Webster v. Reproductive Health Services* <http://www.tourolaw.edu/patch/Webster/>

*Planned Parenthood of Southeastern Pennsylvania v. Casey*

*Stenberg v. Carhart* (you will need to Google this case)

### Questions and Problems:

Answer questions 1 through 3 on p. 265, question 1, on p. 274, and Question 8 on p. 285. Then read note #5 on p. 276 and #6 on p. 284. Solve problem 6-1 on p. 286.

### Week 7 – Feb. 27<sup>th</sup> and March 1<sup>st</sup> - Assisted Reproduction

Krause, 364-419

*Davis v. Davis*

*Jhordan v. Mary K*

*Johnson v. Calvert*

*In Re Moschetta*

*In Re Buzzanca* (Next page for Questions & Problems)

### Questions and Problems:

Answer question #3 on p. 373, read note #5 on p. 374, respond to question 1 on p. 379 and question 4 on p. 407. Read note 7 on pp. 408-409 and then solve problem 8-3 on p. 419.

### Week 8 - March 6<sup>th</sup> and 8<sup>th</sup> - Spring Break

**No class this week!**

### Week 9 - March 13<sup>th</sup> and 15<sup>th</sup> - Adoption

Krause, 316-363

*In re J.M.P.*

*Lehr v. Robertson*

*Adoption of Kelsey S.*

*Adoption of Vito*

*In the Matter of Adoption of a Child by N.P. and F.P.*

#### Questions and Problems:

Respond to question 1 on p. 327 and #1 on p. 340. What is the UPUFA (see p. 343). Then read notes 1 and 2 on pp. 353-356. Answer question 1 on p. 360 and read notes 2 through 5 on pp. 360-361. Answer question #6 on pp. 362-363.

### Week 10 - March 20<sup>th</sup> and 22<sup>nd</sup> - Parental Authority and Children's Rights

Krause, 420-511

*Kingsley v. Kingsley*

*Wisconsin v. Yoder*

*Parham v. J.R.*

*In Re Green*

*Carey v. Population Services*

*Maine Medical v. Houle*

*In re TG, CG, DG etc.*

*Wisconsin ex.rel Angela MW v. Kruzicki*

*In the Interest of M.M.L*

*In Re JC, JC and JMC*

#### Questions and Problems:

Respond to questions 1 and 2 on p. 425 and questions 4 and 5 on p. 44. Solve problem 9-1 on p. 441, answer question 2 on p. 450. Solve problem 9-2 on p. 458, problem 9-3 on p. 467, and problem 9-4 on p. 471. Answer question 1 on p. 469, #1 on p. 482, and #2 on p. 507. Then solve problem 9-6 on p. 508.

### Week 11 - March 27<sup>th</sup> and 29<sup>th</sup> - Divorce

Krause, 551-587

*Lynch v. Lynch*

*Capps v. Capps*

*Hollis v. Hollis*

*Hagerty v. Hagerty*

*Wife S. v. Husband S.*

*Boddie v. Connecticut*

### Questions and Problems:

Be sure to read about the history of divorce, understand more recent trends, and refer to top of p. 558 for list of causes under fault divorce. Then respond to question 1, on p. 561, and #5 on p. 562. What is recrimination? The UMDA? Read notes 2 and 3 on p. 566, and read note 1 on p. 569.

Read carefully the discussion of pros and cons of no-fault divorce On pp. 574-580. What are your thoughts on Louisiana's Covenant Marriage Law? See problem 11-2. Which one would you support and why? Solve problems 11-3 and 11-4 on p. 587.

**Note: Exam #2 is scheduled for Tuesday, April 3<sup>rd</sup>.**

### Week 12 - April 3<sup>rd</sup> and 5<sup>th</sup> - Spousal Support and Property Division at Divorce

Please note that we are covering two topics that are related but appear in different sections of the Krause text. We will first do spousal support, then property issues.

Spousal Support - Krause, pp. 816-819

*Morgan v. Morgan*, p. 824

*Otis v. Otis*, p. 835

*Chamberlain v. Chamberlain*, p. 838.

Property Division after divorce - Krause, 751-753, 771-772

*Giha v. Giha*

*Taggart v. Taggart*

*Shea v. Shea*

*O'Brien v. O'Brien*

*O'Neil v. O'Neil*

*Gastineau v. Gastineau*

### Questions and Problems:

Respond to questions 1 and 2 on p. 841, questions 1 and 2 on pp. 756-757, question 1 on p. 760, notes and questions 1 through 3 on p. 774. Read note #5 on p. 775 and see questions and notes 1 and 2 on pp. 810-811. Be prepared to compare the German approach to the ALI approach (p. 813-815). What are the pros and cons of each?

### Week 13 - April 10<sup>th</sup> and 12<sup>th</sup> - Child Custody

Krause, 649-662 (ignore cases until *Palmore* case)

*Palmore v. Sidoti*

*Beck v. Beck*

*In Re Marriage of Wang*

*Painter v. Bannister*

*Owan v. Owan*

*Troxel v. Granville*

*Jones v. Jones*

*DeShaney v. Winnebago County\**

Note: DeShaney case is not in Krause. You will need to access it by using the Google search engine.

Article/video: "Suicide of a 12-Year Old: The Daniel Scruggs Case." To be provided in class.

### Questions and Problems:

Respond to questions 2 and 3 on p. 673 and read notes 1-5 on pp. 680-682. Be sure to read the "Role of the Expert" on pp. 682-683. Also, read questions and comments regarding custody evaluators (1 through 5 on pp. 685-687).

Answer question 1 on p. 697 and, after reading pages 697-701, Prepare a list of pros and cons regarding joint custody decisions. Read notes following *Painter* case (1-4, pp. 718-720). Then answer Question 2 on p. 731 and question 4 on p. 732. Solve problem 13-3 and then state whether or not you agree with *DeShaney* ruling.

### Week 14 - April 17<sup>th</sup> and 19<sup>th</sup> - Child Support

Krause, 865-926

*Straub v. BMT*

*Roe v. Doe*

*Neudecker v. Neudecker*

*Cannon v. Juras*

*McGinley v. Herman*

*Bart v. Rossof*

*Gallaher v. Elam*

### Questions and Problems:

Respond to question 1 on p. 870 and question 1 on p. 876. Read notes 4, 5, and 6 and answer question 7 - all on p. 881. Then read all of the notes and respond to all of the questions on p. 885.

There's no need to know how to calculate child support but understand that different models exist (pp.889-891) and be able to state which model is used most frequently. Be sure to read all notes and question on pp. 892-896 and respond to questions 4 and 5 on pp. 900-901, read note 8 on p. 902 and answer questions 1 through 3 on p. 917.

### Week 15 - April 24<sup>th</sup> and 26<sup>th</sup> - End of Life Issues

Note: There are no assigned pages from Krause for this topic. Rely on Find Law ([www.findlaw.com](http://www.findlaw.com)) and/or Google to locate and read the cases below. Using Google, simply type in the name of each case listed below, look for the hit that takes you to Find Law and then look for the "Syllabus," which is an abbreviated version of the entire case.

*Cruzan v. Director, Missouri Department of Health*  
*McConnell v. Beverly Enterprises* (a Connecticut right-to-die case)  
*Washington et al. v. Glucksberg et al.*  
*Vacco v. Quill*

### **Questions and Problems:**

How do you explain the difference between the rulings in the *Cruzan* and *McConnell* cases?

Who is/was Terri Schiavo? What were the issues in her case and the final outcome? Do you agree with the outcome?

Who is Dr. Jack Kevorkian? Do you agree with his position or actions?

How do you feel about euthanasia and assisted suicide? Before responding to this question, refer to each of the websites below.

Google each of the items below and then click on the first item. For the Oregon law you should go to the Oregon Department of Human Services. For the Netherlands law the first item will be the "International Task Force." Click on it and on the page you are taken to cursor down to the "Dutch Euthanasia Law." It will give you a good summary.

1. Oregon Death with Dignity Act
2. Euthanasia in the Netherlands

**Final Exam** – The final exam is tentatively scheduled for the first week of May in our regular classroom. A date will be confirmed by the end of the course.

### **Additional Resources:**

1. *Child and Family Policy Career Guide* (<http://www.igpa.uillinois.edu/CFP>)
2. Guide to Law School (<http://stu.findlaw.com/prelaw/>)
3. The Law School Admission Council (<http://www.LSAC.org>)
4. A "Guide to Family Law Programs" - Available in the School of Family Studies Advisory Center, room 120.
5. Quinnipiac University School of Law <http://law.quinnipiac.edu/>
6. UConn Law School <http://www.law.uconn.edu/>
7. Yale Law School <http://www.law.yale.edu/outside/html/home>