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Street Law Lesson – Family Law
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Lesson: Family Law Opinion Poll

Time: One class period

I. Goals

- A. Students will begin to understand their own feelings about family rights in relation to the law.
- B. Students will improve their ability to make logical, well-supported arguments, and identify and respond to counter-arguments.

II. Objectives

- A. Knowledge Objectives: As a result of this lesson, students will be better able to
 - 1. know some basic Washington law related to specific topics in family law.
 - 2. understand that many family law issues are complex and difficult, since they involve privacy, self-identity, and family dynamics.
- B. Skill Objectives: As a result of this lesson, students will be better able to
 - 1. articulate their feelings about the law's relationship to family matters.
 - 2. explain and justify their opinions.
 - 3. identify counter-arguments.
- C. Attitude Objectives: As a result of this lesson, students will understand
 - 1. that many family law issues are complex and difficult, since they involve privacy, self-identity, and family dynamics.
 - 2. that not all families or family relationship are like theirs.

III. Classroom Methods

A. OPINION POLL

- 1. Tell students they'll participate in an opinion poll to determine their views on various controversial family law issues. Remind students that they're being asked for their opinions, NOT what the current state of the law is. There are no right or

wrong answers. Ask students if they have any questions. Pass out opinion poll. Allow five minutes or so for students to complete poll.

2. While students are completing the handout, display overhead where their answers will be recorded.
3. Once students have finished the poll, have people raise hands and count all the opinions. Record results on the overhead.
4. Next go through each question and have students take stand over the sign indicating their opinion. Elicit opinions from students about why they feel the way they do, responses to other students, etc. (See list of discussion points)
 - Question #1 – last names (A-E)
 - Question #2 – last names (F-R)
 - Question #3 – last names (S-Z)
 - Question #4 – birthdays in January - March
 - Question #5 – birthdays in April - June
 - Question #6 – birthdays in July – September
 - Question #7 – birthdays in October – December
 - Question #8 – everyone who has more than one sibling
5. After discussion of each question, tell students what the current Washington law is relating to each question. Seek their opinions on whether the law is fair. (See attached “state of the law” sheet.)

B. HOMEWORK ASSIGNMENT

1. Distribute homework.
2. Go over homework requirements.

IV. **Evaluation**

- A. Students’ participation in class discussion following the opinion poll.
- B. Students’ completion of homework assignment.

Family Law Opinion Poll

Circle the answer that most closely corresponds to your opinion.

1. Couples should be required to live together for six months before getting married.

strongly disagree

disagree

undecided

agree

strongly agree

2. Women who take illegal drugs during pregnancy should be prosecuted for child abuse.

strongly disagree

disagree

undecided

agree

strongly agree

3. If two people of the same sex want to get married and raise a child, they should be allowed to do so.

strongly disagree

disagree

undecided

agree

strongly agree

4. Children should be required to support elderly parents who are in nursing homes and receiving government aid, such as Medicaid.

strongly disagree

disagree

undecided

agree

strongly agree

5. If a woman wishes to have an abortion, she should be able to do so without the consent of the father.

strongly disagree

disagree

undecided

agree

strongly agree

6. A husband who physically abuses his wife should be prosecuted for criminal assault, even if the wife is unwilling to testify against him.

strongly disagree

disagree

undecided

agree

strongly agree

7. Parents who do not pay child support should have their names and photographs included on a web site list of those “most wanted” for late child support payments.

strongly disagree

disagree

undecided

agree

strongly agree

8. High school students should be able to obtain contraceptives at school without their parents' knowledge or consent.

strongly disagree

disagree

undecided

agree

strongly agree

Opinion Poll: State of the Law

1. Couples should be required to live together for six months before getting married.

DISCUSSION POINTS:

- Would this decrease divorce rates?
- What sorts of arguments, other than legal arguments, might influence people's opinions on this? (religious, moral, financial, family needs)
- Do you think it should be easy to get married?
- Do you think anything should be required before a couple gets married? (counseling, blood tests)

STATE OF THE LAW:

There is no such requirement in Washington or any other state. However, some legal rights and responsibilities – similar to those between married people -- might attach if a couple lives together. In 1995, the Supreme Court of Washington decided a case, Connell v. Francisco, 989 P.2d 831, in which it held that courts must perform a just and equitable distribution of property acquired jointly by a couple while living together, just as a divorce court would divide community property obtained during a marriage.

2. Women who take illegal drugs during pregnancy should be prosecuted for child abuse.

DISCUSSION POINTS:

- Should it matter how many times the woman uses drugs during her pregnancy?
- What if the woman is an addict who is trying to get treatment?
- Should it matter whether the child shows any physical effects from the mother's drug use?
- Do you think this relates to the abortion debate at all? What if a woman uses drugs while pregnant, but then has an abortion after criminal charges are filed?

STATE OF THE LAW:

In 1997, the South Carolina Supreme Court upheld the prosecution of Cornelia Whitner for criminal child neglect. Whitner v. S.C., 492 S.E. 2d 777. Whitner's child was born with cocaine in its system from Whitner's ingestion of crack cocaine during the third trimester of pregnancy. The court found that a fetus was a "person" or "child" within the state's child abuse statute. South Carolina is the only appellate court in the country to uphold the child abuse convictions of pregnant women found guilty of taking illegal drugs, but South Dakota and Wisconsin amended their child abuse statute to include unborn children after the U.S. Supreme Court refused to hear the case. Many other women have been prosecuted for the offense in South Carolina, while Florida, Ohio, Kentucky and Nevada have struck down laws similar to South Carolina's.

3. If two people of the same sex want to get married, they should be allowed to do so.

DISCUSSION POINTS:

- What are the reasons why same-sex marriage should not be permitted?

STATE OF THE LAW:

While no Washington statute specifically prohibits marriages between two people of the same sex, in 1974 the Washington Court of Appeals interpreted the marriage statute to find such a prohibition. The court upheld a county auditor's refusal to issue a marriage license to two men who wished to marry. The court found that the state marriage statute, RCW 26.04.010, which refers to "persons" to whom a marriage license may be issued, does not allow for same-sex marriage. The court reasoned that the principal objective of marriage is to have children and this is not possible with marriages between two people of the same sex. The court rejected the argument that the ban violated our state's equal rights amendment. Some states have enacted bans on same-sex marriage, in reaction to the Hawaii Supreme Court's 1993 opinion that seemed to clear the way for marriage between two individuals of the same sex in Hawaii. Georgia, Utah, South Dakota and Idaho are among the states that have passed laws banning same-sex marriages.

4. Parents should have the right to discipline their children according to their own judgment.

DISCUSSION POINTS:

- What sorts of discipline do you think would be "reasonable and moderate"?
- Do you think the discipline should change depending on the age of the child?

STATE OF THE LAW:

Parents do not have a free hand in disciplining their children. The child abuse laws specifically define abuse and what types of punishment are considered abuse. Only "reasonable and moderate" physical discipline is allowed.

5. Children should be required to support elderly parents who are in nursing homes and receiving government aid, such as Medicaid.

DISCUSSION POINTS:

- What if a Microsoft millionaire's parents were in a nursing home being supported by government aid, while the millionaire child traveled around the world? Do you think the law should intervene in a situation like that?
- Would your opinion change if you knew the parents had paid \$200,000 for the child's education, and the child had never given anything back to the parents?

STATE OF THE LAW:

Washington currently has no law requiring children to support needy parents. Such a law was in effect until 1976, but it was repealed then, when the federal government told states that they would lose federal aid if they required people to pay for the care of blind and disabled parents.

6. If a woman wishes to have an abortion, she should be able to do so without the consent of the father.

DISCUSSION POINTS:

- What if the father is also the woman's husband? Does that change your opinion? Why/why not?
- What if the positions were reversed, and the woman did not want to have an abortion but the man insisted that she do so? What would your opinion be in that situation?

- What if the father insisted that the woman either have an abortion or sign away her rights to receive any child support? Do you think that should be permitted?
- What if a man clearly told his female partner that he did not want children, and the woman promised to use birth control and have an abortion if she became pregnant. Should the man be required to pay child support if the woman later gets pregnant and refuses to have an abortion?

STATE OF THE LAW:

The U.S. Supreme Court has ruled that a spouse's consent cannot be required before a woman has an abortion. The Court based its opinion on the fact that the woman physically bears the child and is more directly affected, and to allow the husband veto power would allow him to stop the doctor for any or no reason at all. In June 1992 the U.S. Supreme Court, in Planned Parenthood of S.E. Pennsylvania v. Casey, struck down a provision in a Pennsylvania law requiring that husbands be notified before an abortion.

7. A husband who physically abuses his wife should be prosecuted for criminal assault, even if the wife is unwilling to testify against him.

DISCUSSION POINTS:

- Where do you draw the line between family privacy and criminal laws? At what point should the legal system intervene in “family affairs”?
- Does your opinion change if the wife is willing to testify? Why? Why not?
- What are some reasons a wife might be unwilling to testify against her husband in a criminal domestic violence case? (financial dependence, love for him, low self-esteem/self-blame, concern for children, fear of retaliation, etc.)

STATE OF THE LAW:

Washington has a comprehensive law dealing with spouse abuse. Under this law, if a spouse, former spouse, someone you live with or used to live with, someone you are related to by blood or marriage, someone you have a child with, or someone you have a dating relationship with (if the parties are 16 years old or over), abuses you, you can get help from either the criminal justice system or the civil legal system. The police are trained in special procedures to deal with domestic violence and must arrest a person who has abused (e.g. hit or threatened to hit) and harmed you within the last four hours. The abuser will be prosecuted for criminal assault, and/or any other crime s/he has committed.

8. Parents who do not pay child support should have their names and photographs included on a web site list of those “most wanted” for late child support payments.

DISCUSSION POINTS:

- What is the purpose of child support?
- What can be done to get parents to pay child support?
- What sorts of things should child support be used for?
- What if a parent barely earns enough money to support him/herself?
- What if a father never wanted to have children? (told his partner to have abortion, use birth control, etc.)

STATE OF THE LAW:

In fact, the State of Washington does maintain such a web site (www.wa.gov/mostwanted). The King County Prosecutor’s Office has a program specifically designed to make sure parents pay child support. That office assists

parents who have custody of their children in establishing paternity, and obtaining and enforcing child support orders. According to the state Division of Child Support, only about half of custodial parents receive full child support payments from the parent who doesn't have custody. In order to force parents to pay support for their children, the state can garnish parents' wages, seize and sell parents' property, take parents' IRS refunds, report parents' names to credit agencies, prevent the renewal of parents' passports, and even suspend parents' drivers' licenses! Congress has also passed federal laws to strengthen and improve state child support collection activities. The Personal Responsibility and Work Opportunity Act of 1996 aims to increase child support collections to over \$24 billion in 10 years.

9. High school students should be able to obtain contraceptives at school without their parents' knowledge or consent.

DISCUSSION POINTS:

- If you were a parent with teenage kids, would your opinion be different?
- Why might some parents oppose the distribution of contraceptives to their children at school?
- Do you think that by making contraceptives available to students, high schools send any message about teenage sex?
- What would be the purpose of distributing contraceptives at high school?

STATE OF THE LAW:

The U.S. Supreme Court has held that sale of contraceptives to minors cannot be prohibited. Whether condoms or other contraceptives should be distributed at schools is being debated by many school boards across the country. The spread of AIDS and high rates of teenage pregnancy are cited as reasons in favor of distribution. One study has shown that 85% of boys and 76% of girls have had sexual intercourse by the age of 19. Another study found that among Baltimore students who participated in a school-based pregnancy prevention program that linked sex ed with free medical services and contraception, the pregnancy rate declined 30% after 28 months of the program. Some other groups argue that by providing contraceptives to students, high schools send a message condoning teen sex.

