

MODEL LESSON: PATERNITY & CHILD SUPPORT

Jill Murakami

TIME: 90 Minutes

I. GOALS

- A. To better understand the purpose and policy of the Uniform Parentage Act
- B. To better understand when unwed fathers will be held responsible for their children
- C. To better understand what an opening and closing statement is

II. OBJECTIVES

- A. Knowledge Objectives – As a result of this class, students will be better able to:
 - 1. Explain what the Uniform Parentage act is.
 - 2. Identify factors the court will consider when determining the amount to be paid by a parent for child support.
- B. Skills Objectives – As a result of this class, students will be better able to:
 - 1. Make informed and responsible decisions with respect to sexual relations.
 - 2. Examine a law and apply facts to the law.
 - 3. Give an opening and closing statement.
- C. Attitude Objectives – Students will be better able to feel:
 - 1. That the law protects the interests of children.
 - 2. That the law requires people to be responsible for their actions.

III. CLASSROOM METHODS

- A. Review & Discuss *Pamela P. v. Frank S.* (assigned as homework in previous class)
 - 1. Holding: Mother's fraud and deceit were not relevant in determining father's child support obligations.
 - 2. Explain that although this is a New York case, Washington courts would likely decide the case similarly.
- B. Explanation of Uniform Parentage Act
 - 1. Purpose: Act establishes procedures for determining the parentage of children born out of wedlock and is aimed at equalizing the status of all children regardless of the parties' marital status.
 - 2. Determining Support: In determining the amount to be paid by a parent for support of the child and the period during which the duty of support is owed, the court shall consider all relevant facts, including, but not limited to:

- (a) The needs of the child;
- (b) The standard of living and circumstances of the parents;
- (c) The relative financial means of the parents;
- (d) The earning ability of the parents;
- (e) The need and capacity of the child for education, including higher education;
- (f) The age of the child;
- (g) The responsibility of the parents for the support of others; and
- (h) The value of services contributed by the custodial parent.

C. Introduction to Opening and Closing Statements

1. Put “Opening Statement Worksheet” on the overhead. Briefly explain the different parts of the opening statement using examples from the *Pamela P. v. Frank S.*
2. Repeat with “Closing Statement Worksheet.”
3. Emphasize the differences between opening and closing statements (in particular, that you don’t argue or use the law during the opening).

D. Introduce Activity: Two case studies

1. Explain that we will be doing two case studies that expand upon the issues presented in *Pamela P. v. Frank S.* Half the class will be working on one case, the other half on the other case. Explain that for each case half the group will be plaintiff attorneys and half will be defense attorneys.
2. Explain that after dividing into groups, students should read the case and discuss with their group the best arguments for their side. Students should analyze the Uniform Parentage Act and apply the facts of the case to the law.
3. Explain that after discussing the case together, students should work together to fill in their opening and closing statement worksheets.
4. After completing the worksheets, each group should select one person to give an opening statement and one person to give a closing statement.
5. Divide class into four groups and assign them as plaintiff or defense attorneys for case 1 or case 2. Give class time to discuss the case and fill in the opening and closing statement worksheets.

E. Presentation of Cases

1. Case 1: Plaintiff attorney gives opening statement. Defense attorney gives opening statement. Plaintiff attorney gives closing statement. Defense attorney gives closing statement.
2. Case 2: Plaintiff attorney gives opening statement. Defense attorney gives opening statement. Plaintiff attorney gives closing statement. Defense attorney gives closing statement.

3. Jury Deliberation. Explain that students working on case 1 will deliberate as jurors for case 2. Students working on case 2 will deliberate as jurors for case 1. Jurors should try to come to a unanimous decision. After coming to a decision, jurors should select a “foreman” (someone who did not give the opening or closing) to give the verdict. If the jurors were not able to come to a unanimous decision, two foremen should be selected to give the majority and minority opinion.
 4. Jury Verdicts. Jury foremen should give their verdicts and a short explanation of the jury’s reasoning.
- F. Wrap up & Review
1. Discuss the actual results of each case.
 - a. Case 1 is based on *Linda D. v. Fritz C.* Washington Court of Appeals found that the allegations in the father’s counterclaims - breach of contract and negligence – even if true, were not facts the court would consider in determining the amount of child support to be paid in an action brought under the UPA.
 - b. Case 2 is a made up to raise the issue of artificial insemination. Under the UPA, if a woman is inseminated artificially with the semen of a man not her husband, with the consent of her husband, and under the supervision of a licensed physician, the husband will be considered to be the natural father of the child.
 2. Emphasize the policy of protecting the best interests of the child, as stated clearly in *Moorman v. Walker*, 54 Wn.App. 461 (1989), “parents must put their children’s interests above their own. Justice demands this, because parents exercise a choice in their child’s creation, whereas the child has none.”

IV. EVALUATION: Participation in class activity

V. ASSIGNMENT

- A. Write a 1-2 page essay on your reaction to the UPA and the cases we discussed in class. Do you think the law is fair? Why or why not? What arguments can be made on each side?
- B. Reading: (Selection from Individual Rights)

CASE 1:
Kelly and Baby Boy v. Leon

Kelly and Leon have dated for six months. They are both 18 and live in Washington State. At the beginning of their sexual relationship, Kelly tells Leon that she has a disease that makes her infertile (unable to have children). Leon insists that Kelly use birth control anyway and has Kelly sign a contract agreeing to use birth control. Relying on Kelly's statement that her disease made her infertile and Kelly's contract to use birth control as a back up method, Leon does not use any form of contraception.

Kelly uses birth control on and off. One of the months that she does not use birth control she becomes pregnant. Leon asks her to have an abortion, since he has plans to go to college. Kelly refuses. They break up, and Leon does not hear from Kelly until a year later, when he is served with papers in a paternity action against him. The suit asks that he be declared the father of the child, and pay support of \$350 per month. It also asks for reimbursement of Kelly's medical expenses during the pregnancy, and for past support for the last six months since the baby was born. Kelly claims that she told Leon after a few months of their relationship that she was no longer using contraceptives regularly.

Leon does not feel he should be required to support this child. He denies that Kelly ever told him that she had stopped using birth control.

CASE 2:

Alice and Baby Girl v. Charlie

Alice and Charlie were married in 1990 and tried, unsuccessfully, to have a child for 4 years. In 1995, they saw a doctor and were told that Charlie was infertile (unable to have children). Alice and Charlie were extremely saddened. The next year, they decided that since they could not have a child together, Alice would be artificially inseminated with the sperm of a donor but that they would raise the child as if Charlie were the natural father. The procedure went as planned and in 1997, a baby girl was born. After the baby was born, relations between Alice and Charlie declined. Two years later Charlie moved out of the home and filed for divorce.

Alice brings a paternity action against Charlie asking that he be declared the father of the child, and pay support in the amount of \$1,000 per month. It also asks for past support payments from the time Charlie filed for divorce and left the marriage.

Charlie denies that he is the baby's true father and does not feel that he should have to support the child.

OPENING STATEMENT WORKSHEET

I. Introduction: Present your “theory of the case.”

“May it please the Court, counsel, members of the jury. This is a case about...”

II. Parties: Introduce the parties.

III. Issue/What Happened: Explain the event and what you intend to prove. Introduce the facts that support your view.

IV. Conclusion: Ask the jury to find in your favor and impose a penalty/punishment, if appropriate. “Based on this evidence, we ask you to find...”

CLOSING STATEMENT WORKSHEET

I. Introduction: Repeat your “theory of the case.”

II. Key Facts/Evidence: Review the key facts and evidence

III. The Law: Tell the jury what the law is and why your facts, when applied to the law, support your side

IV. Conclusion: Ask the jury to find in your favor and impose a penalty/punishment, if appropriate.