

UNIVERSITY OF WASHINGTON SCHOOL OF LAW

FAMILY LAW

Autumn 2019

LAW A580 (4 credits)

MW 10:30-12:20 PM, Rm 207

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Professor

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Office Hours: Mondays After Class or by Email Appointment

Description

This course presents a survey of Family Law with a focus on the formation and dissolution of marriage and legal rights and obligations attendant to adults in family relationships. It covers such topics as restrictions on who may marry, family privacy doctrine, allocation of duties within marriage by contract and public policy, issues incident to dissolution of marriage (property division, spousal and child support, and child custody), relationships of unmarried persons, jurisdictional issues, collaborative law, and policy issues. Depending on the pace of the class and student interests, other topics covered may include domestic violence, adoption, assisted reproduction, and ethics issues in practice.

This course examines trends in Family Law from a national perspective, although Washington state law will be used as an example where appropriate.

Bar Exam Note: Family law is tested on the essay portion of the **Uniform Bar Examination**. Family law may be included on state components of bar exams, e.g., the Washington Law Component (WLC). Check your state bar requirements for more specific guidance.

Course Learning Objectives

- To obtain and apply substantive knowledge about laws governing adult relationships in families: marriage, marital dissolution, property distribution, maintenance, parenting (aka child custody), and child support;
- To critically evaluate the purposes and functions of family law, including when and why the state is involved and interested in regulating the family;
- To develop an understanding of how and why the family and family law have changed over time and how the law is changing today in response to the demands of groups who have been excluded from its protections;
- To obtain a working understanding of the policies underlying substantive family law relating to the formation and dissolution of marriage;
- To contemplate the lawyer's role as an advocate for people who are in personal crisis; and
- To develop an understanding of family law in the greater social context by considering the relevance and usefulness of information from other disciplines, including the social sciences, psychology, and economics.

Course Materials

Required. The textbook for the course is **Areen, Spindelman & Tsoukalas, Family Law: Cases and Materials(6th ed. 2012)**, ISBN 13: 9781609300548. (Be sure to obtain the unabridged edition, not the concise edition.) The required text supplement is **Areen, Spindelman & Tsoukalas, 2017 Supplement to Family Law, Cases and Materials**, Unabridged and Concise Editions, ISBN: 9781640201590.

The texts may be (1) purchased (new or used) through the University bookstore; or (2) purchased (new or used) or rented from your favorite book supplier.

Additional course readings and web-references will be posted to Canvas. You may need to use your UW NetID and password to access the materials. You may find this [!\[\]\(5a351309c3b87e4420622c1f0e57efc0_img.jpg\) **compilation of relevant laws** !\[\]\(109f62b74df51103529c262619933f25_img.jpg\)](#)

derived from the textbook helpful and may bring it to the exam.

Recommended Resources (including Study Aids). There are a number of resources you may find helpful for supplementing your understanding of course materials. Online and hard-copies are available through Gallagher Law

Library.

Students have found the most helpful outside resource to be Oliphant & Ver Steegh, ***Family Law: Examples & Explanations*** (Aspen). Also, consider ***CALI Lessons in Family Law***, and if you need a refresher on the application of the US Constitution's Fourteenth Amendment, the module on ***Constitutional Aspects of Family Law***.

Other potentially helpful resources available to you are: Wadlington & O'Brien, ***Family Law in Perspective*** (Foundation Press); Estin & Stark, ***Global Issues in Family Law*** (Thomson-West); Gregory, Swisher & Wolf, ***Understanding Family Law*** (Carolina Press); and Atkinson, ***Modern Child Custody Practice*** (Michie). Although not expressly recommended, note that Gallagher Law Library subscribes to a number of West Academic study aids online (access is IP-authenticated for UW students) in Family Law, Children and the Law, and Community Property, including ***Nutshells, Sum and Substance***, and ***Gilberts***.

Course Grade

The course grade will be based on: (1) Final Examination (80%); (2) a Reflective Essay (10%), and (3) class participation as a Designated Expert (10%).

(1) Final Examination. The final examination is limited open book and will not exceed three (3) hours.

What materials can I bring to the Exam? Hard copy, printed versions (non-electronic) of the required casebook and supplement, required readings posted on the syllabus, 📄 **this compilation of relevant laws** 📄

derived from the textbook, and notes/outlines that you have played a substantial role in preparing.

What materials cannot be brought to the Exam? Anything that is not in the "what can I bring" list above, e.g., electronically recorded materials, the instructor's PowerPoint slides, and commercial outlines or other commercially prepared materials (even if in hard copy).

When is the Exam? The final exam is currently scheduled for Friday, December 13, 1-4 pm. You are responsible for reviewing the exam schedule to determine if there are any changes. The exam schedule for this quarter is posted at **<https://www.law.washington.edu/students/exams/default.aspx>**

If you are using a computer to write your exam, you will be required to install and use the School of Law's approved exam software product set to "Secure." Please review the **School of Law's policy on computer use on exams**.

The Final Exam is valued at 80% of your grade.

A number of previous exams are on file and accessible through **Gallagher Law Library**. Exams typically include at least one hypothetical and one policy question. More details on approach and content will be provided closer to the exam.

(2) Reflective Essay (300 words).

This assignment provides an opportunity to succinctly reflect and apply the knowledge you have acquired in this course. As we will discuss in class, family law matters are inherently personal. Some of you may have had experiences with family law in your own families or you may have been introduced to family law matters through your friends, acquaintances, or even reading. By the end of the course, those personal exposures to family law may now look different through a newly-informed legal lens.

In this Reflective Essay, you are to reflect and write two paragraphs, maximum 300 words (no exceptions).

The first paragraph: Describe any aspect of family law that you or someone you know (or read about) experienced, and discuss how you handled or responded to it at the time (i.e., before taking this course).

The second paragraph: Describe and discuss what, if anything, you would do (or how you would advise your friend or family member or how you would respond) differently with the knowledge you have gained in this course on that same family law issue.

Points will be deducted for failure to follow formatting requirements and for spelling and grammar errors. The paper must include your name and word count. Word count maximum excludes name and specification of word count.

A grading rubric is available on Canvas below the instructions for the **Reflective Essay**.

Submit the assignment on Canvas no later than **Tuesday, December 3 at 1:30 pm**. Early submissions are welcome. Late submissions will not be eligible for full credit and will be subject to a significant penalty as indicated on the grading rubric.

Because the information a student provides in this essay may be inherently identifiable, this assignment will not be subject to the anonymous grading policy. Academic Services is responsible for combining anonymous and identifiable points in the calculation of your final grade.

If you are having difficulty arriving at a topic or have any questions about the assignment, please meet with me after class or email to arrange a mutually agreeable time.

(3) Class Participation as a Designated Expert. I will assign three to four (depending on class size) Designated Experts for each hour of our class meetings.

How do I know when I am scheduled to be a Designated Expert? Designated experts are identified by Group number on the syllabus. You will be assigned to a group at the end of the first week of class. Review your calendar to ensure that you do not have a conflict on your assigned dates. If you have a legitimate conflict with an assigned date, please email me as soon as possible (at least two class periods before the assigned date) to discuss rescheduling.

How should I prepare and what kind of questions can I expect to be asked? The Designated Experts are expected to be prepared to answer questions in the Socratic style on the days assigned, having read and thought about the assigned readings. At a minimum, you need to be able to answer basic information about the assigned cases, e.g., the facts, issues, holdings, rationales, and dissents, if any. You may be asked for your personal thoughts or opinions on the cases. You are welcome to meet with your group or any classmates ahead of time as you prepare. If you have questions or concerns about speaking in class, please see me.

How do I know which readings will be covered in my group's hour? Two group numbers are posted on class meeting days on the syllabus. In many cases, the syllabus indicates the material for which each group is responsible. Typically the first group listed will cover the first hour of class, and the second group will be responsible for the second hour of class. If there is no material specified for your group, know that I tend to cover the material according to the order of the posted pages, but it is impossible to know exactly what page will start the second half. Group members are welcome to meet with me at the conclusion of the previous day's class to get a sense of content coverage for the assigned class.

What if I forget to prepare for my assigned date(s)? Out of fairness to your fellow group members who will have to shoulder the burden of your absence and to your classmates who are prepared for their assigned days, failure to reschedule in advance of an assigned class will result in zero (0) credit for that day—no makeups are permissible except in extenuating, legitimate circumstances.

How many times can I expect to be a Designated Expert? The total number of times is two. You will know your assigned dates by the second week of class.

How will I be graded? Class participation as a Designated Expert is valued at 10% of your grade. Evidence of good faith preparation in your responses will earn full points for that class hour. If you pass or answer questions in a way that does not demonstrate preparation for your designated class, you will receive a 0 for that day. Please review the grading rubric in Canvas below the instructions for the Designated Expert assignment. Because this assignment is inherently identifiable, this assignment will not be subject to the anonymous grading policy; points will be provided to Academic Services for calculation of your final grade.

Assignment and Grading Summary

Graded Assignment	% of Final Grade	Due Date
Final Exam	80%	As assigned by Academic Services —no more than 3 hours
Reflective Essay	10%	No later than Tuesday, December 3, 1:30 pm via Canvas upload. Early submissions welcome.
Class Participation as Designated Expert	10%	Assigned by Groups by Friday of the first week of the course, posted HERE 

Honor Code

Each student is bound by the Law School Honor Code in all aspects of the examination process, assignments, in-class participation and conduct. The Law School Honor Code can be found [here](#).

Expectations for All Class Members

Class Preparation. All students are expected to complete the reading assignments and to attend and participate in class. Students who are not Designated Experts are welcome and encouraged to volunteer and ask questions during class discussions.

PollEverywhere Participation. Some classes will use PollEverywhere to gauge student perspectives on family law issues. All students are expected to participate in polling. Polling participation is anonymous and ungraded. There are three ways to participate: Text, Laptop or App.

BY TEXT (subject to data plan charges where applicable):

- Text profm to 22333 (number shown on poll) to join
- Receive text that joined
- Text *letter* or *word* response
- Logged in until earlier of
 - 24 hours of inactivity
 - Texting *leave*

BY WEB:

- Go to www.pollev.com/profm
- Wait for poll to appear
- Submit *response*

BY APP (requires free app download in Google Play or Apple App Store):

- Click *I'm Participating*
- Join a Presentation
- PollEv.com/profm

Podcasting. I have requested that the classes be podcast, although there is no guarantee as to the reliability or quality of podcasts.

Attendance. All students are bound by the **UWLS/ABA policies on attendance**. Students must be physically present in the classroom for assigned Designated Expert days.

Technology use for non-course related purposes during class. Please put all cell phones on do not disturb or silent ring at the beginning of class. Using computers and cell phones during class time for non-course related purposes is known to be distracting to fellow students. If you know that you have an irresistible impulse to do so, please select a seat in the back row so that you do not disturb or distract other students. Consequences of disturbing the learning experience of other students in the class will be determined at the instructor's discretion.

Office Hours

I am typically available to meet with you after class on Mondays and some Wednesdays (when there is no conflicting faculty meeting). You are also welcome to email to arrange a meeting time that works with your schedule. In addition, you can email questions or comments. When a question is of general interest, I may share the de-identified question and my response with the full class.

For those who are interested in practicing or learning more about Family Law

Want Career Guidance? To explore whether Family Law might be of interest, please explore the **Family Law Pathway** on UW Law's **Becoming a Lawyer** website, which includes guidance on **What Family Lawyers Do, Course Planning, and Opportunities Outside the Law School**. I am also happy to meet with you to discuss your career plans.

Want More Course Content? Family Law generally encompasses a broad range of topics, as evidenced by the required text. It is impossible to give adequate treatment to all of these issues in a one-quarter, 4-credit class. Therefore, some subjects are not covered here at all, and others are given more cursory treatment.

To experience more than a cursory treatment of community property, I highly recommend taking **Community Property (A521)**.

To learn about child abuse and neglect, parental rights termination and paternity, I recommend Child Advocacy Seminar (A579). [Not offered 2019-20]

To learn about representing the civil legal needs of youth in foster care, homeless youth, and youth who are undocumented, consider enrolling in the Children and Youth Advocacy Clinic (CAYAC) (E524). [Not offered 2019-20]

To learn about the purpose and reality of juvenile court, juveniles charged as adults, capacity and competency issues for juveniles accused of crimes, therapeutic courts, juveniles accused of sexual offenses, and the school-to-prison pipeline, I highly recommend taking the Juvenile Justice Seminar(B517). [Not offered 2019-20]

Want to Learn More about Family Law in Washington State? Washington's family law statutes are generally found in **Title 26 (Domestic Relations) of the Revised Code of Washington** (note that Washington recently adopted the revised Uniform Parentage Act, to be effective January 2019). See also: Gallagher Law Library **Washington State Resources on Family Law**, available under the heading Family Law (subheadings: Marriage, Divorce, Domestic Violence, Family Law Generally); **WashingtonLawHelp**; and for King County, **Family Court Department of the King County Superior Court**.

Access and Accommodation

I am committed to providing an inclusive and accessible learning environment for students in accordance with policies and practices of the University of Washington and as consistent with state and federal law. If you have already established accommodations with Disability Resources for Students (DRS), please communicate your approved accommodations to me as early as possible so we can discuss your needs in this course.

If you have not yet established services through DRS, but have a temporary health condition or permanent disability that requires accommodations (conditions include but are not limited to: mental health, attention-related, learning, vision, hearing, physical or health impacts), please contact DRS at 206-543-8924 or uwdrs@uw.edu or disability@uw.edu. DRS offers resources and coordinates reasonable accommodations for students with disabilities and/or temporary health conditions. Reasonable accommodations are established through an interactive process between you, the instructor (Mastroianni) and DRS.

Religious Accommodations

Washington state law requires that UW develop a policy for accommodation of student absences or significant hardship due to reasons of faith or conscience, or for organized religious activities. The UW's policy, including more information about how to request an accommodation, is available at **Religious Accommodations Policy** (<https://registrar.washington.edu/staffandfaculty/religious-accommodations-policy/>). Accommodations must be requested within the first two weeks of this course using the **Religious Accommodations Request form** (<https://registrar.washington.edu/students/religious-accommodations-request/>).

Course Evaluation

Course evaluations are open online during the last week of classes. Class time will be made available on the last day of class for filling out your evaluation. Please bring a laptop or mobile device to class on this date to participate in the evaluation.

Course Schedule

The following syllabus outlines the reading assignments and sets forth a preliminary timetable. It is possible that the timetable and reading assignments will be amended during the course, depending on our pace, current topics in the news, and the availability of guest speakers. This outline should serve as a rough guide as you plan your reading and study schedule.

Designated Expert Assignment Group # highlighted like this

Dates when All Students expected to actively participate highlighted like this (REMINDER: All students are always welcome and encouraged to raise questions and participate in class discussions)

Class 1 Sept. 23

I. Introduction/What Is a "Family"?

All Student Participation

Class Objectives:

- Describe the social context of family law and reflect on its influence on the development of the law
- Describe the benefits of marriage reflected in law and policy
- Describe the legal parameters of "family"
- Describe the right of privacy in personal relationships has evolved and its potential impact on future family law decisions

Assignment:

Course Overview: **Read Syllabus closely and come to class with your questions**

Orientation: Skim 1-17

Case Discussion: 255-260 (Griswold); 301-309 (Lawrence); 547-556 (Belle Terre, Penobscot, Vallorosi)

Class 2 Sept. 25

All Student Participation

II. Marital Dissolution: Fault-Based Grounds; Introduction to No Fault

Class Objectives:

- Describe the role of the state in a marital relationship
- Identify, describe and apply
 - Elements of fault grounds for divorce
 - Elements of defenses to fault grounds
 - Elements of no fault divorce under California law and the UMDA
- Distinguish fault and no fault grounds
 - When one party does not want to divorce
 - Who can challenge the divorce
 - Implications of fault and no fault for financial distributions

Assignment:

697-716 (Capone, Jenkins, Benscoter, Hughes, Rankin, Hollis, Willan, Fuchs); 719-725 (Calif. Reforms, UMDA 302 & 305)

Class 3 Sept. 30

Groups 1 [Dowd, Grimm, Massar, Cooper] & 2 [Boddie, Sosna, UMDA 402]

II. Marital Dissolution: No Fault; Access to Divorce

III. Parenting—Best Interests Standard

Class Objectives:

- Divorce
 - Distinguish fault vs no fault divorce
 - approach, policy justifications, strategic implementation
 - Identify causes of action that may arise in adjudicating no fault divorce, including living "separate and apart"
 - Describe circumstances under which divorce-related contractual provisions may be enforceable
 - Describe the legality of and approach to covenant marriage and its provisions for divorce
 - Explain whether there is a fundamental right to divorce
 - Define "durational residency requirement"
- Parenting
 - Define legal terms: parenting, custody, legal custody, physical custody, visitation
 - Identify and describe components of a parenting plan
 - Distinguish two legal approaches to division of parental responsibilities
 - Describe UMDA statute and factors determining "Best Interests of the Child"
 - Generally describe policymaking considerations and tradeoffs in determining "best interest of the child"

Assignment:

725-754 (Dowd, Grimm, Massar, Cooper, Boddie, Sosna); 768-769 (UMDA 402)

OPTIONAL: (Brief overview of WA state approach) Washington State Bar Association, Divorce and Parenting, https://www.wsba.org/docs/default-source/news-events/publications/consumer-pamphlets/dissolution0211.pdf?sfvrsn=767e3cf1_2

Class 4 Oct. 2

Groups 3 [UMDA 402, Carney, Hollon, Palmore, Jones] & **4** [Kendall, Elk Grove, Johns, KJB, Schult]

III(a). Parenting—Best interests standard

Class Objectives:

- Identify, describe and apply statutory (UMDA) and common law factors that determine the Best Interests of the Child in custody decisions, including parental fitness, race, ethnicity, religion, the child's preference
- Describe the role of judicial discretion in BIC determinations
- Describe the respective roles of mental health experts and counsel for the child in judicial BIC determinations

Assignment:

768-769 (UMDA 402); 857-897 (Carney, Hollon, Palmore, Jones, Kendall, Elk Grove, Johns, KJB, Schult)

Class 5 Oct. 7

Group 5* [on call for discussion of casebook readings]

All Student Participation: Bring hypothetical and Form (FL All Family 140) to class and be prepared to participate in class discussion

III(b). Parenting—Alternative Approaches: Parenting Plans in Family Law Practice

Class Objectives:

- Distinguish different approaches to parenting and describe their respective relationships to BIC
- Describe fairness and efficiency implications of different approaches to parenting from policy perspective, including ALI proposal, WA state law, and lottery
- Identify and describe issues that arise in the drafting of parenting plans and provide potential solutions
- Practice drafting parenting plans using Washington state forms
- Describe and apply the Washington standard for modification of parenting plans

Assignment:

922-933 (Levy; Huelskamp; Halls); 942-948 (ALI 2.05, Mnookin, Elster)

 **Parenting Plan Hypothetica** 

I  (Brangelina)

 **Parenting Plan -- Sample Language** 

, courtesy of Karen H. Nakagawa, attorney

Washington State Court Parenting Plan Form (FL All Family 140) 7/2019 [available for download in Word or PDF at <http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=35> or in PDF http://www.courts.wa.gov/forms/documents/FL%20All%20Family%20140%20Parenting%20Plan_2019%2007.pdf]

Northwest Justice Project, "Parenting Plans Instructions and Forms" July 2019 http://www.washingtonlawhelp.org/files/C9D2EA3F-0350-D9AF-ACAE-BF37E9BC9FFA/attachments/3928727E-BCE4-DEB2-4B69-156C1A029B8B/3209en_parenting-plans.pdf

For Reference: **Collaborative Practice: Resolving Disputes Respectfully;**  **Collaborative Law: Goals & Interests;**

 **Collaborative Process Participation Agreement;**  919-922 (ALI 2.08, 2.09); RCW 26.09.181- .285

Class 6 Oct. 9

Groups 6 [Rivero, Note; UMDA 409, Hassenstab] & **7** [Morgan, UMDA 407, Eldridge, Zummo]

III(c). Parenting—Modification

III(d). Parenting—Visitation

Class Objectives:

- Define joint custody and practical implications for children and parents
- Compare different BIC approaches with respect to policy goals of efficiency and fairness
- Describe, apply and distinguish the legal standards for custody modification and relocation, including their underlying policy assumptions
- Describe and apply the legal standard for visitation and distinguish from the BIC legal standard

Assignment:

904-910 (Rivero; Note); 948-952 (UMDA 409, Hassenstab); 955-961 (Morgan); 966-975 (UMDA, Eldridge, Zummo)

Class 7 Oct. 14

Groups 8 [Troxel, DePalma, Simons, Edwards] **& 9** [Smith, KB, ALI 2.03 & 2.18, Notes]

III(d). Parenting—Visitation (incl. 3rd party)

III.(e) Parenting—Stepparents/ Unmarried Couples

Class Objectives:

- *Describe and apply the constitutional basis and legal standard in 3rd party petitions for visitation, with attention to the relevance of BIC and harm to child*
- *Distinguish and apply legal standards for custody disputes between legal parents only and for legal parent versus a stepparent*
- *Describe circumstances under which a nonlegal parent can become a psychological parent, the legal parenting rights that may become attendant thereto*

Assignment:

384-390 (Troxel); 975-001 (DePalma, Simons, Edwards, Smith, KB, ALI 2.03 & 2.18); Supp. 185-189 (Notes)

Class 8 Oct. 16

Group 10 [Innerbichler, Holman]

All Student Participation [UMDA and ALI]

IV. Property Division

Class Objectives:

- *Identify three steps necessary to achieve property division on divorce*
- *Describe and apply ALI and UMDA definitions of marital and nonmarital property, and explain the relevance of those classifications to property division*
- *Distinguish property terms: marital, community, non marital, separate*
- *Describe and apply 3 approaches to valuing a marital interest in separate property (active appreciation, ALI, source of funds)*

Assignment:

1020-1038 (UMDA 307, ALI 4.03, ALI 4.05, Innerbichler, Holman, Notes)

Class 9 Oct. 21

Groups 11 [Laing, Postema, Elkus] **& 1** [Wilson, Rice, UMDA 307, Note]

IV. Property Division

Class Objectives:

- *Define and apply pension terminology on plan types, vesting, and contribution, and describe implications for classification as marital/nonmarital property*
- *Describe, distinguish and apply the deferred distribution and present value approaches to valuing and dividing pensions, including advantages and disadvantages for each party, and whether and how they meet policy goals of efficiency and fairness*
- *Identify examples of intangible assets that may potentially be distributable on divorce*

- Compare, contrast and apply the approaches to classification and valuation of the intangible assets in dispute in *Postema* and *Elkus*
- Describe and distinguish types of goodwill and classification and valuation
- Describe and apply classification, valuation and allocation steps to debt on divorce
- Describe and apply UMDA and California approaches to division of marital assets

Assignment:

1038-1062 (Laing, Postema, Elkus, Wilson, Rice); 1023-24 (UMDA 307); Supp 197 (Note 1)

Class 10 Oct. 23

Group 2 [UMDA 307, Adams, Finan Tucker, Kisthardt]

Group 3 [UMDA 308, Hodge, Lorenz]

IV. Property Division

V. Maintenance

Class Objectives:

- Describe and apply UMDA and California approaches to property division, including factors relevant to equitable distribution
- Define and describe dissipation and marital misconduct and describe how they are addressed in decisions about property division
- Define spousal maintenance, alimony, spousal support, permanent alimony
- Describe the components of a typical alimony statute and describe and apply the relevant provisions of the UMDA
- Describe and apply factors entering into decisions and amounts of alimony awards, including need, ability to pay, reimbursement, rehabilitation, marital standard of living, fault, and marriage duration
- Identify and describe policy justifications for alimony awards

Assignment:

1023-24 (UMDA 307); 1062-1075 (Adams, Finan, Tucker, Kisthardt, Hodge, Lorenz)

UMDA 308 (Maintenance) can be found in [🔗 Online Statutory Supplement 📄](#)

Class 11 Oct. 28

Groups 4 [Probasco, Dykman, Schwarz] & **5** [Kisthardt/AAML/UMDA 309/CFR]

V. Maintenance

VI. Child Support

Class Objectives:

- Define permanent alimony and child support
- Describe and apply factors entering into decisions and amounts of alimony awards, including need, ability to pay, reimbursement, rehabilitation, marital standard of living, fault, and marriage duration
- Identify and describe policy justifications for alimony awards
- Describe the relationship between property distribution and alimony
- Describe and apply the legal standards for modification and termination of maintenance
- Describe and apply the AAML Recommendations for calculating the amount and duration of alimony and compare to UMDA
- Describe the role of the federal government in relation to child support awards
- Identify three models of child support guidelines, and describe and apply the income shares and percentage of obligor income guidelines

Assignment:

1075-1105 (Probasco, Dykman, Schwarz, Kisthardt incl. AAML recommendations; evaluating divorce awards); 1115-1120 (UMDA 309, 45 CFR 302.56)

SKIM ONLY: Washington State Child Support Schedule Calculator and related info,

<https://fortress.wa.gov/dshs/dcs/SSGen/Home>

<https://www.dshs.wa.gov/child-support>

Class 12 Oct 30

Groups 6 [Little, Kraisinger, Schmidt] & **7** [Smith, Rose, Solomon, Curtis]

All student participation [1115-1120 refresh for in-class hypothetical]

IV. Child Support--continued

Class Objectives:

- Describe and apply typical CS statutory provisions on income calculation, including inclusions and exclusions
- Describe and apply three alternative approaches used by states for imputing income to a parent for CS calculation
- Describe and apply legal standards that permit considerations of parental wealth and poverty in CS calculations
- Describe how deviations from CS schedules are managed under percentage of obligor and income share approaches and apply to CS calculations
- Describe and apply the nurturing parent doctrine to CS calculations
- Define the concepts of incorporation and merger and describe their implications for enforcement of family law agreements, including those for post majority support
- Identify and apply a constitutional challenge to a state statute mandating parental provision of post-majority support, e.g., for college education, to child of divorce
- Describe and apply criteria under which a stepparent will be held legally responsible for child support, whether pendente lite or final award, and the policy rationales for those approaches
- Describe at least three legal mechanisms for enforcement of child support awards

Assignment:

1120-1147 (Little, Kraisinger, Schmidt, Smith, Rose, Solomon, Curtis)

Refresh for in-class hypothetical: 1115-1120

Class 13 Nov. 4

Groups 8 [Miller, Ainsworth] & **9** [Sharon, Back, JMN, Seek]

VI. Child Support (cont.)

VII. Marriage

Class Objectives:

- *Describe when and under what circumstances child support obligation ends*
- *Describe and apply criteria under which a stepparent will be held legally responsible for child support, whether pendente lite or final award, and the policy rationales for those approaches*
- *Describe and apply legal standard for modification of child support*
- *Characterize approaches to child support from policy perspective*
- *Define and distinguish void and voidable in the context of marriage, apply the terms to traditional restrictions on marriage, and describe implications of each term for marital rights and obligations, including inheritance, the need for court intervention, and who can challenge the marriage*
- *Define and distinguish affinity and consanguineous relationships in the context of marriage, their relevance to state marital restrictions, and the implications of each term for the legal status of a marriage*
- *Define and distinguish divorce and annulment and describe implications for children, "spouse" and financial distributions*

Assignment:

1147-1159 (Miller, Ainsworth); 63-68 (Sharon H, Back); 72-79 (JMN);  [State v. Seek](#) 

For reference: Wash. Void Marriages: [RCW.04.010](#); Wash. Voidable Marriages: [RCW 26.04.130](#); Wash. Prohibited Marriages: [RCW 26.04.020](#); Wash. Bigamy: [RCW 9A.64.010](#)

Nov 6: NO CLASS MEETING

Nov 11: NO CLASS MEETING--VETERAN'S DAY HOLIDAY

Class 14 Nov. 13

Groups 10 [Loving, Zablocki, Turner] & 11 [Windsor, Obergefell, Jones]VII. Marriage

Class Objectives:

- *Identify, describe and apply federal constitutional limits on state authority to regulate marriage (derived from Loving, Zablocki, Turner, Windsor, Obergefell, Jones)*
- *Describe the scope of federal constitutional rights related to marriage (evidenced in Loving, Zablocki, Turner, Windsor, Obergefell, Jones)*

Assignment:

133-151(Loving, Zablocki, Turner); Supp 1-58 (Windsor, Obergefell, Jones)

Class 15 Nov. 18

All Student Participation

Family Law Practice: Perspectives on Parenting and Marital Dissolution:

Family Law Practice Guest Speaker: **Susan Alexander**, Law Offices of Susan Alexander, P.S.

Collaborative Lawyering Guest Speakers: **Loretta S. Story**, Eastside Collaborative Law Center, and

Jeff Shushan, Legacy Counseling, Coaching & Training

Assignment:

 Legacy Based Timeline 

 Divorce Without Resistance: Establishing The 'Context Of Hope' Through Dialogue 

Collaborative Practice: Resolving Disputes Respectfully.

 Guidelines for Parents During Separation and Divorce 

 Collaborative Law: Goals & Interests 

 Collaborative Process Participation Agreement 

SKIM ONLY: 1292-1300 (DeMeo, Ethics)

Class 16 Nov. 20

All Student Participation

VII. Marriage

VIII. Common Law Marriage (incl. putative spouse doctrine)

IX. Unmarried Partners

Class Objectives:

- *Describe and distinguish each of the following, including their legal implications*

- *Common law marriage*
- *Putative Spouse doctrine*
- *Marvin-type arrangements*
- *ALI arrangements*
- *Committed Intimate Relationships (Wash.)*
- *Define, describe, and apply traditional restrictions on marriage, including, incest, bigamy, age, and state of mind, and describe the legal implications of each*

Assignment:

162-178 (Rappaport, Lester, Johnston, Farr, Hargrave); 500-512 (Marvin, ALI)

Class 17 Nov. 25

All Student Participation

IX. Unmarried Partners

X. Reallocation of Duties within Marriage by Private Contract: Premarital Contracts

Assignment:

In re Pennington; 1237-1242 (Bix, Maynard, Mnookin, Edwardson, Simeone); 1247-1249 (UPMAA [Note 3]);

Nov. 27: NO CLASS--HAPPY THANKSGIVING

Class 18 Dec. 2

All Student Participation

XI. Jurisdiction, Recognition, Choice of Law

Class Objectives:

- *Describe and apply the UCCJEA to determine which court has jurisdiction to decide a custody dispute, whether initial or modification, when a parent or parents and/or child(ren) are in different states or countries*
- *Describe at least three possible state approaches to child support enforcement*
- *Describe and apply UIFSA to determine which court has jurisdiction to establish, modify, and enforce child support*

Assignment

1190-1194 (Foster); 1159-1161 (Patterson)

Uniform Law Commission, **Interstate Family Support Act Amendments (2008) Adoption Summary**.

Uniform Law Commission, **UIFSA (2008)**.

SKIM: Hague Convention on the Civil Aspects of International Child Abduction

Class 19 Dec 4

All Student Participation

XII. Domestic Violence and Family Law

Course Catch-up; Exam Discussion; Course Evaluations

Assignment:

TBA