

Course Syllabus

University of Washington School of Law
Spring Quarter, 2019

Family Law A580
(4 credits)

Class meets: M/W 3:30-5:35 PM, Room 127

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Office Hours: By appointment

Syllabus

Class Description

This course focuses upon the dissolution of marriage and the work of the family lawyer. Topics covered include divorce, parenting, child support, property distribution, maintenance (spousal support), domestic violence, and marriage. Legislative changes to family law will also be discussed. The skills and interdisciplinary knowledge required for a successful family law practice will also be explored. This course will draw on Washington and national cases, forms and statutes to illustrate the work of the lawyer.

Family law generally encompasses a broad range of topics. 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. More advanced family law issues will be covered in Family Law: Selected Topics. To learn about adoption, third-party custody, the fundamental rights of parents and the power of the state in child abuse and neglect proceedings, you should consider taking Child Advocacy 579 A and enrolling in the Children and Youth Advocacy Clinic. To experience a more thorough treatment of community property, you should take Community Property offered by Professor Boxx. For a deeper understanding of family law for gay and lesbian couples, Sexual Orientation and the Constitution and Gender and the Law are useful courses.

Learning Objectives

- To understand general trends and changes in family law over the last thirty years.
- To be able to analyze jurisdictional issues for family law cases.
- To be aware of the change from fault to no-fault divorce, and how that manifests in current jurisprudence.
- To understand the myriad of legal changes to parenting, including within a marriage, with unmarried partners, with extended family relationships, the laws regarding formation and modification of parenting plans, and adoption and surrogacy.
- To be aware of the financial issues related to marriage, including property division, child support and maintenance.
- To understand how the court addresses domestic violence in family relationships.
- To be aware of the changes in marriage and family definition in the last decade.

Textbook

There will be no course textbook. The readings will be a mix of articles and cases.

Grading

Your grade will be based on one in-class group parenting assignment worth 20% of your grade, two short assignments worth 30% (15% each), and a final exam worth 50%.

Class Participation

All students are expected to complete the reading assignments, and to attend and participate in class.

Students are bound by the UWLS/ABA policies on attendance: <https://www.law.washington.edu/students/academics/attendance.aspx>

Course Evaluation

Course evaluations are open online during the last week of classes. Please bring a laptop or mobile device to class on the assigned date to participate in the evaluation.

Computers

Students may use computers during class as long as it does not detract from class participation.

Guests and Visitors

Guests and visitors have to be pre-approved by the instructor.

Access and Accommodation

Your experience in this class is important to me. If you have already established accommodations with Disability Resources for Students (DRS), please communicate your approved accommodations to me at your earliest convenience 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 not limited to; mental health, attention-related, learning, vision, hearing, physical or health impacts), you are welcome to 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, your instructor(s) and DRS. It is the policy and practice of the University of Washington to create inclusive and accessible learning environments consistent with federal and state law.

Course Schedule

The following syllabus outlines the reading assignments and sets forth a preliminary timetable. The timetable and reading assignments will be amended during the course, depending on our pace. However, this outline should serve as a rough guide as you plan your reading and study schedule.

Monday, April 1

Topic 1: When are adult partners a family?

Required Reading

- "You can Crowdfund Everything These Days, Including Your Divorce," http://www.huffingtonpost.com/entry/you-can-crowdfund-everything-these-days-including-your-divorce_us_5755ac51e4b0eb20fa0e8961
- "Getting Married is Better than Dying, Right?," https://www.nytimes.com/2017/12/15/style/modern-love-getting-married-is-better-than-dying-right.html?_r=0
- "Decoding the Story of Yourself," <https://www.nytimes.com/2018/11/19/magazine/dna-test-black-family.html>

Topic 2: Jurisdiction

Assignment one distributed--due Monday, April 8

Required Reading

- RCW 4.28.185
- *Sherrer v. Sherrer*, 334 U.S. 343 (1948)
- *Kulko v. Superior Court*, 436 U.S. 84 (1978)
- *Ankenbrandt v. Richards*, 504 U.S. 689 (1992)
- *In re Marriage of Peck*, 82 Wn. App. 809 (1996)
- RCW 26.27 UCCJEA (skim)

Wednesday, April 3

Topic 1: Dissolution

Required Reading

- RCW 26.09.030
- Court Form—FL Divorce 201, Petition for Divorce
- *Mertens v. Mertens*, 38 Wn.2d 55 (1951)
- *In re Marriage of Mu Chai v. Yi Kong*, 122 Wn.App. 247 (2004)
- *In re Marriage of Buecking*, 179 Wn.2d 438 (2013)
- 2013 SB 5614, WA St Family 2nd Chances Act, <http://apps.leg.wa.gov/documents/billdocs/2013-14/Pdf/Bills/Senate%20Bills/5614.pdf>
- Sohn, Amy, "Angelina Jolie's Lawyer Now Offers Quickie Divorces Online," <https://www.nytimes.com/2018/02/03/style/can-you-get-divorced-online.html>

Topic 2: Custody determination

Required Reading

- *Stanley v. Illinois*, 405 U.S. 645 (1972)
- *Palmore v. Sidoti*, 466 U.S. 429 (1984)

Monday, April 8

Topic: Parenting-Standards for Custody Determination

Required Reading

- RCW 26.09.002, .182, .184, .187, .191
- Court Forms—FL ALL Family 140, Parenting Plan
- *Marriage of Underwood*, 181 Wn.App. 608 (2014)
- *Marriage of Jensen-Branch*, 78 Wn. App. 482 (1995)
- *Marriage of Possinger*, 105 Wn. App. 326 (2001)
- *Marriage of Magnuson*, 141 Wn. App. 347 (2007)
- *Marriage of Black*, 188 Wn.2d 114 (2017)
- 2019 HB 1050

Wednesday, April 10

Topic: Parentage and Paternity

Required Reading

- *Jhordan C. v. Mary K.*, 179 Cal.App.3d 386 (1986)
- *Michael H. v. Gerald D.*, 491 U.S. 110 (1989)
- *Lehr v. Robertson*, 463 U.S. 248 (1982)
- *In re Parentage of C.S.*, 139 P.3d 366 (2006)
- *In re Parentage of J.M.K.*, 119 P.3d 840 (2005)
- RCW 26.26A, Washington's Uniform Parentage Act

Topic: Parenting-Standards for Custody Determination (con't)/ Modification

Required Reading

- RCW 26.09.260
- *Marriage of Tadeo-Smith and Smith*, 127 Wn. App. 400 (2005)
- 2013 HB 1107, <http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1107&year=2013>
- 2015 HB 1618, <http://lawfilesex.leg.wa.gov/biennium/2015-16/Pdf/Bills/House%20Bills/1618.pdf>
- *In re Marriage of Zigler and Sidwell*, 154 Wn.App. 803 (2010)

Monday, April 15

Topic: Non-parental custody, *de facto* Parentage and Visitation

Required Reading

- *In re Parentage of L.B.*, 155 Wn.2d 679 (2005)
- *In re Custody of AFJ*, 179 Wn.2d 179 (2013)
- *In re Marriage of Snider and Stroud*, 6 Wn.App.2d 310 (2018)
- *In re Custody of LMS*, 187 Wn.2d 567 (2017)
- 2018 SB 5598, Concerning child custody
- *Troxel v. Granville*, 530 U.S. 57 (2000)
- RCW 26.11

Wednesday, April 17

Topic: Parentage/unmarried parents

In-Class Parenting Exercise

Monday, April 22

Topic: Adoption and Surrogacy

Required Reading

- *In re Adoption of TAW*, 188 Wn. App. 799 (2015)
- RCW 26.33 (skim)
- "Ethiopian Lawmakers Vote to Ban Foreign Adoptions," https://www.npr.org/sections/thetwo-way/2018/01/10/577144605/ethiopian-lawmakers-vote-to-ban-foreign-adoptions?utm_source=facebook.com&utm_medium=social&utm_campaign=npr&utm_term=nprnews&utm_content=20180110
- *Johnson v. Calvert*, 5 Cal.4th 84 (1993)
- *Litowitz v. Litowitz*, 102 Wn.App. 934 (2000)

Wednesday, April 24

Topic: Property Division

Required Reading

- RCW 26.09.080
- *In re Marriage of Washburn*, 101 Wn.2d 168 (1984)
- *In re Marriage of Estes*, 84 Wn. App. 586 (1997)
- *Clayton v. Wilson*, 168 Wn.2d 57 (2010)
- *In re Marriage of Larson and Calhoun*, 178 Wn. App. 133 (2013)
- *Sale of Big-Game Trophies to be Allowed in Divorce Cases*, Anchorage Daily News, March 12, 2012, <https://www.adn.com/alaska-news/article/sale-big-game-trophies-be-allowed-divorce-cases/2012/03/12/>
- *Zuckerberg's Property Status, Post-Marriage*, New York Times, May 21, 2012, <http://www.nytimes.com/2012/05/22/technology/zuckerbergs-property-status-post-marriage.html?emc=eta1>
- "The Marriage is Over, but the Jewelry is Mine," New York Times, January 18, 2018, <https://www.nytimes.com/2018/01/18/fashion/weddings/the-marriage-is-over-but-the-jewelry-is-mine.html?hp&action=click&pgtype=Homepage&clickSource=story-heading&module=mini-moth®ion=top-stories-below&WT.nav=top-stories-below>

Monday, April 29

Assignment Two distributed--due Monday, May 6

Topic 1: Maintenance

Required Reading

- RCW 26.09.090
- *Marvin v. Marvin*, 18 Cal.3d 660 (1976)
- *In re Marriage of Valente*, 320 P.3d 115 (2014)
- *In re Marriage of Kaplan*, 4 Wn.App.2d 466 (2018)

Topic 2: Child Support

Required Reading

- RCW 26.19.020
- 2018 SB 6334
- Court Form-FL All Family 130, Child Support Order
- Court Form-WSCSS-Worksheets
- *State and Zabloski v. Hall*, 418 NW.2d 187 (1988)
- *Amunrud v. Board of Appeals and Dept. of Social & Health Servs*, 124 Wn. App. 884 (2004)

Wednesday, May 1

Domestic Violence

Required Reading

- RCW 26.50.130
- RCW 9.41.800
- *Rodriguez v. Zavala*, 188 Wn.2d 586 (2017)
- Stalking, https://www.npr.org/sections/alltechconsidered/2018/01/04/554564010/i-know-where-you-ve-been-digital-spying-and-divorce-in-the-smartphone-age?utm_source=facebook.com&utm_medium=social&utm_campaign=npr&utm_term=nprnews&utm_content=20180104
- "Washington has reported 150 denied gun buyers to law enforcement since adoption of 'Lie and Try' law", <https://www.thetrace.org/rounds/washington-state-background-checks-denied-gun-buyers/>
- "New Rapid Response Team Disarms Accused Abusers," http://www.king5.com/mobile/article/news/local/new-rapid-response-team-disarms-accused-abusers/281-515919133?utm_campaign=trueAnthem:+Trending+Content&utm_content=5a7ccbef04d301459c2a5aa1&utm_medium=trueAnthem&utm_source=twitter?utm_campaign=trueAnthem:+Trending+Content&utm_content=5a7ccbef04d301459c2a5aa1&utm_medium=trueAnthem&utm_source=twitter

Monday, May 6

Topic 1: Prenuptial agreements

- *Marriage of Foran*, 67 Wn. App. 242 (1992)
- *Marriage of DewBerry and George*, 115 Wn.App. 351 (2003)
- *Marriage of Friedman*, 122 Cal.Rptr.2d 412 (2002)

Topic 2: Domestic Partners

Required Reading

- RCW 26.60
- *Connell v. Francisco*, 127 Wn.2d 339 (1995)
- *In re Pennington*, 142 Wn.2d 592 (2000)
- *In re Domestic Partnership of Walsh and Reynolds*, 183 Wn.App. 830 (2014)
- *Donald Muridan v. Nicole Redl*, 3 Wn.App.2d 44 (2018)
- *All the Conventional Cohabitation But no Nuptials*, http://mobile.nytimes.com/2014/07/06/fashion/weddings/all-the-conventional-cohabitation-but-no-nuptials.html?ref=weddings&_r=1&referrer=

Wednesday, May 8

Topic: Marriage

Required Reading

- RCW 26.04.020
- *Loving v. Virginia*, 388 U.S. 1 (1967)
- *Zablocki v. Redhail*, 434 U.S. 374 (1977)
- "Advocates are fighting to outlaw adult marriages to minors," http://www.abajournal.com/magazine/article/adult_marriages_minors_law

Monday, May 13

Topic: Marriage/DOMA/Same-sex marriage

Required Reading

- *Goodridge v. Dep't of Public Health*, 798 N.E.2d 941 (2003)
- 2012 SB 6239
- *Hollingsworth v. Perry*, 133 S.Ct. 2652 (2013)
- *US v. Windsor*, 133 S.Ct. 2675 (2013)
- *Obergefell v. Hodges*, 135 S.Ct 2584 (2015)

Wednesday, May 15

Topic: Same-sex marriage backlash

- *V.L. v. E.L.*, 136 S.Ct. 1017 (2016)
- *State of WA v. Arlene's Flowers/Ingersoll v. Arlene's Flowers*, 187 Wn.2d 804 (2017)
- *Craig v. Masterpiece Cakeshop, Inc.*, 138 S.Ct. 1719 (2018)
- *Barber v. Bryant*, 860 F.3d 345 (2016), *cert. denied*, 2018 WL 311355 (Jan. 8, 2018)

Monday, May 20

Topic: Additional Supreme Court family law case review

Required Reading

- *Couple v. Baby Girl*, 133 S.Ct. 2552 (2013) (ICWA)
- *Lozano v. Montoya-Alvarez*, 134 S.Ct. 1224 (2014)
- *Astrue v. Capato*, 132 S.Ct. 2021 (2012) (Social Security)
- *Hillman v. Maretta*, 133 S.Ct. 1943 (2013)(beneficiary dispute)
- Court Form-FL Divorce 241, Final Divorce Order

Wednesday, May 22

Review