

# Family Law

Prof. Marie-Amélie George



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## Course Description

Welcome to Family Law!

Families come in all forms. Some are ones we are born into. Others are ones we choose. This course will look at the legal definition of "family" and how the state regulates intimate relationships.

You will learn the fundamentals of family law, which includes marriage requirements and restrictions, parentage doctrines, child support obligations, and child custody standards. These topics bridge many of the areas of law you studied your first year. This course will consequently allow you to see how constitutional law, contracts, property, criminal law, and civil procedure intersect.

Family law statutes often grant judges a great deal of discretion, so we will spend time discussing how to effectively use policy arguments to convince decision-makers. Moreover, because family law is an expansive, multi-faceted, and dynamic area of the law, there are often gaps in statutes and doctrines. Our policy exercises will consequently help you when you are arguing in the absence of controlling precedent.

By the end of this semester, you should be able to:

- Articulate the legal principles and policy concerns fundamental to family law and formulate arguments based on both.
- Analyze and critique legal frameworks regulating the family, including marriage, divorce, parentage, and custody.
- Deconstruct and apply statutory provisions regulating the family unit.

- Identify the state law variations in family law and explain how they impact the outcome of a family law dispute.
- Predict how a court will divide property, award spousal maintenance, resolve custody disputes, calculate child support, structure visitation agreements, and resolve jurisdictional disputes in family law cases.

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## **Policies & Procedures**

### *Readings*

Our casebook is Abrams, Cahn, Ross, Meyer & McClain, Contemporary Family Law (5th ed.). Unless otherwise indicated, page numbers in your syllabus refer to that casebook. Additional assigned readings are available on Canvas.

You are responsible for reading all the assigned class material, whether or not we cover all of the material during class.

### *Class Discussions*

This class will touch on issues about which you may have strong feelings, possibly based in personal experience, religious conviction, or political views. I ask that you engage with the material and your classmates with compassion and respect in these debates, even when you disagree.

In these conversations, I know that I will likely make mistakes. If I say something that you think is misguided or offensive, please email me or meet with me to discuss it. I want to make our classroom a space for candid and honest discussions.

### *Accommodations*

I am committed to making our classroom a safe and accessible space for all members of our community. If you have questions about accommodations or supportive measures, including situations in which English is not your native language, please review the guidance available in Chapter 8 of the Student Handbook, or contact Interim Assistant Dean of Student Affairs Branden Nicholson at [lawstudentaffairs@wfu.edu](mailto:lawstudentaffairs@wfu.edu) (<mailto:lawstudentaffairs@wfu.edu>).

### *Computer and Technology*

You are welcome to use a computer to take notes during class, but if you choose to do so, please be respectful of those around you. If laptop use becomes a detriment to classroom learning, I reserve the right to implement an individual or class-wide ban.

Cell phones must be silenced and put away. If you have a legitimate need to leave your cell phone out, please speak to me ahead of time.

Students are not allowed to use advanced automated tools (artificial intelligence or machine learning tools such as ChatGPT) on any assignments in this course, whether graded or ungraded.

### *Class Polling*

We will use real-time polling in class. Please sign up for a free account at <https://www.polleverywhere.com/>  [https://www.polleverywhere.com](https://www.polleverywhere.com/)  <https://www.polleverywhere.com/>.

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### **Grading**

Your grade is comprised of two components: attendance and participation (20%) and the final exam (80%).

#### *Attendance and Participation*

I expect everyone to attend class on time. It is distracting for someone to enter the classroom after class has begun. Consistently arriving late to class will lower your final grade. I also expect everyone to attend every class. In accordance with the law school's policy on class attendance, students who miss five or more classes will not be permitted to sit for the final exam absent illness or extraordinary circumstances.

I will record all class sessions, although please keep in mind that technical problems or human error may prevent successful recording. As a result, if you miss class, you should ask a fellow classmate to take notes for you. All recordings will be available for viewing only by students enrolled in the class via Canvas and may be used solely for the purpose of participating in the course. You may not download, copy, post online, or otherwise distribute any portion of the recordings for any purpose.

Attendance is more than presence – it is also active participation. I therefore expect you to keep up with the reading and attend prepared to discuss the materials. In addition to voluntary class participation – which I encourage! – I will randomly call on students during each class, using a panel system. During these cold calls, I do not expect you to be perfect. These are opportunities to learn, not tests of your knowledge.

I understand that sometimes, for whatever reason, you would prefer to not be called upon to speak on a particular day. Please contact me before class to let me know and I will switch you to the following class session's panel. However, using this option more than once during the semester will result in a lowering of your final grade. If you miss a class session when your panel was on call, I will call on you during the following class session.

You will be completing several review assignments designed to improve your performance in the course. In the middle and at the end of the semester, you will be completing a series of multiple choice and short essay questions. During the last week of the course, you will also be conducting a divorce negotiation. Since these assignments are not designed to evaluate your performance, but rather are simply to help you to evaluate your own learning, they are not graded in the traditional sense of the term. However, they contribute to your overall participation grade.

### *Final Exam*

The final exam will be an open book, closed internet, self-scheduled exam.

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### **Contact Info & Office Hours**

Please come by my office (Worrell 3331) with questions, concerns, or just to chat! My formal office hours are Wednesdays from 12p.m. to 1p.m., but you are also welcome to schedule an appointment for another time by emailing me at [georgemp@wfu.edu](mailto:georgemp@wfu.edu) (<mailto:georgemp@wfu.edu>).

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## Course Summary:

Date	Details	Due
Mon Oct 16, 2023	 <a href="#">Mid-Semester Review Assignment</a> ( <a href="https://wakeforest.instructure.com/courses/58030/assignments/375054">https://wakeforest.instructure.com/courses/58030/assignments/375054</a> )	due by 11:59pm
Mon Nov 27, 2023	 <a href="#">Course Feedback</a> ( <a href="https://wakeforest.instructure.com/calendar?event_id=179487&amp;include_contexts=course_58030">https://wakeforest.instructure.com/calendar?event_id=179487&amp;include_contexts=course_58030</a> )	12am
Mon Dec 4, 2023	 <a href="#">Negotiation Plan</a> ( <a href="https://wakeforest.instructure.com/courses/58030/assignments/412511">https://wakeforest.instructure.com/courses/58030/assignments/412511</a> )	due by 11:59pm
Wed Dec 6, 2023	 <a href="#">Final Exam Review - MEE Questions</a> ( <a href="https://wakeforest.instructure.com/courses/58030/assignments/375053">https://wakeforest.instructure.com/courses/58030/assignments/375053</a> )	due by 11:59pm

**Date**

**Details**

**Due**

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 Final Exam Review - Multiple  
Choice Questions  
(<https://wakeforest.instructure.com/courses/58030/assignments/375052>)

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due by 11:59pm

Collapse All

[View Progress](#)

▼ **Week 1: Constitutional Underpinnings**



**Tuesday, Aug. 29: Intro and Defining Family**

**Read: Syllabus, pp. 1-19**

**Complete: Introductory Survey and NameCoach Entry**

 **Contemporary Family Law pgs 1-19.pdf**



 **Introductory Survey**

 **Class 1 - Intro and Defining Family.pdf**



**Thursday, Aug. 31: Constitutional Right to Marry**

**On Call: A-D**

**Read: pp. 65-83, Obergefell v. Hodges**

 **Family Law pgs 65-83.pdf**



 **Obergefell v Hodges excerpt.pdf**



 **Class 2 - Constitutional Right to Marry.pdf**



▼ **Week 2: Marriage**



**Tuesday, Sept 5: Limitations on Marriage**

**On Call: E-K**

**Read: pp. 114-38 (skip Problems on pp. 129-30)**

 **Contemporary Family Law - pgs 114-138.pdf**



 **Class 3 - Limitations on Marriage.pdf**



**Thursday, Sept 7: Marriage Requirements**

**On Call: M-R**

**Read: pp. 139-62**

 **Contemporary Family Law - pgs 139-162.pdf**



 **Class 4 - Requirements.pdf**



▼ **Week 3: Marriage Cont.**



**Tuesday, Sept 12: Common Law Marriage**

**On Call: L, S-Z**

**Read: pp. 162-78, 291-303 (6th ed. 213-15, 218-24, 240-51, 357-67)**

 **Class 5 - Common Law Marriage.pdf** 

## **Thursday, Sept. 14: Spousal Support Obligations**

**On Call: A-D**

**Read: pp. 204-12, 237-52 (6th ed. 273-81, 293-311)**

 **Class 6 - Spousal Support Obligations.pdf** 

**▼ Week 4: Parenthood** 

## **Tuesday, Sept. 19: Establishing Parenthood**

**On Call: E-K**

**Read: pp. 305-33 (6th ed. 369-88, 393-401)**

 **Class 7 - Establishing Parenthood.pdf** 

 **UPA Section 204 - formatted.docx** 

## **Thursday, Sept. 21: Non-Marital Parenthood**

**On Call: M-R**

**Read: pp. 919-38 (6th ed. 978-91\*)**

 **Class 8 - Non-Marital Parenthood.pdf** 

 **Statutory Parentage Exercise.pdf** 

▼ **Week 5: Parenthood Cont.** 

**Tuesday, Sept 26: ART**

**On Call: L, S-Z**

**Read: pp. 339-57, Cook v. Harding (6th ed. 401-04, 411-20, 423-27)**

 **Cook v Harding.pdf** 

 **Class 9 - ART.pdf** 

 **Surrogacy Draft Contract.pdf** 

**Thursday, Sept. 28: Adoption**

**On Call: A-D**

Read: pp. 365-94, 405-09, When Families Un-Adopt a Child (6th ed. 435-41, 445-68, 475-79)



When Families Un-Adopt a Child copy.pdf



Class 10 - Adoption.pdf



In-Class Adoption Exercise.pdf



▼ Week 6: Divorce



Tuesday, Oct. 3: Fault Divorce

On Call: E-K

Read: pp. 491-525 (6th ed. 553-94)



Class 11 - Fault based divorce.pdf



After He Cheats.pdf



Fault-Based Divorce Chart.docx



Thursday, Oct. 5: Intimate Partner Violence

On Call: M-R

Read: pp. 413-20 (to end of page), 434-49, US v. Sayer (6th ed. 481-92, 503-22)



US v Sayer.pdf



Class 12 - Intimate Partner Violence.pdf



▼ Week 7: Divorce Cont.



Tuesday, Oct. 10: No-Fault Divorce

On Call: L, S-Z

Read: pp. 525-57 (6th ed. 594-622)



Class 13 - No-Fault Divorce.pdf



In-Class No-Fault Divorce Hypo.pdf



Thursday, Oct. 12: No class - Fall break!

▼ Week 8: Division of Marital Property



Tuesday, Oct. 17: Review

## Complete: Mid-Semester Review Assignment and Mid-Semester Feedback Form



### Mid-Semester Review Assignment

Oct 16, 2023 60 pts



### Mid-Semester Feedback Form



### Class 14 - Mid-Semester Review.pdf



### Tips for Structuring Exam Essays



## Thursday, Oct. 19: Division of Marital Property

On Call: A-D

Read: pp. 561-92 (6th ed. 659-86)



### Class 15 - Characterization of Assets.pdf



▼ Week 9: Marital Property Cont.



## Tuesday, Oct. 24: Distribution of Marital Property

On Call: E-K

Read: pp. 619-40, 1115-16 (6th ed. 711-22, 1158-59\*)



### Class 16 - Distribution of Assets.pdf



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## Thursday, Oct. 26: Pre-Marital Agreements

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**On Call: M-R**

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**Read: pp. 1062-93 (6th ed. 1103-33)**

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 **Class 17 - Premarital Agreements.pdf** ⋮

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 **Premarital Agreements Chart.docx** ⋮

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▼ **Week 10: Alimony** ⋮

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## Tuesday, Oct. 31: Alimony

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**On Call: L, S-Z**

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**Read: pp. 651-80 (6th ed. 737-65)**

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 **Class 18 - Alimony.pdf** ⋮

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 **NC Alimony Statute - 50-16.3A.docx** ⋮

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## Thursday, Nov. 2: Modifying Alimony

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**On Call: A-D**

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Read: pp. 680-92 (6th ed. 765-77)

## Complete: Kitchen Sink Hypo

 Kitchen Sink Hypo.docx



 Class 19 - Modifying Alimony.pdf



▼ Week 11: Other Support Obligations



## Tuesday, Nov. 7: Non-Marital Support

On Call: E-K

Read: pp. 256-78 (6th ed. 324-43)

 Class 20 - Non-marital support.pdf



## Thursday, Nov. 9: Child Support

On Call: M-R

Read: pp. 698-708, 720-28 (6th ed. 788-96, 808-19)

 Class 21 - Child Support I.pdf



 Worksheet B.pdf





**NC Schedule of Basic Support Obligations**



**NC Schedule of Child Support Obligations.pdf**



▼ **Week 12: Child Support and Custody**



**Thursday, Nov. 14: Child Support Cont.**

**On Call: L, S-Z**

**Read: pp. 708-11, 735-59 (6th ed. 796-99, 825-46)**



**Class 22 - Child Support II.pdf**



**Thursday, Nov. 16: Child Custody**

**On Call: A-D**

**Read: pp. 773-76, 812-21, 838-45 (6th ed. 849-50, 880-89, 906-14)**



**Class 23 - Child Custody I.pdf**



▼ **Week 13: Take a break!**



**Monday, Nov. 20: No class. Enjoy Thanksgiving!**

▼ **Week 14: Child Custody Cont.**



**Tuesday, Nov. 28: Child Custody Cont.**

**On Call: E-K**

**Read: pp. 876-910 (6th ed. 935-40, 950-69)**

 **Class 24 - Child Custody II.pdf**



 **Mapping Custody Exercise.pdf**



 **Child Custody Hypo.pdf**



 **Child Custody Statute.pdf**



**Thursday, Nov. 30: Child Custody Modification**

**On Call: M-R**

**Read: pp. 939-66 (6th ed. 991-1018)**

 **Class 25 - Child Custody Modification.pdf**



▼ **Week 15: Family Law Practice**



## Tuesday, Dec. 5: Divorce Negotiation

### Read: Negotiation Materials (Information for Both Parties; Confidential Information; Negotiation Guide)

 **Negotiation Exercise - Fall 2023 - Information for Both Parties.pdf** 

 **Negotiation Guide.pdf** 

### Complete: Negotiation Plan

 **Negotiation Plan**   
Dec 4, 2023 0 pts

 **Class 26 - Divorce Negotiation.pdf** 

## Thursday: Dec. 7: Review

### On Call: L, S-Z

### Complete: Final Exam Review - Multiple Choice and MEE Questions

 **Final Exam Review - Multiple Choice Questions**   
Dec 6, 2023 15 pts

 **Final Exam Review - MEE Questions**   
Dec 6, 2023 60 pts

 **Class 27 - Final Exam Review.pdf** 

▼ **Final Exam Resources**



**Final Exam Instructions.pdf**



**Family Law Playlist**