

Florida A&M University College of Law
Family Law Section 301
Course No. 6710 Class No. 3910
Fall Semester 2016
Professor: Rhoda Pierre Cato
Tuesday/Thursday 12:30-1:45 p.m.
Room

Contact Information:

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Office Hours: Tuesday 2:00 p.m. - 4:00 p.m.

Wednesday 11:00 a.m. – 4:00 p.m.

Thursday 2:00 p.m. – 4:30 p.m.

and by appointment.

About the course:

This course covers the legal rules regulating the family, examining in detail the rules of marriage and divorce. The course will focus in particular on the interplay of three interrelated factors; (1) state and federal legislatures that statutorily regulate many family relationships; (2) courts that interpret these statutes or alternatively, determine equitable remedies in the absence of specific statutes; and (3) family law practitioners who must decide which strategic alternative favors their clients, and must plead and persuasively prove these remedies before courts. This course will include principles of many traditional law school disciplines such as civil, criminal, and constitutional law. Upon completing the course you will be able to address and answer complex issues and important questions such as:

- What is a “family”? This theme will recur throughout this course as we examine how the definition of “family” varies according to the context, reflecting society’s values and policy goals.
- How does and how should family law address nontraditional families?
- What is the appropriate balance between family autonomy and state regulation?
- How do race, gender, and class affect family law?

- How does family law address questions of religious freedom?

Additionally, you will acquire the following practical skills for family law practice:

- Analytical skills
- Ability to interview and advise a client on a family law matter
- Ability to determine whether to seek temporary relief.
- Prepare marriage dissolution documents.
- Observe a family law proceeding.
- Observe a juvenile dependency hearing.
- Collaborate with peers on case strategy.
- Prepare and present a professional demonstration on a family law matter.

Required Text

Cases and Materials Family Law
Judith Areen, Marc Spidleman and Philomina Tsoukala
Sixth Edition
ISBN: 978-1-60930-0548
Thompson Reuters/Foundation Press 2012

West's Florida Family Laws and Rules 2014
ISBN: 978-0-314-65639-1
Thompson Reuters

Additional Reading. There will be additional reading assignments throughout the semester. Some will be distributed in class, some will be placed on reserve in the library; some will be accessible via TWEN.

Class attendance, preparation, and participation

Class attendance is mandatory. Consult your FAMU College of Law *Student Handbook* for attendance rules. Attendance will be taken each class. You will be permitted **six (6)** absences. If you miss seven or more classes you will not be permitted to take the final examination.

Beyond this requirement, I believe that you are cheating yourself if your absenteeism for any law school course exceeds six per semester. Attendance will be taken each class. If your name does not appear on the official class role on any given day, you will be regarded as absent.

Your level of preparation for this class will bear a direct correlation to your level of success in this class. As indicated in this course syllabus, we plan to cover a massive amount of material this semester. We cannot be stymied by a lack of preparation. I recommend that you prepare for this class by timely reading all assigned materials and occasionally reviewing materials already covered.

I place high value on class participation. Although I appreciate volunteers, everyone should expect to be called on randomly, every class. If, on any given day, you are unprepared to recite in class, please see me in my office before class so that I will grant you a “pass”. If you do not adhere to this rule, and you are unprepared to recite, you will be expelled from that class and marked absent for the day. You may receive a maximum of three “passes” during the semester.

Special Needs:

Students requesting special academic accommodations due to a disability are required to register with the Center for Disability Access and Resources. Refer to your FAMU College of Law Student Handbook for procedures on how to register. Anyone seeking special academic accommodations is encouraged to register as soon as possible and obtain written confirmation of your registration. You will need a confirmation to present to College of Law administrators and for your personal records.

Class policies

During class, cellular telephones and other electronic paging devices must be turned off. Recordings are allowed only if permission granted by your professor.

Student recitations, discussions, and presentations are intended to foster mastery of the myriad concepts and terminology of family law. Therefore, you will be required to speak the language of family law, relating your opinion to some legal authority, in your oral presentations, as you would before a judge or an administrative hearing officer. Remember that you master what you practice.

The issues in family law are sensitive and personal. Likewise, they are poignant and necessary. The goal of this course is to delve deeply into the legal thick of these issues so that you will develop analytical and practice skills that will benefit you as lawyers. You are required to be respectful of one another’s opinion.

Examination and grading

There will be a three-hour, closed book final examination. The weight of each component of your final grade is listed below.

Court Observations

You are required to complete two (2) court observations; one Juvenile Court dependency proceeding and one Family Court dissolution proceeding. You must observe proceedings in the respective courts for a minimum of one (1) hour and submit a brief summary of your observations. Juvenile Law observation summaries are due by noon September 30, 2016. Your summaries must be submitted to my Program Assistant, Ms. Celia Westbrook. The format for court observation submissions will be posted on TWEN.

Portfolio

Each student is required to produce a Family Law portfolio. Your portfolio must include tabs, a table of contents, pleadings, court observations, reflective writings and other documents required throughout the semester. The deadline for portfolio submissions is noon Friday, November 4, 2016. Please submit your files to my program Assistant, Ms. Celia Westbrook.

Presentations

All students are required to participate in a collaboration or group project demonstrating an appropriate procedure, action, or course of actions. A schedule will be posted on TWEN after assignments are confirmed.

Your final grade will be configured as follows:

Portfolio	25%
Courtroom Observations/ Participation, including Presentation, Observations, and Reflections	10%
Final Examination	55%

CB	=	Casebook
AR	=	Additional Reading
FFLR	=	Florida Family Laws and Rules

Assignments * *Subject to revision as deemed necessary by your professor.**

1. **Introduction to the course**

View Film

Mississippi Damned, available on Netflix

Write

2 page (maximum) essay addressing the following:
the impact “advocates” could have had on the families, especially the children depicted in the film.

2. Juveniles (AR)

Cases:

Meyer v. Nebraska
Pierce v. Society of Sisters
Prince v. Massachusetts
Roe v. Conn

History of Neglect Intervention
In re Steed
In re Gault
Troxel v. Granville

Read Article: Florida Juvenile Law and Practice
HISTORY AND PHILOSOPHY OF THE JUVENILE COURT
[William W. Booth \[FN1\]](#) [\[FNd1\]](#)

Fl Statutes Chapter 39

Proceedings related to Children

Dependency

Delinquency

Unified Family Courts

3. Family

Groups, Traditional and Non-Traditional

McLaughlin v. Florida	p. 483-496
Marvin v. Marvin	500-509
Bashaway v. Cheng	512-515
Moore v. City of Cleveland	535-541
Village of Belle Terre v. Borras	547-
Penobscot v. City of Brewer	551
Borough of Glassboro v. Vallorosi	553-556

Privacy

McGuire v. McGuire	179
Graham v. Graham	184
Southern New Hampshire	249
Griswold v. Connecticut	255
Eisenstadt v. Baird	260
Roe v. Wade	262
Planned Parenthood v. Casey	268
Lawrence v. Texas	301

Gender And The Constitution, RBG	196
Bradwell v. Illinois	187
Orr v. Orr	198
United States v. Virginia	200
Hopkins v. Price Waterhouse	219
Knussman v. Maryland	229-235
 Marriage and Marrying	
Channeling Function	49-54
Marrying—restrictions	60-68, 71-122, 131-160, 162-178
 Contract	
Pre/Ante-nuptial, post-nuptial Agreement	1264-1273
Without Marriage????	
Becoming a parent by Contract	390-392
Uniform Adoption Act	572-658; 666-679
 Parenting	
Authority/Family Privacy	358-376
Rights of Unmarried Fathers	376-384
Adoption	392-437
Race	446-448
ICWA	448-453
Sexual Orientation	453-459
Fl Gay Couple Sues to Adopt Foster Kids	459-482
Extended Family	535-547
Groups	547-556; 558-565
 Dissolution	
Fault Grounds and Defenses	695-719
No-Fault Grounds	719-724
The Uniform Marriage and Divorce Act	724
Adjudicating No-Fault	725
 Domestic Violence & Privacy	
Domestic Violence & Privacy	310-357
 3. Custody/Parental Responsibility	768
Best Interest Standard	857-892
Tender Years Presumption	897

	Primary caretaker Presumption	899
	“Approximate Time” Standard	910
	ALI Allocation of Custodial Responsibility	919
4.	Modifying Parenting Plans/Parental Responsibility Orders	948
	Visitation	966
5.	Property, Alimony, Child Support	
	Property Division	1021
	Classifying Property as marital	1038
	What is equitable?	1062
	Alimony	1072
	Types	1072
	Modification	1083
	Child Support	1105 – 1153
	Modification of Child Support Orders	1153 – 1159
	Child Support Enforcement	1160- 1177
7.	Constitutional Issues	255-310
	Birth Control	
	Abortion	
	Education	
	<u>Pierce</u>	363
8.	Changing Values	
	<u>Same-sex Marriage</u>	87
	<u>Goodridge v. Dept of Pub. Health</u>	87
	<u>Perry v. Schwarzenegger</u>	99
	Obergefell	

Assignments * *Subject to revision as deemed necessary by your professor.**