

**Florida A&M University College of Law**  
**Family Law Section 301**  
**Course No. 6710 Class No. 3658**  
**Fall Semester 2014**  
**Professor Rhoda Pierre Cato**  
**TTh 4:00-5:15 p.m.**  
**Room 255**

Contact Information:

Professor Cato

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Office Hours: Tuesday 10:00 a.m.—2:00 p.m.

Wednesday 11:00 a.m. – 3:00 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. We will consider some of the following complex issues and important questions:

- 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?

### ***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.

### ***Class policy***

**During class, cellular telephones and other electronic paging devices must be turned off. Recordings are allowed only if requests for permission are 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 Observation**

You will be required to complete two (2) court observations; one Family Court proceeding and one Juvenile Court proceeding. You must observe proceedings in the respective courts for one hour and submit a brief summary of your observations. Family Court observations are due by noon 09/19/2014. Juvenile Court observations are due by noon, October 30, 2014. Your summaries must be submitted to my Program Assistant, Ms. Celia Westbrook. The format for court observation submissions will be posted on TWEN.

#### **Case File**

Each student will be required to produce a Family Law Case File related to a Family Law problem. Your file will include a table of contents, initial or a responsive pleading, and other documents required by your facts and instructions. The deadline for case file submissions is noon November 14, 2014. 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 based on facts and exchanges with opposing counsel. The presentation schedule will be posted on TWEN.

Your final grade will be configured as follows:

|  |     |
|--|-----|
| Case file  | 20% |
| Courtroom Observation/<br>Participation, including<br>Presentation, observations,<br>and reflections | 15% |
| Final Examination  | 20% |
|  | 45% |

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

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

1. **Introduction to the course**

**Read**

Chapter 1 – What is a Family?

CB pps 1-11

AR: Jane E. Cross, Nan Palmer & Charlene L. Smith, “Families Redefined: Kinship Groups that Deserve Benefits,” 78 Miss. L.J. 791 (2009).

**View Film**

Cinema Verité, HBO Movie (2011) 86 min

**Write**

2 page (maximum) analysis addressing “What constitutes a Family?”

Regulating Family

Incest p. 63-68

Age p. 72-79

Polygamy p.79-87

Legal Bans p. 131

Transsexuals and Marriage p. 122-130

Changing Values

Same-sex Marriage p.87

Goodridge v. Dept of Pub. Health p.87

Perry v. Schwarzenegger p. 99

Extended Family p. 535-547

Groups 547-556; 558-565

Contract

Pre/Ante-nuptial, post-nuptial Agreement p. 1264-1273

Without Marriage????

Becoming a parent by contract p. 390-392  
Uniform Adoption Act p. 398-399

Surrogacy p. 572-658; 666-679

Private vs. Public Rights

Property p. 248-253

Florida Property Rights

Constitutional Issues p.255-310

Birth Control

Abortion

Domestic Violence & Privacy

Marital Rape p. 310-317

Mandatory Arrest Policy p. 338-357

Parenting

Authority/Family Privacy p.358-376

Rights of Unmarried Fathers p. 376-384

Adoption p. 392-437

Race p. 446 – 448

ICWA p. 448-453

Sexual Orientation p. 453-459

Fl Gay Couple Sues to Adopt Foster Kids p. 459-482

Domestic Violence & Privacy p. 310-357

Fathers P 376-384

Stanley v. Illinois

Lehr v. Robertson

Michael H. v. Gerald D.

Education  
    Pierce p. 363

Dissolution  
Fault Grounds and Defenses p. 695-719

No-Fault Grounds p. 719 – 724

The Uniform Marriage and Divorce Act p. 724

Adjudicating No-Fault 725

Custody/Parental Responsibility 768

    Best Interest Standard 857-892  
    Tender Years Presumption p. 897  
    Primary caretaker Presumption p. 899  
    “Approximate Time” Standard p. 910  
    ALI Allocation of Custodial Responsibility p. 919

Modifying Parenting Plans/Parental Responsibility Orders 948

Visitation p. 966

Enforcement p. 1001 -1017

Property, Alimony, Child Support

    Property Division p. 1021

        Classifying Property as marital p.1038

        What is equitable? P. 1062

    Alimony p. 1072

        Types p. 1072

        Modification p. 1083

    Child Support p. 1105 – 1153

    Modification of Child Support Orders p. 1153 – 1159

Child Support Enforcement p. 1160- 1177

Juveniles

Read Article: Florida Juvenile Law and Practice  
HISTORY AND PHILOSOPHY OF THE JUVENILE COURT

[William W. Booth \[FNa1\] \[FNd1\]](#)

Fl Statutes Chapter 39

Proceedings related to Children  
Delinquency

Dependency

Unified Family Courts

**Last day of Family Law class: Tuesday, November 18, 2014**

**Final Examination: December 3, 2014  
6:00 p.m. – 9:00 p. m.**