

Family Law (SOC 310) / Family and Law (WOST 310)

Fall Term 2009

August 31 - December 16, 2009

Course Syllabus

Instructor: Hon. Emil Giordano
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Office Hours: By appointment

Texts: Emanuel Law Outlines: Family Law, Second Edition
By: Kelly Weisberg

Family Law: Examples & Explanations, Second Edition
By: Robert E. Oliphant, Nancy Ver Steegh

COURSE DESCRIPTION:

Family law addresses issues centered on the formation and dissolution of various family relationships; namely, marriage, divorce, and more recently, procreation and alternative families. Second, family law examines the law that governs the rights, obligations and responsibilities that flow from family relationships, including but not limited to relationships between parent and child, spouses, and other third parties, as well as medical decision-making, neglect and abuse.

GOALS OF THIS COURSE:

Students will have an opportunity to learn how family law and related issues are formed, interpreted and practiced, and to learn how law emerges from the social fibers of our society, attempting to evolve as social standards, mores and technology evolves. Students are expected to read and understand the assignments, using analytical skills of legal reasoning. While some legal education will be helpful, it is not absolutely necessary.

COURSE REQUIREMENTS:

Students are expected to be prepared for each class. Inadequate preparation may result in the lowering of the grade for the course!

Testing counts for 50% of the final grade. Each test will be equally weighted.

There will be no unannounced tests. Considerable notice will be given for the date of each of the tests addressed above.

Class attendance and class participation will account for 25% of your final grade.

The final 25% of a student's grade will be taken from weekly quizzes. The requirement will be explained at the first class.

There is no research paper requirement for the course. However, a paper may be done for extra credit. This is optional with the student. Extra credit will be given for a course paper which will be due two weeks before the last class. I expect a well-written and well-research paper of 7 to 10 pages. If a quality paper is submitted with a grade higher than your test average, your grade for the course will be raised. If the grade for the paper is less than the testing average, the grade for the paper will be disregarded and the final grade will be calculated exclusively on testing. If the student opts for the extra credit paper, I will work with the student to decide a topic. If the student chooses to do the paper, he/she must advise me by the mid-point of the course.

ATTENDANCE POLICY:

Regular attendance is fully expected. It is understood that there are circumstances that would prevent a student from attending class (illness, family emergency). The student, in such a case, is expected to notify the instructor as soon as possible of the situation. Students should also check with the instructor regarding missed work or assignments.

ACADEMIC HONESTY:

Students should acquaint themselves with the college's policy on Academic Honesty in the current Student Handbook. Any student found to have violated the college's policy shall be dismissed from the course and assigned a grade of F. Students are urged to see the instructor if they have any questions regarding this matter.

COURSE OUTLINE AND LECTURE TOPICS:

The instructor, with cooperation from the class, will make every effort to cover the following list of topics. This list, however, is subject to modification to best fit the needs of the class. Reading assignments will also be given on a weekly basis.

Knowledge increases with challenge. Challenge occurs when the students are prepared for class and bring their preparation and experiences to the class discussion. Thus, we plan to make the course challenging for you. Best wishes!

Judge Emil Giordano

COURSE OUTLINE

August 31, 2009 - Introduction to the Family, the Court System and the Formation of Law

September 2, 2009 - History and Development of Family Law: The Law of Marriage

Emanuel - Chapter 1 - pages 1-7
Chapter 2 - section I - pages 9-13
Chapter 2 - section III.A - pages 23-25
Chapter 2 - section III.B2 - pages 35-42
Oliphant - Chapter 1 - pages 1-7 (1.1-1.7)
Chapter 2 - pages 9-38 (2.1-2.31)
Quiz 1

September 7, 2009 - Labor Day Holiday - No Class

September 9, 2009 –

September 14, 2009 - Being Married and Parenting; Alternative Families

Emanuel - Chapter 2 - section III.B - pages 26-34
Chapter 3 - sections I, II, III, IV, A, B & C1-3 -
pages 61-72; 75-79
Chapter 4 - pages 101-115
Oliphant - Chapter 2 - pages 38-45 (2.32-2.40)
Chapter 15 - pages 279-296

September 16, 2009 - Being Married and Parenting; Alternative Families

Quiz 2

September 21, 2009 - Annulment and the Law of Divorce: Grounds, Jurisdiction and Procedure

Emanuel - Chapter 2 - sections IV and V - pages 53-55
Chapter 5 - section I - pages 121-131; 133-134
Chapter 5 - sections VIII and IX - pages 140-149
Oliphant - Chapter 3 - pages 47-58 (3.1-3.16)
Chapter 4 - pages 63-67
Chapter 4 - pages 68-81 (4.12-4.31)

September 23, 2009 - Annulment and the Law of Divorce: Grounds, Jurisdiction and Procedure

Quiz 3

September 28, 2009 - Law of Divorce: What Happens to the Property? What is Spousal Support and Alimony?

Emanuel - Chapter 6 - section I.A and B - pages 155-159; 161-174
Oliphant - Chapter 11 - pages 209-224
Chapter 12 - pages 225-238
Chapter 13 - pages 239-252 (13.1-13.16)

September 30, 2009 - Law of Divorce: What Happens to the Property? What is Spousal Support and Alimony?

Quiz 4

October 5, 2009 -

October 7, 2009 – Mid-Term

October 12, 2009 – Fall Recess – No Class

October 14, 2009 - Premarital and Post-Marital Agreements

Emanuel - Chapter 2 - section II - pages 15-21
Chapter 6 - sections IV and V - pages 190-192
Oliphant - Chapter 14 - pages 261-278
Handout - Simeone v. Simeone

October 19, 2009 - Premarital and Post-Marital Agreements

Quiz 5

October 21, 2009 - Child Custody: Parent v. Parent v. Third Parties

Emanuel - Chapter 7 - sections I, II, III, IV, V, VI - pages 197-219
Oliphant - Chapter 5 - pages 83-102 (5.1-5.27)
Chapter 8 - pages 151-165
Handout - Troxel v. Granville

October 26, 2009 - Child Custody: Parent v. Parent v. Third Parties

No Quiz

October 28, 2009 - Child Custody: Jurisdiction, Modification, Enforcement and Relocation

Emanuel - Chapter 7 - sections VI, VII and VIII - pages 219-225
Oliphant - Chapter 6 - pages 107-134
Chapter 7 - pages 135-150
Handout - Gruber v. Gruber; Plowman v. Plowman

November 2, 2009 - Child Custody: Jurisdiction, Modification, Enforcement and Relocation

Quiz 6

November 4, 2009 - Child Support: Who Supports the Children and Why

Emanuel - Chapter 6 - section I.C - pages 175-188
Oliphant - Chapter 9 - pages 167-188
Chapter 10 - pages 189-207
Chapter 24 - pages 452-453 (24.11)

November 9, 2009 - Child Support: Who Supports the Children and Why
Quiz 7

November 11, 2009 - Legal Rights of Women and Children: Domestic Violence and Child
Maltreatment

Emanuel - Chapter 3 - section IV.C.4 - pages 90-95
Chapter 9 - pages 269-297
Oliphant - Chapter 20 - pages 379-395 (2.01-20.25)
Chapter 19 - pages 363-378

November 16, 2009 –

November 18, 2009 - Legal Rights of Women and Children: Domestic Violence and Child
Maltreatment

Quiz 8

November 23, 2009 - Law of Adoption and Termination of Parental Rights; Paternity

Emanuel - Chapter 11 - pages 323-344
Oliphant - Chapter 16 - pages 297-315
Chapter 17 - pages 317-337
Chapter 20 - pages 395-400 (20.26-20.32)

November 25, 2009 – Thanksgiving Recess – No Class

November 30, 2009 - Law of Adoption and Termination of Parental Rights; Paternity
Quiz 9

December 2, 2009 - Making Medical Decisions for the Family and the New Science of
Motherhood

Emanuel - Chapter 8 - pages 231-265
Oliphant - Chapter 18 - pages 339-360
Handouts - Terry Schiavo cases

December 7, 2009 - Making Medical Decisions for the Family and the New Science of
Motherhood

Quiz 10

December 9, 2009 - Last Class - Review

December 14, 2009 - Final Exam

December 16, 2009 - Final Exam