

**SOCIOLOGY 310**  
**FAMILY AND THE LAW**  
**FALL SEMESTER 2013**  
**Wednesday 6:30 - 9:30 pm**

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Office Hours By Appointment

Text: D. Kelly Weisburg, Family Law, Emanuel Law Outlines, 3<sup>rd</sup> edition, 2011

**OVERVIEW:** Many contemporary scholars identify several principle areas as fundamental to the field of family law. First, 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:** Students will have an opportunity to learn how family law is formed, interpreted and practiced, and how law emerges from the social fibers of our society, attempting to evolve as social standards, customs 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.

**ATTENDANCE POLICY:** Please note that attendance in class is vital if you expect to do well. Students who do not attend class regularly generally receive lower grades. This is an upper-level four credit course and a lot of ground is covered in each class, since we only meet once a week. There may be times when an emergency (illness, family problem) may prevent attendance. In this case, you have the responsibility to contact me if you want to make up missed assignments.

Please note that since this is an evening class, daytime college events generally do not result in class being cancelled. I will do my best to notify everyone via email in the event class is cancelled for any reason but do not assume that if daytime classes are cancelled, evening classes are cancelled as well. You should read your email regularly and also consult the college website, especially for weather-related cancellations.

**ACADEMIC HONESTY:** Students are expected to consult and follow the policies of the college as set forth in the current edition of the Student Handbook. Any student found violating these policies will be dismissed from the course and given a failing grade.

**CLASS PARTICIPATION:** This is not strictly a lecture course. It is very important for students to come to class prepared to discuss the assigned reading material. Even though this class meets only once per week, the four course credits given dictate the amount of material to be covered. Remember the college rule of thumb – preparation time for the class should be at least double the amount of class time. **BRING YOUR TEXTBOOKS AND ALL HANDOUTS TO CLASS. Remember – class participation is 10% of your final grade so lack of attendance can result in a poor class participation grade.**

**ENJOY!** Remember that knowledge increases with challenge. You will gain knowledge when you come to class prepared and utilize your life experiences in conjunction with what you learn. Thus, this class will hopefully be both challenging and enjoyable for you!

**TEXTING AND THE USE OF CELL PHONES IN CLASS IS STRICTLY PROHIBITED.**

**COURSE REQUIREMENTS:**

1. Examinations: There will be one mid-term examination and a final examination, based upon all reading assignments, lectures, class discussions, videos and guest lecturers. The mid-term is scheduled for October 16<sup>th</sup>. The college will schedule the final exam.
2. Quizzes: There will be 4 short quizzes, graded as 25 points each, for a total of 100 points. Some will be in class, some take home, some open book, some closed book. Each will be announced in class prior to the quiz date. IF A TAKE-HOME QUIZ IS NOT TURNED IN THE FOLLOWING CLASS, YOU WILL RECEIVE ZERO FOR THAT QUIZ.
3. Course Project/Term Paper: The instructions, a set of facts and “party” assignments will be distributed by the third class and the project is to be completed and turned in by the last class on December 4th. The fact pattern contained in the project will also be used throughout the course for discussion and resolution of potential issues, argument of positions on the issues and application of the law. The fact pattern is susceptible to change as additional information develops throughout the course and if the positions of the parties change (and possibly because parties don’t always tell the whole story or disclose pertinent facts).

**GRADING:**

	Percentage of Total Grade
Mid-term examination	25
Final Examination	25
Course Project/Term Paper	25
Quizzes	15
Class Participation	10

**SCHEDULE OF CLASSES AND ASSIGNMENTS – 2013**

August 28 – DISCUSSION OF THE FAMILY, HOW THE COURT SYSTEM WORKS  
AND THE FORMATION OF A LAW. WHAT IS “CASE LAW” AND HOW TO  
READ A “CASE”.

September 4 – HISTORY AND DEVELOPMENT OF FAMILY LAW: THE LAW OF  
MARRIAGE, PRE-MARITAL AGREEMENTS  
Preface, pages xxix-xxx  
Chapter 1, pages 1-7  
Chapter 2, pages 9-25

September 11 – THE LAW OF MARRIAGE CONTINUED; SAME-SEX MARRIAGE;  
ANNULMENT  
Chapter 2, pages 25-51

September 18 – BEING MARRIED; ALTERNATIVE FAMILIES; LAW OF  
DIVORCE  
Chapter 3, pages 57-63

Chapter 4, pages 95-98; 107-109 (skip p. 99-106)

Chapter 5, pages 115-12

September 25 - LAW OF DIVORCE; WHERE CAN YOU GET A DIVORCE; WHAT HAPPENS TO THE PROPERTY? WHAT IS SPOUSAL SUPPORT AND ALIMONY

Chapter 5, pages 134-144 (skip section X)

Chapter 6, pages 149-168

October 2 - CHILD SUPPORT; PATERNITY; MODIFICATION AND ENFORCEMENT OF CHILD SUPPORT; POST-MARITAL AGREEMENTS

Chapter 6, pages 169-191

Handout - Simeone v. Simeone

October 9 – MID-TERM EXAMINATION (Absent genuine emergency, requests to reschedule will not be granted).

October 12 – 15 – BREAK! ENJOY! BE SAFE!

October 16 - CHILD CUSTODY: PARENT V. PARENT V. THIRD PARTIES; MODIFICATION AND ENFORCEMENT

Chapter 7, pages 193-217

Handout - Troxel v. Granville

October 23 - CHILD CUSTODY: JURISDICTION AND ENFORCEMENT; CHILD ABDUCTION; PROCREATION; ABORTION

Chapter 7, pages 217-220 (skip section IX)

Chapter 8, pages 225-238 (skip p. 239-242); 242 (at 6)-245 (skip section III)

Handout: Gruber v. Gruber

October 30 - ALTERNATIVE REPRODUCTIVE TECHNOLOGY; SURROGACY; CHILD ABUSE AND NEGLECT

Chapter 8, pages 249-263

Chapter 9, pages 265-280 (up to B-skip p. 280-287); 287-298

Handout - case re: surrogacy

November 6 - LAW OF ADOPTION

Chapter 11, pages 319-334

November 13 - VIOLENCE AGAINST WOMEN (AND MEN); RESTRAINING ORDERS AND PROCEDURE

Chapter 3; pages 85-90

November 20 - MAKING MEDICAL DECISIONS FOR THE FAMILY; MATERNITY; LIVING WILLS

Chapter 3, pages 66-75

Handouts - Terry Schiavo cases

November 27 – HAPPY THANKSGIVING! NO CLASS

December 4 - This class is set aside for review, questions and answers and to catch up for material not able to be covered in previous classes.

Final examination set by the college - Tentatively December 11

**PLEASE NOTE THAT DURING THE COURSE OF THIS CLASS, YOU CAN ALSO EXPECT THE FOLLOWING:** Videos, Guest Speakers, Interactive Class Exercises and Role Play and Additional Handouts. All will be announced in advance.

I MAKE EVERY EFFORT TO CHECK MY EMAIL DAILY SO PLEASE DO NOT HESITATE TO CONTACT ME. IN THE EVENT OF AN EMERGENCY, FEEL FREE TO CONTACT MY OFFICE AND ADVISE MY SECRETARY, TESS.

Students who wish to request accommodations in this class for a disability should contact Elaine Mara, Assistant Director of learning Services for Academic and Disability Support at 1307 Main Street, or by calling 610-861-1510. Accommodations cannot be provided until authorization is received from the Academic Support Center.