

**SOCIOLOGY 310**  
**FAMILY AND THE LAW**  
**FALL SEMESTER 2014**  
**Wednesday 6:30 - 9:30 pm**

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Office Hours By Appointment

Text: D. Kelly Weisburg, Family Law, Emanuel Law Outlines, 4th edition, 2014

*The law is a profession dependent on precedent, on what has gone before and the established reasons why. Yet most lawyers would say it's also a creative profession, with room for new and novel arguments and for solutions that haven't been tried before.*

**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 will also learn how family law is impacted by both the U.S. Constitution and the Constitutions of the many States. 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 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 may 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 day 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. Honesty is expected in all respects.

**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 will result in a poor class participation grade.**

I expect all students to contribute to class discussions, to respond to questions I pose and to ask questions. I view all questions and comments as a positive learning experience for both you and I.

**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! I do my best not to have a boring class!

**TEXTING AND THE USE OF CELL PHONES IN CLASS FOR ANY REASON 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 guests. The mid-term is scheduled for October 8<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 OR EMAILED TO ME ON OR BEFORE 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 3rd. 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:**

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

## **SCHEDULE OF CLASSES AND ASSIGNMENTS – 2014**

PLEASE NOTE THAT THE CAPSULE SUMMARIES (Pages C-1 to C-40) ARE VERY HELPFUL IN REVIEWING MAJOR TOPICS IN THE BOOK.

August 27 – DISCUSSION OF THE FAMILY, HOW THE COURT SYSTEM WORKS, LEVELS OF VARIOUS COURT SYSTEMS, TYPES OF LAW AND FORMATION OF LAW. WHAT IS “CASE LAW”, HOW TO READ A “CASE”.

September 3 – HISTORY AND DEVELOPMENT OF FAMILY LAW; LAW OF MARRIAGE; PRE-MARITAL AGREEMENTS; WHAT IS A VALID CONTRACTS?

Preface, pages xxix-xxx (skip p. xxxi-xxxiv)

Chapter 1, pages 1-23

Chapter 2, pages 30-36

Simeone v. Simeone

September 10 - LAW OF MARRIAGE CONTINUED; SAME-SEX MARRIAGE; ANNULMENT

Chapter 2, pages 24-29; 37-46

U.S. v. Windsor; Whitewood v. Wolf; In Re: Melissa Miller

September 17 – BEING MARRIED; ALTERNATIVE FAMILIES; PARENTING

Chapter 3, pages 53-60 (up to F) 64-68; 85-88

(skip criminal and tort law)

September 24 - LAW OF DIVORCE; WHERE CAN YOU GET A DIVORCE; WHAT CONSTITUTES MARITAL PROPERTY AND HOW IS IT DIVIDED?

Chapter 5, pages 101-111 (skip section vii); p. 115-128

Chapter 6, pages 129-141 (up to B)

Handout – Pennsylvania Factors for Equitable Distribution and Alimony

October 1 - CHILD SUPPORT; PATERNITY; MODIFICATION AND ENFORCEMENT OF CHILD SUPPORT; POST-MARITAL AGREEMENTS

Chapter 6, pages 141-164

October 8 – MID-TERM EXAMINATION (Absent genuine emergency, requests to reschedule will not be granted).

October 11 – 14 – BREAK! ENJOY! BE SAFE!

October 17 - CHILD CUSTODY: PARENT V. PARENT V. THIRD PARTIES; HOW IS THE CHILD CUSTODIAN CHOSEN? JURISDICTION, MODIFICATION AND ENFORCEMENT; RELOCATION

Chapter 7, pages 165-193

Troxel v. Granville; Gruber v. Gruber

October 22 – CUSTODY CONTINUED; PROCREATION; ABORTION

Chapter 8, pages 195-214

October 29 - ALTERNATIVE REPRODUCTIVE TECHNOLOGY; SURROGACY;  
CHILD ABUSE AND NEGLECT

Chapter 8, pages 215-224

Chapter 9, pages 225-253

Chapter 10, (skip p. 255-267) pages 268-269

Handout – case re: Surrogacy

November 5 - LAW OF ADOPTION; TERMINATION OF PARENTAL RIGHTS

Chapter 11, pages 275-294 (skip equitable adoption)

November 12 - VIOLENCE AGAINST WOMEN (AND MEN); RESTRAINING  
ORDERS AND PROCEDURE

Chapter 3; pages 75-80; Handouts

November 19 - MAKING MEDICAL DECISIONS FOR THE FAMILY; MATERNITY;  
LIVING WILLS

Chapter 3, pages 64-685

Handouts - Terry Schiavo cases; Nancy Cruzan case

November 26 – HAPPY THANKSGIVING! NO CLASS

December 3 - This class is set aside for review, questions and answers and to catch up for material not able to be covered in previous and cancelled classes.

Final examination set by the college - Tentatively December 10

**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 on the first floor of Monocacy Hall, or by calling 610-861-1401. Accommodations cannot be provided until authorization is received from the Academic Support Center.