

**SOCIOLOGY 310**  
**FAMILY AND THE LAW**  
**FALL SEMESTER 2015**  
**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, including marriage, divorce, child-parent and, more recently, procreation and alternative families. Second, family law governs the rights, obligations, responsibilities and consequences that flow from family relationships, including but not limited to 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 be aware that daytime college events may not result in this class being cancelled. I will do my best to notify everyone via email in the event class is cancelled for any reason. Do not assume that if day classes are cancelled, evening classes are cancelled. You should read your email regularly and 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 principles set forth in 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. **Class participation is 10% of your final grade so lack of attendance will result in a poor class participation grade.**

Students are expected to contribute to class discussions, to respond to questions and ask questions. All questions and comments are positive learning experiences for both you and I.

**ENJOY!** Knowledge increases with challenge. You will gain knowledge when you come to class prepared and use your life experiences in conjunction with what you learn. **ABOVE ALL, I WANT YOU TO THINK!** Open discussion and debate should make this class both challenging and enjoyable for everyone. If we work together, class will not be boring!

**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 14<sup>th</sup>. The final will be on December 16<sup>th</sup>.
2. Quizzes: There will be 4 short quizzes, graded as 25 points each, for a total of 100 points. Two will be in class and two will be take home. 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 next-to-last class on December 2nd. **The library holds seminars on the preparation and writing of term papers. I encourage all students to take advantage of this opportunity.**
4. Writing/Spelling: Please note that, in the law, the quality of writing and attention to detail is very important. While I do not regularly deduct points on tests or the project for lack of familiarity with legal writing, I do expect an honest effort to use correct grammar and accurate spelling. Many professions still require good writing skills and computers do not always eliminate this need. I will deduct points if it is obvious that only a minimal effort is made in your work to pay attention to grammar and spelling. It is important that you learn how to convey your thoughts in a cohesive, easy-to-understand manner.

**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 – 2015**

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

September 2 – HISTORICAL BACKGROUND OF FAMILY LAW; LEVELS OF VARIOUS COURT SYSTEMS AND HOW THEY WORK; DIFFERENT TYPES OF LAW AND HOW LAWS ARE MADE; WHAT IS “CASE LAW”; HOW TO READ A “CASE”.

September 9 – DEVELOPMENT OF FAMILY LAW; LAW OF MARRIAGE; WHAT CONSTITUTES A VALID CONTRACT (WHY DO I NEED TO KNOW THIS?); PRE-MARITAL AGREEMENTS (PRE-NUPS)

Chapter 1, pages 1-23

Simeone v. Simeone

September 16 - LAW OF MARRIAGE CONTINUED (SHOULD WE GET MARRIED OR JUST LIVE TOGETHER?); SAME-SEX MARRIAGE; ANNULMENT

Chapter 2, pages 24-46

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

September 23 – BEING MARRIED; ALTERNATIVE FAMILIES; PARENTING

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

September 30 -LAW OF DIVORCE; WHERE TO GET A DIVORCE; MARITAL, NON-MARITAL PROPERTY AND DEBT; HOW IS IT ALL DIVIDED (WHO GETS WHAT AND WHY?); (HE HAD AN AFFAIR-HE SHOULD GET NOTHING!)

Chapter 5, pages 101-109; 115-128 (skip X on p. 124-125)

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

Handout – Pennsylvania Factors for Equitable Distribution and Alimony

October 7 - CHILD SUPPORT; PATERNITY (YOU ARE NOT THE FATHER - WHY MAURY IS OBSOLETE); MODIFICATION AND ENFORCEMENT OF CHILD SUPPORT; POST-MARITAL AGREEMENTS

Chapter 6, pages 141-164

October 14 – MID-TERM EXAMINATION (Absent genuine emergency, requests to reschedule will not be granted).

October 21 – CHILD CUSTODY; PARENT V. PARENT V. THIRD PARTIES; HOW THE CHILD CUSTODIAN IS CHOSEN; JURISDICTION, MODIFICATION AND ENFORCEMENT; RELOCATION (I’M GONNA TAKE THE KID AND MOVE AND YOU’LL NEVER SEE HIM AGAIN!)

Chapter 7, pages 165-189 (up to IX)

Troxel v. Granville; Gruber v. Gruber

October 28 – CUSTODY CONTINUED; PROCREATION; ABORTION  
Chapter 8, pages 195-213

November 4 - ALTERNATIVE REPRODUCTIVE TECHNOLOGY; SURROGACY; CHILD  
ABUSE AND NEGLECT  
Chapter 8, pages 215-224  
Chapter 9, pages 225-244 (up to C); p. 247(D)-253  
Chapter 10, (skip p. 255-267) pages 268-269  
Handout – case re: Surrogacy

November 11 - LAW OF ADOPTION; TERMINATION OF PARENTAL RIGHTS (I CAN'T  
STAND YOU SO JUST SIGN OVER YOUR RIGHTS!)  
Chapter 11, pages 275-294 (skip equitable adoption on p. 287-288)

November 18 - VIOLENCE AGAINST WOMEN (AND MEN); RESTRAINING ORDERS AND  
PROCEDURE  
Chapter 3; pages 75-80; Handouts

BREAK: Enjoy! Be safe!

December 2 - MAKING MEDICAL DECISIONS FOR THE FAMILY; MATERNITY; LIVING  
WILLS  
Chapter 3, pages 60 (beginning with F) - 67  
Handouts - Terry Schiavo cases; Nancy Cruzan case

December 9 - 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.

December 16 - Final examination

**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.

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 Laurie  
Roth, 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.