# FAMILY LAW (Winter 2017)

## Topic Assignments*

<table>
<thead>
<tr>
<th>I. Marriage, Family and Privacy in Contemporary America</th>
<th>Assignments*</th>
</tr>
</thead>
<tbody>
<tr>
<td>The American Family Today</td>
<td>Preface, CB v-vii (stop at “Chapter authorship”); Summary of Contents, CB xvii-xix; CB 1-8 &amp; nn.2-4; 8-13 (stop at “Defining the Family”) (pre-assigned); 87-98 (majority op.’s first two paras., Part II, and majority op.’s last para.)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>II. Practicing Contemporary Family Law</th>
<th>CB 57-64</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. The Status and Conditions of Family Law Practice</td>
<td></td>
</tr>
<tr>
<td>B. Ethics in Contemporary Family Law Practice</td>
<td>CB 981-999 (stop at Barrett); 1003 nn.2, 3; 1003-1007</td>
</tr>
<tr>
<td>C. The Relationship Between Ethics and Malpractice</td>
<td>CB 1007-1008</td>
</tr>
<tr>
<td>D. Family Law Negotiation</td>
<td>CB 1009-1010 (stop at Mnookin)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>III. Entering Marriage</th>
<th>CB 65-66</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Introduction</td>
<td></td>
</tr>
<tr>
<td>B. Marriage Formalities</td>
<td>CB 140-141 (Sec. 6, first two paras. only; omit Minn. and UMDA statutes); 142-146 (Notes and Questions 1-4, 6-8; omit Mich. statute)</td>
</tr>
</tbody>
</table>

---

* The casebook is Douglas E. Abrams et al., Contemporary Family Law (4th ed. 2015). The supplement is Supplementary Materials on Family Law, which will be available on my website: [http://law.missouri.edu/abrams/](http://law.missouri.edu/abrams/).

Throughout the semester, I will also email the class news articles and other brief current affairs items, relating to the course’s subject matter, that I notice on various media websites. Emailing does not necessarily mean that I agree or disagree with the viewpoint expressed, but only that the item seems interesting. Unless I specify otherwise, these email messages are optional reading only.

** Assigned reading will be discussed only briefly in class.
C. Common-Law Marriage and the Putative Spouse Doctrine

CB 146-157 (to the bottom of the page; 161-162 (Notes and Questions)

D. Substantive Requirements for Entry Into Marriage

CB 66-67; 72-76 (majority opinion only); 80-81 nn.1-4; 87-103 (majority op. and Roberts dissent only); 108-109; 109-111; 125-126; 131-132 nn.3-6; 133, first para. of section 4; 135-138; 139-140

IV. Nonmarital Couples

CB 249-263; 279-280 (omit Notes and Questions); Skim 281-288 (Omit Notes and Questions); Skim 289, last para. I will discuss these pages in class.

V. Social and Economic Rights and Obligations

A. Changing Views on the Social and Economic Status of Women **

CB 163-166 (incl. Notes), 169-172 (incl. Note and Question)

B. Family Names

CB 166-168 (omit Note); Lecture

C. Domestic and Economic Roles **

CB 181-187 (stop at the full FMLA reg.); 192-194 (stop at Problem 3-2)

D. Interspousal Support Obligations

CB 197-201 (omit Notes and Questions); 202-207 (incl. all Notes)

E. Medical Decisionmaking for One’s Spouse

CB 224-228

VI. Divorce

A. Introduction; Divorce in Historical Context

CB 501-507

B. Modern Grounds For Divorce

CB 507-509

C. Fault-Based Divorce

CB 509-510 (stop at Das); 514-516; 522-525 & nn.1-7; 526-528 (stop at Hightower); 530 (Collusion)
D. No-Fault Divorce

CB 531-535 (omit all statutes); 538-544; 544-546 nn.1-4; 547-552**; 564-566 (stop at Splawn); 569-571 (omit Md. statutes)

VII. Division of Marital Property at Dissolution

A. Property Regimes During Marriage and At Divorce

CB 573-577

B. Property Regimes Governing Dissolution

CB 577-578; 582-595 nn.1-4; 595-598; 600-611

C. What Distribution Is Equitable?

CB 629; 635-640; 642-646; 649-650**; 654-655 nn.1-3**; 657-58**

VIII. Alimony

A. Overview and History

CB 661-666

B. Justifications For Alimony

CB 668-671 (stop at “The ALI Approach”)

C. How Should Courts Award Alimony?

CB 674-680 (omit NJ statute and Notes and Questions); 681-685 (omit Note and Questions)

D. The Form of Alimony

CB 689-691

E. Enforcement of Alimony Awards

CB 691-693**

F. Modification and Termination of Alimony

CB 693-698; 698-699 (stop at Mass. statute); 700-701; 702-703 (stop at C.F.R. reg.)**

IX. Child Support

A. The Contemporary Landscape and Future Challenges

CB 705-709

B. The Nature of the Child Support Obligation

CB 709-714; 714-718**; 719-728

C. The Federalization of

CB 728-730
Child Support

D. The Operation of State Child Support Guidelines
   CB 730-745 (omit Ky. statutes); Skim Missouri Child Support Guidelines (Supp.)

E. Modification of Child Support Orders
   CB 745-757

D. Child Support Enforcement
   CB 758-768; 779-780 nn.1-2.

X. Child Custody

A. Constitutional Considerations
   CB 783-799; 799-802 nn.1-4, 7

B. Evolution of Standards Governing Child Custody
   CB 802-810

C. Factors in Determining Best Interests
   CB 821-831; DeLong (Supp. 119); 836-840 nn.1-3, 5-7; 840-846; 846-854; 854-868.

D. Joint Custody
   CB 877-882; 887-890 nn.1, 5-7; 891-893

XI. Visitation and Post-Dissolution Custody Disputes

A. Introduction
   CB 897-898 (stop at Nicita), 905-909 first para.

B. Visitation
   CB 914-927 (Troxel plurality op. only); 929-934

C. Modification of Custody or Visitation Orders
   CB 936-937 (stop at N.D. statute); 945-946; 955-958 nn.1-2, 4-7; 958-961 (stop at “Parents Who Kidnap”)**

XII. Privatizing the Ramifications of Marriage and Divorce

A. Marriage – Contract or Status?
   CB 1051-1057 (to end of Section 1)

B. Premarital Agreements
   CB 1057-1059; DeLong (Supp. 119); 1072-1075; 1091-1098 **
C. Postnuptial Agreements CB 1098-1100

D. Separation Agreements CB 1114; 1116-1117; 1120-1124 nn.1-4

XIII. Alternative Dispute Resolution (time permitting)

A. Negotiation CB 1009-1010 (review); 1010-1019

B. Mediation CB 1019-1023 (stop before UPL); 1024-1026 (begin with # 5); 1027-1031

C. Arbitration CB 1031-1034

D. Collaborative Family Law CB 1039; 1049 **

[Note: It is sometimes difficult to predict how much material a course will cover by the end of the semester. In the interests of time in late April, we may trim some of the later material, or we may add some new material. In either event, I will give ample advance notice.]

***********************************************************************************

Course Information and Policies

Attendance Policy

Regular class attendance is required and expected. During each class session after the first week or so, I will circulate a sign-in sheet for students to initial their attendance at that session. Students who have not initialed the sheet will be deemed absent. Students have the responsibility to make certain their initials appear on the sign-in sheet by the end of the session.

You are permitted a total of ten absences during the semester. If you have more than ten absences during the semester, you will be dropped from the course.

Beyond this requirement, I believe you are cheating yourself if your absenteeism from any law school course, without compelling reason, even approaches ten sessions per semester.

Office Hours

As I will mention during the first class session, my "office hours" are whenever I am in the office, which is most of the time. I encourage students to bring their questions (about the course or otherwise) to me whenever I am here.

Notice to Students With Disabilities
The information contained in this syllabus, like other information I will distribute this semester, is available in alternative formats on request. If you have a disability and need accommodation, please privately notify me or Associate Dean David Mitchell as soon as possible.

To request academic accommodations (for example, a note taker), students must also register with Disability Services, AO38 Brady Commons, 882-4696. It is the campus office responsible for reviewing documentation provided by students requesting academic accommodations, and for accommodations planning in cooperation with students and instructors, as needed and consistent with course requirements. For other resources for students with disabilities, click on “Disability Resources” on the MU homepage.

**Intellectual Pluralism**

The School of Law community welcomes intellectual diversity and respects student rights. Students who have questions concerning the quality of instruction in this class may address concerns to either the Dean or Director of the Office of Student Rights and Responsibilities (http://osrr.missouri.edu). All students will have the opportunity to submit an anonymous evaluation of the instructor at the end of the course.