

**Family Law
Spring 2022
Law 212 (001)
M/W 1:50-3:15**

Professor: Helen Alvaré
Office: 433G
Phone: 703-993-9845
e-mail: halvare@gmu.edu
Office Hours: Mondays after class, and by appointment

Required Text:

Krause, Elrod, & Oldham, *Family Law: Cases, Comments and Questions*
(West: 8th ed.)

Assignments:

The syllabus below will be posted on the law school's web site and on Westlaw. Regular attendance and class participation are important.

Grading:

There will be a three-hour, closed book examination at the end of the semester on April 29th at noon. You will be responsible for the material covered during class discussions, as well as all of the readings, including those that are not discussed in class. Final grades may be raised or lowered by a single increment to reflect the quality of the class participation.

Assignments and Participation: The syllabus below will be posted on the law school's web site and on TWEN. I will call on several students randomly during each class. Academic Regulation 4.1 governs attendance. It provides, in part:

If a student is absent for any reason for more than 20 percent of the sessions of a course, the student is not eligible for credit in that course. A student who is not present for at least 75 percent of a session of the course is absent from that session. (See: [https://www.law.gmu.edu/academics/regulations#AR 3 Matriculation Registration and Graduation Requirements 3](https://www.law.gmu.edu/academics/regulations#AR_3_Matriculation_Registration_and_Graduation_Requirements_3)).

I will take attendance at each class.

Should circumstances occur wherein you anticipate the possibility of missing a substantial number of class sessions (e.g., a serious illness), you should immediately contact the Assistant Dean, Student Academic Affairs.

Learning Outcomes:

1. Students will understand and be able to communicate, both orally and in writing, basic principles of Family Law
2. Students will be able to examine factual scenarios implicating one or more Family Law questions, to determine the precise legal questions raised, the possible legal outcomes, and the benefits and costs of each of these outcomes.
3. Students will understand the separation and interaction of governmental powers, at both the federal and state levels, and how to read and understand Family Law statutes, cases and regulations.

Grading: There will be a 3.0-hour, open-book, open-notes examination April 29 at noon, which will largely determine your grade. You are responsible for the material covered during class discussions, as well as all of the assigned readings. Final grades may be raised or lowered by a single increment to reflect the quality of your class participation; this is based not only upon your performance when called upon, but also upon the quality of all your contributions, and your willingness to volunteer. Exam formats will be discussed thoroughly in class before the Spring exam.

Exam Conflicts: In accordance with AR 4-4.1, excuses and requests for permission not to sit for an examination when scheduled must be presented, with appropriate documentation, to the Assistant Dean, Student Academic Affairs. Except in emergencies, such requests should be presented no later than two weeks before the date of the examination.

Online Policies:

-Students should not send or receive email or text messages or browse the Internet during class time.

-Students participating in online classes should keep their cameras ON at all times during class, unless there is a special need of the student, communicated to me prior to class, to do otherwise. Students should also keep their mics OFF until they are volunteering or called upon to speak to the class.

-In order to be recognized to speak, students participating online should say "Student A here," and I will then recognize you and invite you to speak. If several students want to contribute simultaneously, I will recognize students in an order I announce.

Class Recordings Prohibited: Pursuant to Academic Regulation 4-2.2, no portion of a class session or an examination may be preserved by a student by means of a recording device such as an audio recording device or camera. Any exceptions to this policy must be expressly permitted in writing by me. I will, however, be recording certain course sessions and making these available to students upon express direction from Assistant Dean, Student Academic Affairs, if necessary to accommodate a student for certain absences, including COVID-related absences.

COVID Instructional Contingency Plan: In the event the University requires remote instruction, in-person classes will transition to an online format. In the event that I am

unable to attend in-person in any format, due to illness or other emergency, another professor will step in to teach this course.

COVID Health & Safety Requirements: Please note that under current University health and safety protocols, face coverings and social distancing are required for all persons on campus. Should University policies change, this will be communicated immediately to the class.

COURSE ASSIGNMENTS AND SCHEDULE:

**Please realize that this schedule is subject to slight changes as classes actually unfold. At the end of each class, I will confirm what material I intend to cover in the following class. Also, if weather interferes with an in-person class schedule, the class will transition to an online format.

Assignments:

1-Wed Jan 19

Introduction: Text 1-19; 29-35

*Lecture 19-29

(“**Lecture**” means you are not required to read the material, but are encouraged of course to do so. You will be held responsible on the exam only for the material covered in the class presentation of lecture material. Feel free during class to raise questions about the material.)

2-Mon Jan 24

Privacy and the Family:

*Lecture: Text 43-46

Text 46-79

3-Wed Jan 26

Privacy and the Family (Cont’d): Text 79-88

Marriage Regulation, Scope and Limits: Text 89-109

4-Mon Jan 31

Regulating Entry into Marriage: Text 110-43

5-Wed Feb 2

Procedural Requirements for Marriage: Text 143-65

Marital Rights and Obligations:

*Lecture: Text 167-71; 174-79

6-Mon Feb 7

Marital Rights and Obligations: Text 180-87

Property Rights during Marriage: Text 187-208

7-Wed Feb 09

Marital Agreements: Text 215-52, stop at #10

8-Mon Feb 14

*Lecture, 256-75

Nonmarital Relationships: Text 276-310

9-Wed Feb. 16

Contraception and Abortion: Text 323-42

Legitimacy and Paternity: 342-49

10-Mon Feb. 21

Legal Parentage/the Unmarried Father: Text 349-81

11-Wed Feb 23

Adoption: Text 383-414

*Lecture, Open Adoption: Text 414-24

12-Mon Feb 28

Assisted Reproduction: Text 431-63

13-Wed Mar 2

Assisted Reproduction (cont'd): Text 463-93

14-Mon Mar 7

Child Parent State: Text 495-505 (stop before Bill of Rights);

Education: Text 509-22

*Lecture 522-41

Child Abuse: Text 556-72

15-Wed Mar 9

Child Abuse: (cont'd): Text 579-92

Divorce: Text 673-700; 714-17

Divorce Policy *Lecture: Text 701-14*

RECESS MARCH 14 - 18, 2022

16-Mon Mar 21

Jurisdiction: Text 727-72 (some will be finished in next class, but helps to read altogether)

17-Wed Mar 23

Finish Jurisdiction material

Custody: Text 789-803

**Lecture Prohibited Factors re Custody: 803-15*

18-Mon Mar 28

Custody (cont'd)

Role of Domestic Violence and Role of Experts: Text 815-27;

Joint Custody: Text 831-41

19-Wed Mar 30

Visitation and Nonparents' Interests: Text 845-84

20-Mon Apr 4

Property Division at Divorce: Text 885-912; 915-29

*Lecture on identifying and dividing some unusual assets: 929-40

21-Wed April 6

Property Division (cont'd)

Goodwill, Debts and Pets: Text 940-54

Dividing the Estate: Text 954-66

Spousal Support: Text 967-75

22-Mon Apr 11

Spousal Support Factors: Text 976-1000

23-Wed April 13

Child Support: Text 1023-42; 1055-66

*Lecture, *Limits on Obligation*: 1042-52

24-Mon April 18

Child Support (cont'd) Recurring Cases: Text 1067-88

25-Wed April 20

Separation Agreements: Text 1093-1111; 1115-26

26-Mon April 25

Modification of Support: Text 1157-93

*Lecture, Support Enforcement