

**Family Law  
Spring 2023  
Law 212 (001)  
M/W 9:50-11:50**

**Professor:** Helen Alvaré  
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**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-and-one-half-hour, closed book examination at the end of the semester on April 28<sup>th</sup> 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 Associate Dean for Administration and Student Affairs, Annamaria Nields.

**Learning Outcomes:**

1. Students will understand and be able to communicate, both orally and in writing, basic principles of U.S. 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 affecting the family, at both the federal and state levels, and how to read and understand Family Law statutes, cases and regulations.

**Exam Conflicts:**

-In accordance with AR 4-4.1 (a) “Excuses and requests for permission not to sit for an examination when scheduled must be presented, with appropriate documentation, to the Law School’s Associate Registrar. Except in emergencies, such requests should be presented no later than two weeks before the date of the examination. An exam may be delayed only in the circumstances listed in subsection (c). The Law School’s Associate Registrar shall specify the date and time when a student with an excused absence may sit for the examination.”

**Online Policies:**

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

**Class Recordings Prohibited:** Pursuant to Academic Regulation 4-2.2, “Unless expressly permitted in writing by an instructor, no portion of a class session or an examination may be preserved by means of a recording device (such as an audio recording device or a 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 the Associate Dean for Administration and Student Affairs if necessary to accommodate a student for certain absences.

**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 18*

Introduction, and Text 1-19; 29-35

*2-Mon Jan 23*

Federal Non-involvement - Text: 19-29

Privacy and the Family:

\*Lecture: Text 43-46 (“**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.)

Text 46-79

*3-Wed Jan 25*

Privacy and the Family (Cont’d): Text 79-88  
Marriage Regulation, Scope and Limits: Text 89-109

*4-Mon Jan 30*

Regulating Entry into Marriage: Text 110-43

*5-Wed Feb 1*

Procedural Requirements for Marriage: Text 143-65  
Marital Rights and Obligations: Text 167-79

*6-Mon Feb 6*

Marital Rights and Obligations: Text 180-87  
Property Rights during Marriage: Text 187-208; 213 (bottom half) - 214

*7-Wed Feb 8*

Marital Agreements: Text 215-52, stop at #10  
(will review several of the problems on pages 254-55 also)

*8-Mon Feb 13*

Marital Agreements, cont’d: 256-75  
Nonmarital Relationships: Text 276-310

*9-Wed Feb. 15*

Contraception and Abortion: Text 323-42  
Legitimacy and Paternity: 342-49

*10-Mon Feb. 20*

Legal Parentage/the Unmarried Father: Text 349-81

*11-Wed Feb 22*

Adoption: Text 383-429

*12-Mon Feb 27*

Assisted Reproduction: Text 431-63

*13-Wed Mar 1*

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

*14-Mon Mar 6*

Child Parent State: Text 495-505 (stop before Bill of Rights)  
Education: Text 509-22  
Medical Decisions 522-55

*15-Wed Mar 8*

Child Abuse: 556-72; 579-92  
Divorce: Text 673-700  
Divorce Policy *Lecture: Text 701-14*

**RECESS MARCH 13 – 19, 2023**

*16-Mon Mar 20*

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

*17-Wed Mar 22*

Finish Jurisdiction material  
Hague Convention 773-86  
Custody: Text 789-803

*18-Mon Mar 27*

Prohibited Factors re Custody: 803-15  
Role of Domestic Violence and Role of Experts: Text 815-27;  
Joint Custody: Text 831-41

*19-Wed Mar 29*

Visitation and Nonparents' Interests: Text 845-84

*20-Mon Apr 3*

Property Division at Divorce: Text 885-912; 915-29  
Identifying and dividing some unusual assets: 929-40

*21-Wed April 5*

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 10*

Spousal Support Factors: Text 976-1000

*23-Wed April 12*

Child Support: Text 1023-42; 1055-66  
Limits on Support Obligation: 1042-52

*24-Mon April 17*

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

*25-Wed April 19*

Separation Agreements: Text 1093-1111; 1115-26

*26-Mon April 24 **LAST DAY OF CLASS***

Modification of Support: Text 1157-93

\**Lecture*, Support Enforcement

***FINAL: APRIL 28 NOON TO 3:30 PM***