

**Family Law
Spring 2024
Law 212 (001)
M/W 1:50-3:15**

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 May 3. 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).

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, the class will transition to an online format.

Assignments:

1-Wed Jan 17

Introduction, and Text 1-19; 29-35

2-Mon Jan 22

Federal Non-involvement - Text: 19-29

Privacy and the Family: Text 46-79

*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.)

3-Wed Jan 24

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

4-Mon Jan 29

Regulating Entry into Marriage: Text 110-43

5-Wed Jan 31

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

6-Mon Feb 5

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

7-Wed Feb 7

Marital Agreements: Text 215-52, stop before #11
(will review several of the problems on pages 254-55 also)

8-Mon Feb 12

Marital Agreements, cont’d: Text 256-74
Nonmarital Relationships: Text 275-310

9-Wed Feb. 14

Contraception and Abortion: Text 323-42;
READ *Dobbs* Excerpt on TWEN
Lecture: state laws post-*Dobbs*
Legitimacy and Paternity: Text 342-49

10-Mon Feb. 19

Legal Parentage/the Unmarried Father: Text 349-81

11-Wed Feb 21

Adoption: Text 383-429

12-Mon Feb 26

Assisted Reproduction: Text 431-63

13-Wed Feb 28

Assisted Reproduction (cont'd): Text 463-93
Child Parent State: Text 495-505 (stop before Bill of Rights)

SPRING BREAK MARCH 4-10

14-Mon Mar 11

Education: Text 509-22
Medical Decisions 522-55

15-Wed Mar 13

Child Abuse: 556-72; 579-92
Divorce: Text 673-700
Divorce Policy/Annulment *Lecture*: Text 701-17

16-Mon Mar 18

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

17-Wed Mar 20

Finish Jurisdiction material
Hague Convention 773-86
Custody: Text 789-803 (stop before *Devine*)

18-Mon Mar 25

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 27

Visitation and Nonparents' Interests, and
Modifying Orders: Text 845-84

20-Mon Apr 1

Property Division at Divorce: Text 885-912; 915-29
Identifying and dividing some unusual assets: 929-40 (stop before section G.)

21-Wed April 3

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 8

Spousal Support Factors: Text 976-1000

23-Wed April 10

Child Support: Text 1023-42: 1055-66

Limits on Support Obligation: 1042-52

24-Mon April 15

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

25-Wed April 17

Separation Agreements: Text 1093-1111; 1115-26

*26-Mon April 22 **LAST DAY OF CLASS***

Modification of Support: Text 1157-93

**Lecture*, Support Enforcement

FINAL: MAY 3