

**Family Law**  
**Professor Robin Fretwell Wilson**  
**Summer 2019**

**Notes on the Course**

Grading. Your grade will come primarily from your final exam, which is graded on an anonymous basis. but you will also receive credit for acting as a facilitator of discussions in the class and providing feedback to your colleagues on their papers, as follows:

- 90% for your final exam
- 10% for class participation including scheduled on-call participation.

This class may not be taken on a pass/no pass basis.

Attendance. We will follow the attendance policy of each student's Law School. I ask that you certify on the exam that you have complied with the attendance policy. You cannot sit for the exam unless you certify that you have met your Law School's attendance policy.

**TENTATIVE READING SCHEDULE**

*Unless noted, all readings from: Domestic Relations: Cases and Materials (8th ed. Wadlington, O'Brien, Wilson).*

**Week 1**

Tuesday, May 28 2019 - Class 1

**Overview of course**

- Britney Spears (D2L)
  - Complaint for Annulment and other Legal Documents (includes Agreement Regarding Her "Faux Wedding", Petition for Divorce, Temporary Custody, and short article about Tom Cruise Divorce Papers)
  - News article Smoking Gun on faux wedding
  - CNN News article on annulment
  - News article, Britney Investigated for Child Abuse

Thursday, May 30, 2019 – Class 2

**Influence of religion in family law**

- Reynolds, p. 40-43
- Burwell vs. Hobby Lobby (D2L)
- Catholic Charities, p. 44-55 (skim)
- Problem Two, p. 43
- Problem Three, p. 55

## Week 2

### Monday, June 3, 2019 – Class 3

#### **Who counts as a “family”**

- City of Ladue vs. Horn, p. 1-7
- Marvin I, p. 7-13, Notes p.16-17
- Marvin III, p. 13-16
- Hofstad vs. Christie, p. 26-32
- Connell vs San Francisco p. 17-25
- Homework: Watch Scooby Doo Clip – Are they a Family?
- Homework Problem One, p. 31-32
  - **Upload your answer to D2L (Due Tuesday, June 4, 2019 @ 11:59pm)**

### Tuesday, June 4, 2019 – Class 4

#### **Advantages of being a “family”**

- Illinois Annulment Statutes (D2L)
- Annulment readings, p. 148-155
- California Domestic Partnership Statute (D2L)
- Homework: Brady Bunch Problem, p. 178, “Problem Three” – Apply California law on p. 169, and Illinois Annulment Statutes when answering this problem.
  - **Upload your answer to D2L (Due Wednesday, June 5, 2019 @ 11:59pm)**

### Wednesday, June 5, 2018 – Class 5

#### **The Nature of Marriage and Marital Obligations -**

- Short Mini Review: Brady Bunch
- Doctrine of Oneness, p. 185-189
- Support During Marriage, p. 205-213
- Testimonial Privilege, p. 213-221
- Marital Rape, p. 221-227
- Homework Problem One, p. 189
  - **Upload your answer to D2L (Due Thursday, June 6, 2019 @ 11:59pm)**

### Thursday, June 6, 2019 – Class 6

#### **Private Ordering**

- Marital Contracts, p. 505-524
- Scope of Premarital Contracting, p. 478-505

## Week 3

Monday, June 10, 2019 – Class 7

### **Private Ordering**

- Continue Scope of Premarital Contracting p. 478-505
- Diosdado v. Diosdado (D2L)
- *In re* Marriage of Mehren and Dargan (D2L)
- Eason v. Eason (D2L)
- In Class Exercise: Testing our Understanding – Midmarriage Agreement
- Homework: Problem Three, p. 515
  - **Upload your answer to D2L (Due Tuesday, June 11, 2019 @ 11:59pm)**

Tuesday, June 11, 2019 – Class 8

- Review What we Have Covered
  - Testing Our Understanding—Prenuptial Agreement**
  - Who May Marry? Interracial Marriage and Polygamy**
    - Loving v. Virginia, Zablocki v. Redhail, p. 98-108
  - Who may Marry: Minors, Incest, Polygamous Couples**
    - Polygamy, State of Holm v. Utah, 137 P.3d 726 (D2L)
    - Age restrictions, p. 162-168

## Week 4

Monday, June 17, 2019 – Class 9

### **Who may Marry: Minors, Incest, Same-Gender Couples**

- Incest restrictions, p. 168-178
- “The Love That Dare Not Speak” from Slate.com (D2L)
- Woody Allen Blog (D2L)
- Same-sex marriage, Obergefell v. Hodges, p. 130-148
- Homework: Problem Two, p. 148
  - **Upload your answer to D2L (Due Tuesday, June 18, 2019 @ 11:59pm)**

Tuesday, June 18, 2019 – Class 10

### **Entering Marriage**

- Gifts in Contemplation of Marriage, p. 113-115
- Statutorily Required Formalities, p.126-129
- Putative Marriage, p. 155-162
- Informal (Common law) Marriage, p. 116-125

Wednesday, June 19, 2019 – Class 11

### **Remedies Outside Marriage**

- Contrasting Marriage with Cohabitation Remedies, re-read Marvin I-III, p. 7-16 (Making Sense of the Marvin Remedies – Powerpoint)
- Re-read Connell v. Francisco, p. 17-25
- **Ungraded mid-term exam question Problem One, Page 124 (Jennifer and Marianne)**

- **Upload your answer to D2L (Due Thursday, June 20, 2019 @ 11:59pm)**

Thursday, June 20, 2019 – Class 12

**No New Reading**

- Exchange Ungraded Mid-Term Exam Answers, Discuss in Break-Out Rooms
- Class Review of Mid-Term Exam Answer
- Review of what we have covered

**Week 5**

Monday, June 24, 2019 – Class 13

**Exiting marriage (Divorce Tree Powerpoint)**

- Matrimonial Breakdown: Grounds and Jurisdiction for Dissolution, p. 259-292

**Tax Treatment, Bankruptcy**

- Tax Treatment; Bankruptcy, p. 524-528

Tuesday, June 25, 2019 – Class 14

**Financial Consequences of Divorce: Property Division**

- Contrasting the Community Property and Common Law Property approaches, p. 335-354, p. 385-392
- South Carolina Equitable Division Statute, SC 20-7-471 through 479 (D2L)
- Transmutation case, Murray, 439 S.E.2d 312 (D2L)

Wednesday, June 26, 2019 – Class 15

**Dividing Debt**

- The difficulty of making splits and the role of debt, Geldmeier v. Geldmeier (D2L)
- Illinois Equitable Division Statute (D2L)

Thursday, June 27, 2019 – Class 16

**Dividing Particular Assets**

- Special kinds of property: Retirement Accounts, p. 407-431 (Understanding Retirement Accounts Powerpoint)
- Special kinds of property: Degrees, p. 392-407
- Homework: Problem Two, p. 354
  - **Upload your answer to D2L (Due Monday, July 1, 2019 @ 11:59pm)**

## Week 6

Monday, July 1, 2019 – Class 17

### **Financial Consequences of Divorce: Alimony**

- Alimony, p. 354-372
- Illinois Spousal Maintenance Statute (D2L)
- Termination and Modification of Alimony, p. 372-385
- Homework Problem: Illinois Time-Limited Alimony Calculation (PPT)  
Homework Problem One, p. 341
  - **Upload your answer to D2L (Due Tuesday, July 2 2019 @ 11:59pm)**

Tuesday, July 2, 2019 – Class 18

- In class discussion of homework problems: Illinois Time-Limited Alimony Calculation
- **Child Support**
  - Virginia Child Support Guidelines
  - Child Support Obligations, p. 431-461
  - Homework Problem: Child Support Calculation (D2L)
    - **Upload your answer to D2L (Due Wednesday, July 3, 2019 @ 11:59pm)**

Wednesday, July 3, 2019 – Class 19

### **Child Custody**

- The Best Interest Standard, p. 916-922
- Parent v. Non-Parent, p. 922-933
- Parent v. Parent, p. 853-864
- Garska v. McCoy (D2L)
- Restrictions on Custody or Visitation, p. 891-899
- Sample Exam Review Question.
- Wrap Up
- Review for Exam

## Week 7

Final Exam July 8-12