

SYLLABUS

COURSE NAME:	FAMILY LAW
COURSE ID #:	S325.2
PROFESSOR:	Becky Rasmason Contact Info: becky@familylawcenter.info 707-836-7670 (office) or 707-483-0099 (cell)
WHEN:	Wednesdays, 6:00 PM to 8:00 PM Summer 2011
UNITS:	2
TEXT:	No assigned text. Various materials will be provided by the professor.
GRADING:	Pass-Fail
GRADE DETERMINATION:	The grade will be based 25% on the student's performance in class and 75% on either a final examination or a term paper (choice to be determined with student input – midway through the semester.)
ATTENDANCE:	A minimum of 80% attendance is required (12 classes). This means that no more than 20% of the total class hours can be missed (3 classes).
GOALS:	To give the student a basic understanding of the law concerning child custody, child and spousal support, and other ways in which legislatures and courts affect the formation and restructuring of families. While the focus of the course will be on legal theory, attention will also be paid to psychological and "human" issues relating to marriage and divorce. Some class time will be devoted to issues concerning non-marital cohabitation and the division of marital property, but only to the extent that such issues interface with the other issues listed above. This course is not a substitute for the Community Property course.
PREREQUISITES	Satisfactory completion Civil Procedure and all first year courses.
PLAN:	The outline and assignments for the class are as follows:
WEEK 1 Marriage and its Alternatives	California Family Code sections 300-310 <i>Marvin v. Marvin (Marvin I)</i> , 18 Cal.3d 360 (1976) California Civil Code section 43.4 <i>Marvin v. Marvin (Marvin II)</i> 122 Cal.App.1.App.871 (1981) California Family Code sections 297-299.6 California Family Code sections 400-425 California Family Code sections 500-511 <i>Baehr v. Lewin</i> , 852 P.2d 44 (1993) Federal Defense of Marriage Act (28 USC §1738C) <i>Opinions of the Justices to the Senate</i> , 440 Mass. 1201 (2004) <i>Reynolds v. United States</i> , 98 U.S. 145 (1878)
WEEK 2 Incidents of Marriage/Premarital Agreements	California Family Code sections 914, 3900, 3901, 4300 <i>McGuire v. McGuire</i> , 59 N.W.2d 336 (Neb. 1953) California Evidence Code sections 970-973, 980 <i>Trammel v. United States</i> , 445 U.S. 40 (1980) California Civil Code section 43.5 ("Anti Heart-Balm" statute) <i>Nagy v. Nagy</i> , 210 Cal.App.3d 1262 (1989)

WEEK 2 (cont.)	<p><i>Rubenstein v. Rubenstein</i>, 81 Cal.App.1.App.4th 2000 California Family Code sections 1600-1617, 1620, 721 <i>In re Marriage of Dawley</i>, 17 Cal.3d 342 (1976) <i>In re Marriage of Bonds</i>, 24 Cal.4th 1 (2000) <i>In re Marriage of Pendleton and Fireman</i>, 24 Cal.4th 39 (2000)</p>
WEEK 3 Marital Actions: Grounds and Jurisdiction	<p>California Family Code sections 2310-2313 California Code of Civil Procedure section 410 <i>Williams v. North Carolina</i>, 325 U.S. 226 (1944) <i>Sherrer v. Sherrer</i>, 334 U.S. 343 (1948) <i>Sosna v. Iowa</i>, 419 U.S. 393 (1975) <i>Kulko v. California</i>, 436 U.S. 84 (1978) <i>Kumar v. Superior Court</i>, 32 Cal.3d 689 (1982)</p>
WEEK 4 Spousal Support	<p>California Family Code sections 4320-4339 <i>In re Marriage of Burlini</i>, 143 Cal.App.3d 65 (1983) <i>In re Marriage of Morrison</i>, 20 Cal.App.3d 437(1978) <i>In re Marriage of Aufmuth</i>, 89 Cal.App.3d 446 (1978) (spousal support issue only) <i>In re Marriage of Vomacka</i>, 36 Cal.3d 459 (1984) <i>In re Marriage of Jones</i>, 222 Cal.App.3d 505 (1990) <i>In re Marriage of Iberti</i>, 55 Cal.App.4th 1434 (1997)</p>
WEEK 5 Spousal Support (continued)	<p><i>In re Marriage of Richmond</i>, 105 Cal.App.3d 352 (1980) <i>In re Marriage of Sinks</i>, 204 Cal.App.3d 586 (1988) <i>In re Marriage of Gavron</i>, 203 Cal.App.3d 705 (1988) <i>In re Marriage of Sheridan</i>, 140 Cal.App.3d 742 (1983) <i>In re Marriage of McElwee</i>, 197 Cal.App.3d 902 (1988) <i>In re Marriage of Schaffer</i>, 69 Cal.App.4th 801 (1999) Family Code section 4360 <i>Tintocalis v. Tintocalis</i>, 20 Cal.App.4th 1590 (1993)</p>
WEEK 6 Spousal Support/ Child Support	<p><i>In re Marriage of Biderman</i>, 5 Cal.App.4th 409 (1992) <i>In re Marriage of Terry</i>, 80 Cal.App.4th 921 (2000) <i>In re Marriage of Reynolds</i>, 63 Cal.App.4th 1373 (1998) California Support Guidelines, Family Code sections 4050-4076 Computer Calculations tutorial</p>
WEEK 7 Child Support	<p><i>In re Marriage of Fini</i>, 26 Cal.App.4th 1033 (1994) <i>In re Marriage of Gigliotti</i>, 33 Cal.App.4th 518 (1995) <i>Wilson v. Shea</i>, 87 Cal.App.4th 887 (2001) <i>In re Marriage of Corman</i>, 59 Cal.App.4th 1492 (1997) <i>In re Marriage of Butler and Gill</i>, 53 Cal.App.4th 462 (1997) <i>In re Marriage of Chandler</i>, 60 Cal.App.4th 124 (1997) <i>In re Marriage of Hubner</i>, 205 Cal.App.3d 660 (1988) <i>In re Marriage of Cheriton</i>, 92 Cal.App.4th 269 (2001) <i>In re Marriage of Dacumos</i>, 76 Cal.App.4th 150 (1999) <i>In re Marriage of Destein</i>, 91 Cal.App.4th 1385 (2001) <i>Nash v. Mulle</i>, 846 S.W.2d 803 (Tenn. 1993)</p>
WEEK 8 Support Enforcement/ Income Tax Issues	<p>California Family Code sections 290, 5230, 5234-5235, 5238-5241, 5260, 5270-5272 Code of Civil Procedure sections 1209-1210 <i>Hicks v. Feiock</i>, 485 U.S. 624 (1988) <i>Moss v. Superior Court</i>, 17 Cal.4th 396 (1998) 28 USC section 1738B (Full faith and credit: child support) California Family Code sections 4900 et seq (UIFSA)</p>

WEEK 8 (cont.)	Internal Revenue Code sections 1041, 121, 402, 408, 71, 215, 151, 152 <i>Riportella v. Commissioner</i> , 42 TCM 869 (1981)
WEEK 9 Domestic Violence/ Child Custody	California Family Code sections 6211, 6218, 6220, 6221, 6224, 6300-6305, 6320-6327, 6340-6346, 6250, 6251, 6253, 6254 California Family Code sections 2080-2082 California Rules of Court, Rules 1286.50, 1287, 1287.50 (forms) Gabrielson, "Potential Clients to Beware Of," <i>Family Law News</i> , 1993
WEEK 10 Child Custody	California Family Code sections 3000-3011, 3020, 3024, 3027, 3040, 3042, 3044, 3046, 3048 <i>In re Marriage of Carney</i> , 24 Cal.3d 725 (1979) <i>Burchard v. Garay</i> , 42 Cal.3d 531 (1986) <i>Palmore v. Sidoti</i> , 466 U.S. 429 (1984) <i>In re Marriage of Mentry</i> , 142 Cal.App.3d 260 (1983)
WEEK 11 Child Custody	<i>In re Marriage of Mehlmauer</i> , 60 Cal.App.3d 104 (1976) <i>In re Marriage of Birnbaum</i> , 211 Cal.App.3d 1508 (1989) <i>In re Marriage of Matthews</i> , 101 Cal.App.3d 811 (1980) California Evidence Code section 730 <i>Silberg v. Anderson</i> , 50 Cal.3d 205 (1990) <i>In re Marriage of Wellman</i> , 104 Cal.App.3d 992 (1980)
WEEK 12 Child Custody	California Family Code section 7501 <i>In re Marriage of Burgess</i> , 13 Cal.4 th 25 (1996) <i>In re Marriage of Whealon</i> , 53 Cal.App.4 th 13 (1997) <i>Ruisi v. Theriot</i> , 53 Cal.App. 4 th 1197 (1997) <i>In re Marriage of LaMusga</i> , 32 Cal.4 th 1072 (2004)
WEEK 13 Child Custody Jurisdiction	Uniform Child Custody Jurisdiction Act (Family Code sections 3400-3430) <i>Kumar v. Superior Court</i> , 32 Cal.3d 689 (1982) Federal Parental Kidnaping Prevention Act, 28 USC section 1738A Hague Convention on Civil Aspects of International Child Abduction, 42 U.S.C. section 11601-11610 Family Code sections 3441-3457
WEEK 14	Catch up and miscellaneous family law issues not previously discussed.
WEEK 15	TERM PAPERS OR EXAM There will be either a final exam or a term paper (not both). If a term paper is selected, each student will research a family law topic and prepare a paper to share with the class, in both oral and written form. Topics must be discussed with, and approved by, the instructor. The written paper may take the form of either an essay or a Memorandum of Points and Authorities. Either way, the student will be required to support his or her position with applicable law, statutes, scholarly articles, and interviews. The papers shall be no less than 10 pages and no more than 15 pages in length. If a final exam is selected, each student will answer two essay questions based upon statutes and case law that will be provided at the time of the exam.

Make-up classes will be scheduled as needed.