

**Administration of Justice 463**  
**FAMILY LAW**  
**GRACE JENDRASIAK McLEAN, J.D., M.R.P.**

**COURSE DESCRIPTION AND OBJECTIVES:** To provide students with a basic foundation of knowledge regarding the legal implications of family and interpersonal relationships. This course includes a study of common law and statutory concepts of family relationships, including, but not limited to: family privacy, procreation, marriage, premarital agreements, divorce, marital property, alimony, annulment, child custody, visitation and support, education, adoption, and domestic violence.

**TEXT:** FAMILY LAW- Cases and Materials (5<sup>th</sup> Edition), Judith Areen and Milton C. Regan, Jr.

**COURSE REQUIREMENTS:** All requirements will be weighted equally.

**Examinations:** Three (3) examinations will be given. Each exam is worth 100 points.

**Case Briefs:** All assigned cases must be thoroughly briefed. One (1) case will be assigned as a briefing exam, worth 75 points. A briefing format will be distributed by the instructor.

**Student Participation:** Student participation in class will be graded and assigned a total point level of 25 points.

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|-----------------------|---|--------------|
| <b>GRADING SCALE:</b> | A | 90-100       |
|                       | B | 80-89        |
|                       | C | 70-79        |
|                       | D | 60-69        |
|                       | F | 60 or below. |

**The total number of points for the class is 400.**

**CONSULTATIONS:** Students are encouraged to contact the instructor whenever questions or problems arise. You can contact me by leaving a message in my box at the AJ Department Office; by telephone: AJ Department (601-266-4509); or by email at [graciemclean@yahoo.com](mailto:graciemclean@yahoo.com).

**CLASSROOM DECORUM**

1. **ACADEMIC HONESTY:** Seeking, obtaining or accessing information in any form or by any method other than the unprompted knowledge of the student constitutes cheating. Plagiarism is undocumented use of the work of others and is unacceptable. Cheating on graded exercises and plagiarism will result in a grade of F for the course as well as further disciplinary action. Students must establish that their undocumented work is original to them. See USM Student Handbook for a discussion of plagiarism.

2. **ATTENDANCE, PARTICIPATION and TARDINESS:** Attendance and participation are components in the determination of the student's final grade. Students are expected to participate in class discussions. Attendance is mandatory. Roll will be taken at the beginning of each class. Students are required to sign the roll sheet which is passed out at the beginning of each class. It is the responsibility of each student to sign the roll. This method is utilized in order to eliminate disputes about actual attendance. Students who are late will not be allowed to sign the roll. **MORE THAN SIX (6) ABSENCES (EXCUSED OR UNEXCUSED) WILL AUTOMATICALLY REDUCE A STUDENT'S GRADE BY ONE LETTER GRADE.**

3. **MAKE-UP EXAMINATIONS AND LATE WORK:** Upon the occurrence of serious illness or other circumstances, supported by appropriate documentation, i.e. that from a physician, clinic, or hospital, one make-up examination may be given. More than one will never be given. Late work is not accepted. Deadlines are announced at least two (2) weeks in advance, if not earlier. Therefore, late work will not be graded. If you foresee a problem, make sure all assignments are turned in prior to the deadline.

4. **CELL PHONES MUST BE TURNED OFF DURING CLASS.**

5. **ADA:** If a student has a disability that qualifies under the Americans with Disabilities Act (ADA) and requires accommodations, he/she should contact the USM's Office of Disability Accommodations (ODA) for information on policies and procedures. Disabilities covered by the ADA include learning, psychiatric, and physical disabilities, as well as chronic health disorders. Students can contact ODA if they are not certain whether a medical condition/disability qualifies. Mailing address: 118 College Drive, #8586, Hattiesburg, MS 39406-0001, Telephone: 601-266-5024, TTY: 601-266-6837; Fax: 601-266-6035.

**IMPORTANT DATES:**

1. Last Day to Drop Classes Without *Financial* Penalty: September 1, 2009
2. Last Day to Drop Classes Without *Academic* Penalty: September 30, 2009
3. Final Exam Date: Thursday, December 10, 2009, 1:30 p.m. - 4:00 p.m.

## COURSE OUTLINE AND CASE ASSIGNMENTS

### I. MARRIAGE

#### A. RESTRICTIONS ON WHO MAY MARRY

*Loving v. Virginia* (58)

*Turner v. Safley* (71)

*Back vs. Back* (89)

*Bronson v. Swenson* (99)

*Goodridge v. Department of Pub. Health* (109)

*M.T. v. J.T.* (126)

*Zablocki v. Redhail* (62)

*Singh v. Singh* (83)

*Moe v. Dinkins* (95)

*Sanderson v. Tryon* (105)

*Wilson v. Ake* (121)

#### B. MARRIAGE, GENDER AND THE LAW

*McGuire v. McGuire* (146)

*Orr v. Orr* (174)

*McCourtney v. Imprimis Tech., Inc.* (216)

*Graham v. Graham* (151)

*Simeone v. Simeone* (204)

*Knussman v. Maryland* (228)

#### C. FAMILY PRIVACY

*Griswold v. Connecticut* (238)

*Roe v. Wade* (252)

*Ayotte v. Planned Parenthood* (278)

*Eisenstadt v. Baird* (241)

*Planned Parenthood v. Casey* (258)

#### D. TORT, CRIMINAL LAW, AND FAMILY RELATIONSHIPS

*People v. Humphrey* (289)

*Mitchell v. Mitchell* (306)

*Cheshire Medical Center v. Holbrook* (346)

*Skylarsky v. New Hope Guild Center* (350)

*Giovine v. Giovine* (298)

*Town of Castle Rock v. Gonzales* (336)

### II. DIVORCE

#### A. FAULT-BASED DIVORCE

*Benscoter v. Benscoter* (359)

*Arnoult v. Arnoult* (361)

*Hughes v. Hughes* (360)

*Crosby v. Crosby* (363)

*Rankin v. Rankin* (364)  
*Willan v. Willan* (368)  
*Anonymous v. Anonymous* (372)

*Sargent v. Sargent* (367)  
*Fuchs v. Fuchs* (370)

## B. NO-FAULT DIVORCE

### OMIT CASES

## III. CHILD CUSTODY

*In re Marriage of Carney* (525)  
*Palmore v. Sidoti* (538)  
*McMillen v. McMillen* (554)  
*Schult v. Schult* (560)  
*Garska v. McCoy* (569)  
*Young v. Hector* (579)

*Hollon v. Hollon* (532)  
*Kendall v. Kendall* (549)  
*K.J.B. v. C.M.B.* (557)  
*Pusey v. Pusey* (566)  
*Squires v. Squires* (574)

## IV. VISITATION: OMIT CASES

## V. CHILD SUPPORT: OMIT CASES

## VI. PROPERTY DIVISION AND SPOUSAL SUPPORT

*Ferguson v. Ferguson* (709)  
*Siegel v. Siegel* (722)  
*In re Marriage of Wilson* (732)

*Postema v. Postema* (713)  
*Laing v. Laing* (724)

## VII. MODIFICATION OF FINANCIAL AWARDS

### OMIT CASES

## VIII. ENFORCEMENT OF FINANCIAL AWARDS

*Eunique v. Powell* (831)  
*Hicks v. Feiock* (839)  
*Duffy v. Duffy* (848)  
*Crupi v. Crupi* (874)

*Wisconsin v. Oakley* (834)  
*U.S. v. Bongiorno* (842)  
*Kelm v. Kelm* (861)

## IX. PROCREATION

*Carey v. Population Services* (884)  
*Kassama v. Magat* (899)  
*Review Planned Parenthood v. Casey* (258)  
*In re Baby Boy Doe* (919)  
*In re Jane A.* (940)

*Rust vs. Sullivan* (890)  
*Review Roe v. Wade* (252)  
*Hathaway vs. Worcester Hospital* (916)  
*Buck v. Bell* (929)  
*People vs. Pointer* (943)

## X. MODERN REPRODUCTIVE TECHNIQUES AND THE LAW

*In re Marriage of Witbeck-Wildhagen* (954)  
*In re Baby M.* (968)  
*J.B. v. M.B.* (1006)

*Elisa B. v. Superior Court* (958)  
*In re C.K.G.* (988)

## XI. PATERNITY AND CHILDREN BORN OUT OF WEDLOCK

*Lalli v. Lalli* (1107)  
*People in Interest of S.P.B.* (1115)  
*Moore v. City of East Cleveland* (1118)  
*Troxel v. Granville* (621)

*Clark v. Jeter* (1112)

## XII. ADOPTION

*OMIT CASES*