COURSE TITLE:
Law and the Family

COURSE DESCRIPTION:
How does the legal system deal with private family decisions such as appropriate discipline for children, whether same sex couples should have the right to marry, who must be notified if a girl wants an abortion? What happens when families break apart or a teenager refuses to go to school? What is it like to represent a six year old? This course will give students an overview of the law as it relates to family matters. Reviewing the relevant statutes, case law and supplementary readings, we will learn when and how the courts intervene in family issues such as custody, abuse, and juvenile delinquency and discuss the legal, sociological, and ethical impact of current issues in family law. The course will emphasize the family court in New York State and give students a taste for what happens to real people caught up in the judicial system.

TENTATIVE SYLLABUS:
Week 1
  1) Overview of law and the family.
     a. The Family and Supreme Courts in NYS
     b. The issues litigated
        1. Custody/visitation
        2. Paternity/support
        3. Adoption
        4. PINS/JD
        5. DV
        6. Neglect/Abuse/TPR/Permanency
        7. Marriage, civil unions, abortion
        8. Divorce and annulment
     c. The players
        1. The parties
        2. Lawyers for adult parties
        3. Presentment agency
        4. Law Guardian
        5. Judge
        6. Ancillary agencies, etc.
  2) Discussion topic: How effective are the courts in resolving family issues?

Week 2
  1) Marriage, civil unions
     a. Historical perspective of the law of marriage
     b. Constitutional right to marry
     c. Contractual element of marriage
     d. Common law marriage and palimony
  2) Discussion topic: Is same sex marriage constitutionally protected?
     Goodridge v Dept of Public Health (MA)
Week 3
1) Paternity/support/abortion
   a. Paternity
   b. Support
   c. Abortion – proposed notice requirements
      1. Parental
      2. Spousal/father
2) Discussion topic: Should a man have to pay support for an unwanted child?
   Dalton Conley op ed NYT 12/1/05

Week 4
1) Child custody and visitation
   a. Best interest standard
   b. How does it work?
   c. Role of forensics
   d. Role of Law Guardian
   e. Relocations
2) Discussion topic: Tropea and its progeny, Braver study
3) Student led discussion

Week 5
1) Use of mental health experts in custody cases
   a. Guest lecture – forensic psychologist
   b. APA guidelines
   c. Psychological testing
   d. Parental Alienation Syndrome and other psychological issues related to custody
2) Discussion topic: Psychology as art or science in the courtroom?
3) Student led discussion

Week 6
1) Domestic violence in the law – guest lecture – DV attorney
2) Divorce and annulment
   a. Equitable distribution
   b. Grounds
   c. Alternative dispute resolution
3) Discussion topic – ethics in matrimonial cases
4) Student led discussion

Week 7
1) Review
2) Mid-term

Week 8
1) Abuse/Neglect/TPR/Permanency/drug court
2) Discussion topic: Matter of Lisa K.
Student led discussion

Week 9
1) Societal issues in abuse/neglect
   a. Interface of social work and law
   b. Problems of child witnesses
   c. Ethical obligations of the law guardian
   d. Cultural issues in abuse/neglect
   e. Society and the foster child
2) Frontline – Kids aging out
   Discussion topic – what do the courts and society owe foster children?
3) Student led discussion

Week 10
1) Adoption
2) Discussion: Matter of Charlie S.
3) Student led discussion

Week 11
1) PINS
2) JD’s
3) Discussion: Ethical obligations of LG as defense attorney
4) Student led discussion

Week 12
1) Alternatives to court intervention for kids/alternative dispos/education nexus
2) Discussion: Should kids be treated like adults in the criminal system?
3) Student led discussion

Week 13
1) Court observation
2) Discussion of court observation
3) Student led discussion

Week 14
1) Panel discussion – children and the law
2) Review

Week 15
Final

Class requirements:
Class participation – 25%
This class will be heavy on discussion, light on lecture. You will be expected to come to class already having read the material and able to discuss it analytically. You
will each be leading at least one class discussion and must be prepared to participate when your classmates present their material. You will also need to spend a day observing in the Family Court and be prepared to discuss the experience at the next class session.

Student led discussion – 25%

At the start of the class, you will be divided into teams. As a pair or group (depending on the size of the class), you will lead the class in a discussion of an issue relevant to the class work. Please look for an issue that stimulates you. The more it excites your passion the better. You may present the issue in any way agreed upon within your group. Each member of your team will be expected to actively engage the rest of the class for at least 10 minutes. Please go over the issue you wish to present and the method in which you plan to present it with me at least one week before you are scheduled to lead the discussion.

You must also submit 1,500 words of critical analysis of your discussion topic. You may look at the issue from your own perspective and I would encourage you to consider it in terms of what interests you. It should include a review of the relevant law, its sociological or political impact, and any ethical considerations raised by it. Please do not simply regurgitate information gleaned from the readings or wax philosophical about legal justice or injustice. I want to know that you have an understanding of a complex legal issue and have thought about it seriously. Legal references should be cited in Bluebook form. This paper is due the day of your presentation.

Mid-term exam - 25%

This will be an open book exam made up of some short answer and some essay questions. The essays will be in the form of hypothetical questions.

Final exam – 25%

This will be an open book exam made up of some short answer and some essay questions. You will be expected to spot and analyze the legal issues presented by the fact pattern.

Extra credit - up to 10%

1,000 words describing your experience at court observation.

COURSE MATERIALS:
TBA

SUGGESTED READING LIST:
TBA

CLASS SCHEDULE:
Tuesdays and Thursdays 3:40 pm - 5:00 pm

OFFICE HOURS:
Tuesdays and Thursdays 3:00 pm - 3:40 pm or by appointment
OFFICE AND CONTACT INFORMATION:
TBA