



***FAMILY LAW***

**I. COURSE NUMBER AND TITLE: 0635 FAMILY LAW**

Semester & Year: Winter 2017

Course Start and End Dates: 01/05/2017- 04/13/2017

Course CRN & Section: 30174 L03

Meeting Days and Times: 3:15pm- 4:45pm

Building and Room: Leo Goodwin Sr. Hall L4

**II. INSTRUCTOR:**

Name: Michael J. Dale

Email: dalem@nova.edu

Phone: (954)262- 6159

Office Hours: by email appointment or drop in. I am usually in my office between 9 am and 5 pm.

**III. COURSE DESCRIPTION:**

Course covering the law regarding the family relationship - including the rights and responsibilities of parents, spouses, grandparents, and children - and the creation and dissolution of the family. Topics include adoption, spouse and child abuse, alimony, property distribution, child support, and child custody. **Students may use Family Law to satisfy their menu requirement. This is a second year preference course for day students and evening students.**

Additional Prerequisite(s): Constitutional Law I

**IV. LEARNING OUTCOMES:**

1. Demonstrate a knowledge of substantive legal doctrine fundamental to this course (e.g., case law, legal concepts, legal principles, regulations and statutes).
2. Identify legal issues and apply legal reasoning and analysis to solve problems in a logical and structured manner to issues covered in this course.
3. Communicate orally or in writing, or both, the legal reasoning and analysis regarding issues covered in this course.

## V. REQUIRED TEXTS AND MATERIALS:

Title: Domestic Relations  
Author: Walter Wadlington  
Publisher: Foundation Press  
Edition: 7<sup>th</sup> ed.  
ISBN-13: 9781609301071

Title: Florida Family Law  
Author: P. Coleman  
Publisher: Carolina Academic Press  
ISBN-13: 978-1611632996

## VI. COURSE REQUIREMENTS:

A. This course will be taught primarily by the problem method. This means we (much like a law firm) will discuss, analyze, and solve hypothetical problems, many of which will not be totally hypothetical. Nonetheless, students are expected to be intimately familiar with the cases presented in the text. Students shall solve problems presented in class using the day's assigned readings. Students should also be familiar with the Florida statutes relevant to the topic for discussion despite the fact that specific Florida statutory provisions are not referenced in the reading assignments. Please note also that the statutes of various states referred to in the text are required reading as are federal and uniform statutes. Students will be called upon on a random basis. Note also that the length of the assigned readings vary.

### B. Attendance Policy:

Regular attendance is required in all courses.

This course follows the attendance policies detailed in the *Code of Academic Regulations* available at:

<https://intranet.law.nova.edu/intranet/students/student-services/documents/CodeOfAcademicRegulationMay2015final.pdf>. Attendance in the course will be taken and the attendance policy set forth in the Code of Academic Regulations of the Law School found at the Law School website will be enforced. Read the provisions carefully. Specifically, the maximum number of absences allowed in this course is five (5). No notification for missing class is necessary. All five absences are deemed excused by the professor. Thereafter, the next absence will bar the student from the examination and will cause the student to receive a grade of "F" in the course unless absences are excused as defined by the Code of Academic Regulations of the Law School by the administration.

### C. Writing Assignment

In furtherance of the law school's policy of developing students' practical writing skills, students in this course will prepare a settlement agreement and confidential memo to the senior partner, based upon a hypothetical developed by the Professor. The agreement will be completed

approximately ¾'s of the way through the course. It will be a graded assignment, worth 25% of the final grade. Specific written and oral instructions will be provided prior to the assignment.

D. Final Examination  
May 4, 2017

VII. COURSE SCHEDULE AND TOPIC OUTLINE:

Class schedule subject to modification, but not without prior notification.

Tuesday and Thursday  
3:15- 4:45 p.m., Lecture Room 4

DATE	CLASS #	TOPIC	ASSIGNMENT
------	---------	-------	------------

TOPIC: GETTING MARRIED AND BEING MARRIED

1/5	1	Introduction	pp. 1-19
1/10	2	Status Relationships	pp. 19-59
1/12	3	Constitutional Protections	pp. 59-104; <i>U.S. v. Windsor</i> , 133 S.Ct. 2075 (2013); <i>Hollingsworth v. Perry</i> , 133 S.Ct. 2052 (2013).
1/17	4	Getting Married	pp. 105-159
1/19	5	Spouses - Rights and Duties	pp. 161-209; Fla. Statutes Section 741.28 et seq.

TOPIC: ENDING THE MARRIAGE

1/24	6	Matrimonial Breakdown (Divorce): Perspective of History	pp. 223-246
1/26	7	Matrimonial Breakdown (Divorce): Jurisdiction	pp. 246-278
1/31	8	Matrimonial Breakdown (Divorce): Financial Concerns	pp. 279-322

2/2	9	Matrimonial Breakdown (Divorce): Dividing Property	pp. 323-361
2/7	10	Matrimonial Breakdown (Divorce): Child Support	pp. 361-398
2/9	11	Premarital Contracting	pp. 398-421
2/14	12	Matrimonial Behavior: Settlement Agree- ments; Taxes; Bankruptcy; Enforcement of Support	pp. 421-451

TOPIC: HAVING CHILDREN

2/16	13	Parents and Child: Legal and Biological Relationships	pp. 453-479
2/21	14	Parents and Child (cont.)	pp. 479-495; <i>Privette v. Dept. of Health &amp; Rehab. Services</i> , 617 So.2d 305 (Fla. 1993).
2/23	15	Children of Assisted Reproductive Techniques	pp. 495-530
2/28	16	Children of Assisted Reproductive Techniques (cont.)	pp. 530-550
3/2	17	Children Beyond Parental Control and Abuse	pp. 575-609

SPRING BREAK #/3/6-3/10

TOPIC: RAISING CHILDREN

3/14	18	Medical Decision Making and Torts	pp. 673-706
3/16	19	Child Abuse and Medical Decision Making	pp. 609-621; 632- 640; 649-670
3/21	20	Custody	pp. 707-735
3/23	21	Custody (cont.)	pp. 735-758
3/28	22	Custody: Parent v. Third Party	pp. 763-772; 781- 789; 794-814 <i>Beagle v. Beagle</i> , 678 So.2d 1271 (1998);

			<i>Saul v. Brunetti</i> , 724 So.2d 1423 (1998); and <i>Von Eiff v. Azieri</i> , 720 So.2d 510 (1998).
3/30	23	Termination of Parental Rights	pp. 815-860
4/4	24	Adoption	pp. 860-895 <i>Adoptive Couple v. Baby Girl</i> , 133 S.Ct. 2552 (2013).
4/6	25	Adoption	895-929
4/11	26	Review Session	
4/13		NO CLASS - Friday Classes Meet	

VIII. GRADING CRITERIA:

1 Grading Scale: The College of Law uses the following grading system:

**Final Course Grade:**

Your final grade is determined by your performance on a number of different tasks:

**(possible tasks include papers, tests, online discussions, group projects, etc.)**

Written Assignment. (See above)	25 percent
Three hour closed book essay examination.	75 percent
<b>TOTAL</b>	<b>100 percent</b>

**Grading Scale:** The College of Law uses the following grading system:

A	4.00
A-	3.75
B+	3.50
B	3.00
B-	2.75
C+	2.50
C	2.00
C-	1.75
D+	1.50
D	1.00
D-	0.75
F (or WF)	0.00

AU	Audit; no credit or effect on average
I	Incomplete
P	Pass; no effect on average
W	Withdrawal

## IX. UNIVERSITY-WIDE POLICY STATEMENTS

Students should visit [www.fcas.nova.edu/about/policies.cfm](http://www.fcas.nova.edu/about/policies.cfm) to access additional required college-wide policies and <https://intranet.law.nova.edu/intranet/students/student-services/documents/CodeOfAcademicRegulationMay2015final.pdf> for policies specific to the College of Law. It is your responsibility to access and carefully read these policies to ensure you are fully informed. As a student in this class, you are obligated to follow these policies in addition to the policies established by your instructor.

The following policies are described on these websites:

- Academic misconduct
- Last day to withdraw
- Email policy
- Student course evaluations
- Student responsibility to register
- Student responsibility for course prerequisites
- Class Preparation
- Graduation Requirements, etc.

**Additional Academic Resources:** Nova Southeastern University offers a variety of resources that may aid in student success. Among these resources is:

**Accommodations for students with documented disabilities.** For more information about ADA policy, services, and procedures, students may call the Office of Student Disability Services at 954-262-7189 or visit <http://www.nova.edu/disabilityservices>.