



## CRESTPOINT UNIVERSITY

717 E. Maryland Avenue

Phoenix, AZ 85014

Tel: 800-371-6105

Fax: 866-347-2744

E-mail: [info@crestpoint.edu](mailto:info@crestpoint.edu)

Website: [crestpoint.edu](http://crestpoint.edu)

### **PLG-107 Domestic Relations Syllabus and Course Guide**

The Domestic Relations course is a time-based course built into the Crestpoint learning management system. The course is divided into modules, each of which contains readings and/or video lessons. Each module also contains one or more assessments. Students should aim to complete one module per week and should not work too far ahead or fall too far behind.

All course assessments must be submitted by the course deadline. The deadline can be found by clicking on the Course Name, then Progress Report. Generally, the course deadline is approximately 4 weeks after the last day of the course.

If you are having trouble completing the course, the student is strongly encouraged to contact his or her academic advisor or [Academic Support](#).

#### **Course Description:**

This course surveys various issues pertaining to family law, including the marital relationship, divorce, alimony and other forms of support that can result from divorces, equitable distribution of property, and child custody. We will also focus on recent decisions and legislation that have had a profound impact on relatively modern issues and trends, such as legitimacy and status, "palimony," the rights of unmarried parents, "surrogate" parents, and no-fault divorce.

#### **Course Objectives:**

Upon completion of this course, students will be able to:

- Analyze a pre-nuptial agreement with standard clauses.
- Describe the basis upon which pre-nuptial agreements can be challenged.
- Research and apply the requirements for marriage in any state.
- Determine whether a valid marriage exists in a particular hypothetical scenario.

- Determine whether dissolution of parental rights may be appropriate based on a given set of facts.
- Apply the rules of custody of biological children, adoption and the termination of parental rights.
- Apply the all-important "best interest of the child" standard.
- Describe the prevalent grounds for divorce under the law of most jurisdictions, both in terms of "fault" and "no-fault" grounds.
- Apply the rules of marital property upon divorce and the rules regarding child support.

### **Textbook:**

All reading assignments refer to the Crestpoint courseware, Cases and/or statutes that are specifically mentioned in the syllabus are required reading. The texts of these cases and/or statutes may be accessed directly from the courseware. In addition to the assigned courseware and cases, students should familiarize themselves with the various legal documents listed for each lecture. These documents can be found on the Course Materials, under this course's materials, on the Crestpoint student website. Some, but not all, of these documents will be discussed in class. Reading assignments for each class should be completed prior to the class.

**In addition to the courseware's electronic form, you may also view/print out a PDF version of the courseware that includes:**

- 1) The courseware**
- 2) All lecture slides**

**See the course materials page for the link.**

### **Weekly Interaction Requirement**

To ensure that all students are involved, participating, and in compliance within the course, each student should complete one assessment each week. Students who do not fulfill the requirement within a given week will be sent reminder emails. Students who fail to interact in multiple weeks may be subject to academic and financial aid consequences, in accordance with Crestpoint's Satisfactory Academic Policy and other school policies.

### **Course Structure**

After logging into your Crestpoint student account, locate your enrolled course by scrolling down and clicking on the course name. Your course will expand, and you will find eight modules, each corresponding to one week of the course. Lectures, slides, documents, assignments, discussions, and exams for each week are organized within the respective module.

## **Assessments**

Assessments may be in the form of discussion questions, assignments, and/or exams.

Exams are graded on a scale of 0-100 and must be done in 2-4 hours, depending on the exam. The start exam page indicates the length of time for each exam. Discussions and assignments should be completed in accordance with the assignment instructions. Assignment information can be found at the end of the course syllabus.

Please see the Grading Policy under School Links for specific details regarding the grading of assessments.

## **Crestpoint Academic Advisor**

Each Crestpoint student is assigned an academic advisor upon enrollment. Your academic advisor is a resource that can and should be drawn on if you need academic assistance. This includes advice on studying, help with assignments, general academic questions, etc. You should have received an email from your academic advisor upon enrollment. If you have not received such an email or do not know who your academic advisor is, please contact Anne Lewis at [anne@crestpoint.edu](mailto:anne@crestpoint.edu).

## **Crestpoint Plagiarism Policy**

All work done by Crestpoint students is expected to be their own work. In addition, Crestpoint students may not share their completed work, answer keys, or sample answers which they have obtained by any method with any other student. Students may NOT upload any sample answer (whether written by themselves or any other person) to any publicly available website or database.

Students are requested and encouraged to please review the [Academic Integrity and AI Use Policy](#). Students are responsible for complying with its terms.

## **Course Grades**

Grades are issued on a classical A through F scale based on the grades scored on the assessments, per this syllabus.

## **Lesson Schedule**

### **Module 1**

#### **Lecture 1**

This class begins with a brief historical overview of the area of domestic relations law. Included in this discussion is review of the sources of family law and the intersection of family law with the U.S. Constitution and women's historical status in the family. In addition, we will begin discussing the

institution of marriage, with an emphasis on the Constitutional and statutory limitations that exist regarding states' power to regulate marriage.

**Courseware Reading:**

Chapter 1: Introduction to Domestic Relations Law

- A. Brief History of Domestic Relations Law
- B. Development of the Rights of Women
- C. Government Regulation of Marriage

**Cases and Statutes:**

*Loving v. Virginia*

In this case, the Supreme Court struck down a Virginia ban on interracial marriages. Although this is more an equal protection case than a family law case, per se, this case does demonstrate how the power of the state and federal governments to control domestic relations is also subject to the civil rights guaranteed by the Constitution.

*Orr v. Orr*

This was a landmark Supreme Court case in which the Court reversed the Alabama alimony statute because it authorized courts only to order that husbands pay alimony and not to order that wives do so. The Court rules that this violated the "equal protection" clause of the U.S. Constitution as it treated the genders differently without sufficient justification.

**Lecture 2**

This class will focus on the types of contracts available to parties contemplating marriage, including the requirements needed for enforcement of premarital agreements and ante-nuptial contracts. We will focus on the reasons why pre-nuptial agreements are necessary and the considerations that go into drafting a prenuptial agreement. We will also look at a sample pre-nuptial agreement and discuss the considerations that go into drafting its various provisions.

**Courseware Reading:**

Chapter 2: Contracts Related to Marriage

- A. Contracts Preventing or Promoting Marriage
- B. Premarital Agreements/ Antenuptial Contracts

**Documents for Review:**

- Sample Pre-nuptial Agreement

**Complete Weekly Discussion 1**

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## **Module 2**

### **Lecture 3**

This class will consist of a Lexis tutorial/ assignment walkthrough. The instructor will use a research assignment from a past or current course to demonstrate the way an assignment should be researched and composed.

The instructor will walk the students through the various Lexis databases and explain to students how to most efficiently use the Lexis system to complete research assignments. Various general aspects of navigating Lexis, including Shepardizing, seeking and finding appropriate search databases, getting a document by citation, etc., may be explored.

The instructor will also discuss how to most effectively plan, outline, organize and draft research assignments. Model answers and/or past student submissions may be used to illustrate what a “4” assignment looks like and how to compose one.

### **Lecture 4**

In this class, we will look at agreements involving relationship other than marriage, including cohabitation. We will discuss the circumstances under which such agreements are enforceable and the extent to which the courts will enforce an unspoken “agreement” between parties who are not married. We will look at the modern concept of “palimony” in this connection. We will also focus on contracts or promises to marry (including the statute of frauds issues that apply) and remedies for breach of such promises.

#### **Courseware Reading:**

Chapter 2: Contracts Related to Marriage  
C. Suits for Breach of Promise to Marry  
D. Cohabitation Agreements

#### **Documents for Review:**

- Temporary Orders

## **Complete Weekly Discussion 2**

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## **Module 3**

### **Lecture 5**

This class will focus on the formalities of marriage, specifically what it takes to achieve a valid marriage. Next, we will analyze the legal effects of an invalid marriage, including the steps needed to correct the

problem. These rules become more complicated when more than one state's laws are involved; therefore, we briefly discuss how to resolve these conflicts of law.

**Courseware Reading:**

Chapter 3: Marriage

A. Formal Marriage

**Cases and Statutes**

Restatement of the Law, Second, Conflict of Laws, § 283

This restatement section deals with the circumstances under which states should be forced to recognize marriages performed in other states and the deference states should give to other states' determinations regarding marriage.

*In Re May's Estate*

This case deals with the important and ever so timely issue: the recognition by one state of marriages that are valid in the state in which they occur but would be invalid in the first state. This case deals with the question of whether it was a violation of New York public policy to recognize a marriage that was valid in Rhode Island but would have been invalid in New York.

**Lecture 6**

Tonight, we will continue our discussion of marriage. For those parties who do not wish to formalize their union officially, we will discuss common law marriage, including where it is recognized and what steps are needed to make it effective. We will also look at the controversial issue of same sex marriage. As this is an ever-changing area, we will look at the current state of the law in this area.

**Courseware Reading:**

Chapter 3: Marriage

B. Common Law Marriage

C. Same Sex Marriage

**Cases and Statutes:**

*Ex parte Threet*

In states that do recognize "common law" marriages, it is important to analyze what constitutes such a union. This case analyzes what factors should be taken into account when making this determination, and thus is an important read in this area.

*Lawrence v. Texas*

In this landmark case, the US Supreme Court overruled an earlier decision, *Bowers v. Hardwick*, and ruled that the Constitutional right to "privacy" prevents states from outlawing consensual homosexual sexual activity. When looking at this case, consider how and if the Court's opinion would apply to the questions of same sex marriage.

## Complete Weekly Discussion 3

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### **Module 4**

#### **Lecture 7**

This class will focus on various issues involved in parenthood. First, we start with a discussion of how to establish paternity, touching on the topics of legitimacy, constitutional protections, presumptions and what role DNA testing plays in the process. Next, we turn to how assisted reproduction can help infertile couples achieve their goals to become parents. The various methods, such as in vitro fertilization, artificial insemination and surrogacy are explored, including discussion as to the legal ramifications of each decision.

#### **Courseware Reading:**

Chapter 4: Parenthood

- A. Establishing Paternity
- B. Assisted Reproduction

#### **Cases and Statutes:**

##### Uniform Parentage Act of 2000

This is a very long Act, so don't try to read the whole thing. But browsing this Act can give you an excellent idea as to the state of the law in many areas, from establishing paternity to the termination of parental rights.

##### *In the Matter of Baby M*

In this case, the New Jersey Supreme Court dealt with the controversial issue of surrogate parenting. The Court needed to decide whether public policy should allow a woman to "rent out her uterus" for a couple who cannot conceive by themselves, and whether a contract to do so should be enforceable by law.

##### *Zepeda v. Zepeda*

In this case, the Supreme Court tackled the issue of the "wrongful birth lawsuit, i.e., whether there exists a cause of action on the part of an illegitimate child against his or her parents by virtue of the stigma they caused him by conceiving him in the manner that they did.

#### **Lecture 8**

In this class, we will start with unmarried fathers' rights: specifically, how their rights have evolved over the years via numerous court challenges. As an alternative to the other methods discussed, the area of adoption will also be explored, including the various types of adoption and the steps needed to complete the process. We will finish up the issue of parenthood by discussing the steps necessary for a parenthood status to be terminated. We will focus on the due process rights available to parents before this relationship is terminated and the various standards that apply in making the determination to terminate a parent-child relationship, from a legal point of view.

## **Courseware Reading:**

### Chapter 4: Parenthood

- C. Unmarried Father's Rights
- D. Adoption
- E. Termination of Parental Rights

## **Cases and Statutes:**

### *Stanley v. Illinois*

This landmark Supreme Court case balanced the state's interest in caring for children against an unmarried father's equal protection and due process rights. Although, historically, mothers were given preference for custody issues, the Supreme Court held here that depriving a father of parenting rights in a manner that would not be applied to the mother is an unconstitutional equal protection violation. Also, the Court held that due process requires a hearing before parental rights can be terminated. Also, the interests of a "fit" parent in maintaining child custody are superior to the general interests of the state in regulating the care of children.

### *Lassiter v. Dept. of Social Services of Durham County*

In this case, the Supreme Court took on the issue of whether an indigent mother is entitled to an attorney at the state's expense in a hearing that contemplates terminating the mother's parental rights. The Court had to consider whether having one's child taken away is as serious as a felony charge, at which the state must provide attorneys for indigent defendants.

## **Documents for Review:**

- Application to Seal Financial Forms
- Request to View or Obtain Copy of Sealed Family Law Documents

## **Complete Weekly Discussion 4**

**The Midterm Exam can be taken at this point**

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## **Module 5**

### **Lecture 9**

Tonight, we will discuss how family law intersects with tort law; specifically, intra-family immunity; when parents can be liable for torts committed by their children; and, in general, to what extent minors are liable for their own torts. In this connection, we will also look at the liability of parents for their children and inherent tort defenses that parents have with regard to their children, such as the privilege of reasonable discipline.

**Courseware reading:**

## Chapter 5: Family Relationships

- A. Intra-Family Immunities in Tort Actions
- B. Torts of Minors

**Cases and Statutes:***Baker v. Alt*

In this case, the Michigan Supreme Court discussed the standards that minors are held to in tort actions. In this case, a six-year-old child riding a bicycle had been injured by a motorist who claimed that the child was guilty of contributory negligence. The Court refused to rule that children can never be considered liable, even at that age, and instead announced the case-by-case rules that is generally applied today.

**Lecture 10**

This class will start by continuing with familial relationships. We will discuss special rules that govern minors, their rights and their roles in court proceedings and the steps that the legal system takes to protect their interests. We will also focus on contract law as it relates to minors, including the times that minors are responsible for their own contracts and promises, even in spite of the general rule that minors are incompetent to contract for themselves.

**Courseware Reading:**

## Chapter 5: Family Relationships

- C. Contracts of Minors
- D. Special Rules Governing Minors

**Cases and Statutes:***Shields v. Gross*

It is generally assumed that minors are not liable for contracts that they make, save for certain exceptions. What about when a parent of a famous child actress signs contracts with talent agencies? Are those contracts binding on the minor? That is the question that faced the New York Court of Appeals in this case.

*Wisconsin v. Yoder*

In this case, the Supreme Court had to deal with the tricky balancing test of balancing freedom of religion against the state's interest in the well-being of a minor. Amish parents had requested an exemption from the general requirement that children stay in school until age 16. When the state balked, the parents sued, claiming that the state rule violated their religious beliefs, and the case ended up in the Supreme Court.

*Wisconsin v. J.R.*

May a parent commit a child to a mental health facility without the child's consent? Yes, the court rules, but not without certain procedural safeguards to make sure there's sufficient need to override the child's freedom interest.

## Complete Weekly Discussion 5

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### **Module 6**

#### **Lecture 11**

Tonight, we will begin our discussion of marriage dissolution. We will start with a discussion of dissolving a marriage by the process of annulment of the marriage and also discuss the process of divorce. We will start with a preliminary step to a final divorce decree—separation agreements. We will also discuss some general rules regarding divorce and some of the key background laws that relate thereto.

#### **Courseware Reading:**

Chapter 6: Dissolution of the Marriage

- A. Annulment
- B. Nature of Divorce
- C. Separation Agreements

#### **Cases and Statutes:**

##### *Walker v. Walker*

What happens when a couple wants to divorce, but it turns out they were never validly married to begin with? How do you divide the assets and on what legal grounds can you do so? The Supreme Court of Michigan tackled these questions in this somewhat bizarre case.

##### *Levine v. Levine*

It is generally unethical for an attorney to represent both sides in a divorce proceeding, as it is a conflict of interest. So, what happens if an attorney does represent both sides in a divorce proceeding? The attorney can be disciplined, but what about the divorce itself? Should it be nullified because of attorney misconduct? That is the issue in this case. When looking at this case, we will discuss the important reasons for making sure that divorce proceedings proceed in the fairest of manners and what impact those concerns have on this case.

#### **Documents for Review:**

- Certificate of Dissolution of Marriage

#### **Lecture 12**

In this class, we will continue to discuss the process of divorce. We tackle the steps needed to obtain a divorce, namely jurisdictional issues, such as residency requirements and what happens if the other party is not involved in the proceeding. After that, we will discuss the various grounds for divorce, including the historical requirement of “fault” on the part of one of the parties for a divorce to be granted, as contrasted with the modern trend of allowing “no fault” divorces.

**Courseware Reading:**

Chapter 6: Dissolution of the Marriage  
D. Divorce Jurisdiction  
E. Fault vs. No-Fault Divorce

**Cases and Statutes:**

*Liccini v. Liccini*

“Constructive desertion”: Despite the unwieldy title, this is a divorce ground upon which many were forced to rely before the days of no-fault divorces. It is clear that a party can, through conduct, “desert” his or her spouse while living in the same house. What factors and events can lead to such a conclusion? This case discusses an interesting (though sad, to be sure) fact pattern to which “constructive desertion” applied.

**Documents for Review:**

- Divorce Action Case Information Statement
- Divorce Complaint
- Affidavit of Service
- Order to Show Cause Application
- Form Interrogatories – Family Law
- Judgment of Divorce

**Complete Weekly Discussion 6****Complete Assignment 1**

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**Module 7****Lecture 13**

In this class, we look at the financial aspects of divorce, mainly, how courts divide the property acquired by both parties, both before and during the marriage. We will discuss alimony and the potential responsibility to support a divorced spouse after the dissolution of the marriage. We will also look at financial assistance that can be awarded even in the case of unmarried couples.

**Courseware Reading:**

Chapter 7: Dissolution of the Marriage- Financial Aspects  
A. Property Division  
B. Historical Background of Alimony  
C. Types of Alimony/ Spousal Support

## **Cases and Statutes:**

### *In re Elam*

In determining what each spouse gets after a divorce, a court must determine what constitutes “marital” property and what constitutes “separate” property. In this case, a house was brought into the marriage by the husband but was improved and increased in value during the marriage. Reading this case will give you an insight into how courts deal with the problems that often come up in determining what constitutes a fair distribution.

### *Harper v. Harper*

This case deals with a similar issue to the above case. Here, the issue is whether the fact that marital property is in the name of one spouse is determinative as to whether that property should be divided or remain with the spouse in whose name it is. Predictably, the court held that whose name the property is in makes little difference if both spouses contributed toward it. Note that the court emphasizes that fairness should be the determining factor in determining whether property is marital or non-marital.

## **Documents for Review:**

- Statement of Net Worth
- Notice of Settlement

## **Lecture 14**

We will start this class by discussing modifications of spousal support after the divorce; how one may apply for such modification and when it is appropriate. We will also look into some tax considerations that affect the payment and receipt of alimony and other spousal distributions. While on the subject of financial support after a divorce, we will discuss child support and how it is awarded.

## **Courseware Reading:**

Chapter 7: Dissolution of the Marriage- Financial Aspects  
D. Modifications or Termination of Alimony  
E. Tax Considerations

Chapter 8: Dissolution of the Marriage- Child Custody and Support  
C. Child Support

## **Documents for Review:**

- Response to Petition for Child Support
- Petition for Governing Child Support Judgment
- Child Support Worksheet

## **Complete Assignment 2**

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## **Module 8**

### **Lecture 15**

The final class will continue our discussion of dissolution of the marriage but will instead focus on child custody issues. We start with a discussion of the standards courts use to make custody decisions, touching on joint custody and how to modify an agreement once it has been issued. Jurisdictional issues can get complicated if the parties are residents of different states. Accordingly, we discuss which jurisdiction is the proper forum to hear and decide custody issues. Next, we look at visitation, including the various federal statutes available to thwart one parent's desires to keep the other parent away from the children.

#### **Courseware Reading:**

Chapter 8: Dissolution of the Marriage- Child Custody and Support

- A. Child Custody
- B. Visitation

#### **Cases and Statutes**

##### Parental Kidnapping Prevention Act

The federal passage of this rule was a very important step because it converted some of the responsibility in child custody cases to the ambit of federal law. Historically, family law issues were and are governed by the states. But, because of the ease in which people can be transported long distances in short periods of time, the federal government felt that certain aspects of contentious custody battles must be handled on a nationwide level. This act is one such example.

##### *Ex parte Devine*

This case is one example of a custody preference rule that was struck down as an equal protection violation. Thus, although historically the mother was given preference in child custody cases, this preference is probably unconstitutional. Can you think of any case in which there should be a preference for one gender or the other that may override the equal protection clause in some circumstances?

#### **Documents for Review:**

- Motion for Temporary Custody under Immediate Danger
- Request for Child Abduction Prevention Orders
- Child Custody and Visitation Application
- Petition for Custody in Non-Married Case
- Declaration under UCCJEA
- Motion to Enforce Custody Plan
- Affidavit with Motion to Enforce Custody
- Supervised Visitation Order

**The Final Exam can be taken at this point**

## Course Assignments

### **Assignment 1:**

Derrick wants to divorce Melinda, his wife of six years but Melinda wants to stay married. The couple lives in Florida and they have two daughters, ages 6 and 4. While on a business trip to Las Vegas, Derrick hops over to Reno and obtains a quick divorce without difficulty, pursuant to Nevada law. He returns home and hands the divorce decree to Melinda.

Melinda comes to you for advice about what she should, or can, do.

Please read:

*Popper v. Popper*, 595 So. 2d 100 (Fla. 5th DCA 1992); and

*Lopes v. Lopes*, 852 So. 2d 402 (Fla. 5<sup>th</sup> DCA 2003).

Special note on this Lopes case: while the **dissent** part of a case on Lexis is not typically used for the law, it will be necessary to go into that part of the case on Lexis to find all that is necessary to use from it.

Based upon the law in these two cases, put together a full IRAC memo that answers whether Florida will recognize Derrick's Nevada divorce as valid.

### **Assignment 2:**

Cecile and Louis have been married for twenty-six years and live in Lafayette, Louisiana. They have four children, Elliot (24), Adele (19), Lyam (14) and Eleanor (11). Cecile has been a stay-at-home mom for most of their marriage while Louis pursued his career in aerospace research. Only in the last three years has Cecile begun to work part-time at the local Friendly's. Cecile and Louis own the marital residence, which is now worth \$450,000 and still has \$32,750 remaining on the mortgage.

Their marriage has been on the rocks for some years now; Cecile suspects that Louis is cheating on her, although she has no real proof. Louis believes that Cecile doesn't love him anymore. Lyam and Eleanor are aware of the tension in the family home. Adele is a junior at LSU and only comes home on school breaks. Elliot is in graduate school in Texas and rarely comes home.

**This is not an IRAC assignment.** Answer each of the following questions separately in at least 1-2 paragraphs minimum for EACH question. These are NOT yes/no questions; each must have a fully explained answer using cited Louisiana statutes (and case law where needed).

- a. Will Cecile need to plead adultery in her Complaint? Can she plead adultery as her grounds?
- b. Will Cecile be able to obtain alimony or spousal support from Louis?
- c. Will Cecile be able to remain in the family home? Can the mortgage become part of spousal support?
- d. Who will be awarded custody of the children? Which ones?
- e. Will Louis be required to provide child support, and for which children?