COURSE INFORMATION

Course Materials

Text is Areen, Spindelman, Tsoukala, FAMILY LAW (6th ed. 2012)
Multilithed materials will be available on-line and at Distribution

Administrative Details

Contact Information for
Professor Elizabeth Bartholet:
Office: Hauser Hall 422
Telephone: (617) 495-3128
Email: ebarthol@law.harvard.edu
Office Hours: Fridays 3:00 - 5:00pm
(Email for appointment, or just walk in - but if planning the latter, best to check first to make sure available.)

Contact Information for
Eleanor Topping,
Faculty Assistant to Elizabeth Bartholet:
Office: Hauser Hall 418
Telephone: (617) 496-0551
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Schedule: M-F, 9:00 – 5:00 pm

Course Website

Check the course website for announcements and materials at http://Canvas.harvard.edu. Students planning to cross-register must do so at the HLS Registrar’s office after getting permission from Prof. Bartholet. For more information about cross-registration procedures, visit http://www.law.harvard.edu/academics/cross-registration/index.html.

Auditors need to get permission from the faculty member and fill out the HLS Registrar’s Request to Audit form. Form must be signed by instructor/designee (ex: fac. assistant) and then brought to the Registrar in person. Auditors are admitted on a first-come, first-served basis after enrollment ends for registered students.

Cross-registrants and Auditors are added to the course website automatically once they are enrolled.

Course Requirements

There will be a take-home examination on a scheduled day. Grades will be based primarily on the exam, but may be adjusted up on the basis of class performance if the class enrollment is 50 or less. (Let me know if any of you want to use E-readers in read-only mode for purposes only of reading the Family Law text.) No laptops, tablets, or other electronic devices allowed in class.
FAMILY LAW SYLLABUS Fall 2015

Class meets Mondays and Tuesday, 1:30 – 3pm

Pages refer to Areen et al., except M refers to pages in Multilithed materials. The cases noted in Syllabus below are ones you should read with special care for class discussion – often these are major Supreme Court cases.

Sept 8

INTRODUCTION

The Modern American Family 1-11

International Standards vs Domestic Standards: 22-39


Sept 14

MARRYING 40

Restrictions on Who May Marry: Incest, Age, Polygamy 40-60

Same-Sex Restrictions

Notes: 60-61, 78-79

Windsor (Supreme Court 2013) M 1-16

Sept 15


Transsexual Restrictions 79-83

Other Restrictions 83-84

Sept 21

Constitutional Background on Restrictions 84-109

Common Law Marriage 118-23
Sept 22

MARRIAGE

The Traditional Model of Marriage  124-32
Challenges to the Traditional Model  132-55

Economic & Social Changes

Constitutional Limits on Sex Discrimination:


Sept 28

Statutory Limits on Sex Discrimination:  155-70

_{Hopkins v. Price Waterhouse}_{

Encroachments on Family Privacy Doctrine:

Property During Marriage:  170-78

_{Hayes}_{

Sept 29

Constitutional Right to Privacy:  178-215

_{Griswold, Eisenstadt, Casey, Gonzales}_{

Oct 5

_{Lawrence v. Texas}_{  216-24

Domestic Violence  224-46

Oct 6

PARENTING

The Limits of Parental Authority:  247-58

_{Pierce, Prince, Roe}_{
Unmarried Fathers: 258-67

*Stanley, Michael H.*

**Oct 19**

The Extended Family: 267-73

*Troxel*

Adoption:


**Oct 20**

Open, Transnational, Transracial, ICWA: 300-18

*Holyfield*

*Baby Girl* M 45-58

**Oct 26**

Sexual Orientation 318-24

Post-Adoption Issues: Right to Know Identity, Fraud 324-36

**Oct 27**

THE NONTRADITIONAL FAMILY

Unmarried Adults: 337-60

*Marvin, ALI Principles*

**Nov 2**

Child Born Out of Wedlock: 360-71

*Lalli, Jeter*

The Extended Family 371-77

*Moore, Troxel*

Groups 377-95

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Nov 3
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Surrogacy Contracts 397-424
In re Baby M

Nov 9
ART and Parentage 425-59

Nov 10
ART and Child Rights 459-73
ART and Other Issues 473-82

Nov 16
DIVORCE
Historical Background 483-85
No Fault Grounds 505-24
Access to Divorce: 524-29
Boddi, Sosna
Revolution and Counter-Revolution? 529-33

Nov 17
CUSTODY
The Best Interest of the Child Standard 534-62

Nov 23
Alternative Approaches 562-92

Nov 24
Parenting Plans: ALI Principles 607-10
Modification: Change in Circumstances, Relocation 611, 615-16, 622-26

Visitation: 627

*Uniform Marriage and Divorce Act*

Stepparents 636-38

Unmarried Couples 638-55

**Nov 30**

PROPERTY, ALIMONY, CHILD SUPPORT

Property Division

  - Background 674-78
  - What is *Marital* Property? 678-79
  - What is Marital *Property*? 692-705
  - What is *Equitable*? 709-17

**Dec 1**

Alimony

  - Types of Alimony 717-29
  - Modification 734-36

Child Support

  - Guidelines 736-41
  - Enforcement: 769-82

* Talty, Turner v. Rogers

**Dec 7**

PRIVATE ORDERING: Premarital Contracts, Separation

Agreements, Marital Contracts 826-51