FAMILY LAW
Fall 2013
Professor Elizabeth Bartholet
Course Information and Syllabus

COURSE INFORMATION

Course Materials

Text is James Dwyer, FAMILY LAW: THEORETICAL, COMPARATIVE, AND SOCIAL SCIENCE PERSPECTIVES (2012)

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 me directly for appointment, or just walk in - but if planning the latter, best to check first with me to make sure available.)

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

Course Website

To access the course website, log on to iCommons (http://myhls.law.harvard.edu), go to the My Courses box and click on Family Law. Cross-registrants will automatically gain access to the course website, once they drop off their completed Cross-Registration Petition with the HLS Registrar’s Office. Either Professor Bartholet or her assistant Eleanor Topping can sign forms. For questions about using the course website and for training materials, all cross-registrants and auditors should contact the ITS Student Helpdesk (617-495-9576), which is located in the basement of WCC B020 For further information about cross-registration procedures, visit: http://www.law.harvard.edu/academics/cross-registration/index.html. Those wishing to audit a class (both HLS and non-HLS students) should request permission from Prof. Bartholet by e-mail copying Eleanor Topping. If permission is granted Eleanor will send your information to the registrar to be added to the course and get updated in iSites.

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 class enrollment is 50 or less. No laptops allowed in class.
# SYLLABUS

Class meets Tuesday and Wednesdays, 10:30am – 12:00pm

### Sept. 10 INTRODUCTION

**STATE CREATION OF FAMILY RELATIONSHIPS**

STATE CREATION OF PARENT-CHILD RELATIONSHIPS

Adoption

### Sept. 11 Assignment of Children to Their First Legal Parents

Maternity

Paternity: Statutory

### Sept. 17 Paternity: Constitutional

Step-Parents

Other Relationships

Rethinking Parentage Law

### Sept. 18 STATE CREATION OF LEGAL PARTNER RELATIONSHIPS

Why Marriage?

Whom to Marry? Constitutional Challenges to Restrictions

### Sept. 24 Whom to Marry? Constitutional Challenges to Restrictions

### Sept. 25 Whom to Marry? Unchallenged Restrictions

Who is a good bet for Marriage?

### Oct. 1 Preparing to Marry: Education, Prenuptials, Misc

Rethinking Marriage

### Oct. 2 STATE REGULATION OF ESTABLISHED RELATIONSHIPS

**STATE REGULATION OF ADULT INTIMATE RELATIONSHIPS**

Introduction, Sex

### Oct. 8 Violence

### Oct. 9 Caretaking, Finances
Oct. 16  STATE REGULATION OF PARENT-CHILD RELATIONSHIP  381-418
Cohabitation, Dissolution, Custody, Visitation

Oct. 22  Modification, Effects of Dissolution on Children,  418-44
Fidelity/Exclusivity

Oct. 23  Violence  444-74

Oct. 29  Caretaking: Neglect, Failure to Protect, Educational Neglect  475-523

Oct. 30  Caretaking: Medical Neglect, Exposure to Immorality,  523-64
Rethinking Parents’ Rights

Nov. 5  Finances: Property, Support Duty  564-80

SKIM ONLY:  580-614

Nov. 6  Finances: Enforcement of Support Duty, Modification,  614-32
Rethinking Child Support

Nov. 12  DISSOLUTION OF FAMILY LEGAL RELATIONSHIPS  633-57

DISSOLUTION OF PARENT-CHILD RELATIONSHIP
Voluntary Relinquishment
Involuntary Termination of Parent Rights (TPR)

Nov. 13  TPR: Consequences, Parent Constitutional Rights  657-78

Nov. 19  DISSOLUTION OF MARITAL RELATIONSHIPS  679-728
Grounds

Nov. 20  Finances: Property Division: General  728-73

Nov. 26  Finances: Property Division: Equitable Division  774-92

Dec. 3  Finances: Alimony  792-815

Dec. 4  CONCLUSION