



**The Robert and Priscilla  
Livingston Center for  
Children, Families and the Law**

## **FAMILY LAW**

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### **Course Overview, Policies, & Assignments**

**SPRING 2024 SEMESTER**

**On Zoom**

**Mondays and Wednesdays 10:10 am-11:30 am**

Professor Andrew Schepard

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*\*Subject to revision as the semester progress*

## **COURSE DESCRIPTION**

This Course is an introduction to the law that regulates the family. It covers marriage and divorce and the legal consequences thereof. We will also cover the organization and special characteristics of the family court, jurisdiction, alternatives to marriage (cohabitation), parenting after divorce and separation, constitutional dimensions of parent-child relationships, domestic violence, child abuse and neglect, foster care, and termination of parental rights. Finally, we will introduce the role and ethical responsibilities of family lawyers, developments in family law practice and emphasize the role of interdisciplinary collaboration and alternative dispute resolution such as mediation and collaborative law in family law cases. The Course assumes no previous knowledge of family law.

## **LEARNING OBJECTIVES**

The principal learning objectives for this Course include the following from the ***Learning Outcomes for Graduating Law Students*** (approved by the Law School Faculty on October 21, 2019):

- Category 1 (Knowledge and understanding of substantive and procedural law)
- Category 2 (Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context)
- Category 3 (Exercise of proper professional responsibilities to clients and the legal system)

## **THIS COURSE IS NOT FAMILY LAW WITH SKILLS**

In the Fall semester the Law School offers a different version of the introductory Family Law course entitled Family Law with Skills (FLWS). *This Course is not FLWS.* You receive three, not four academic credits for this Course. There are no experiential educational requirements or activities this semester. You do not receive skills credit or engage in simulation exercises in this Course. You have a traditional final in this Course not a take home final as in FLWS.

## **COURSE MATERIALS**

- **Case Book**

ROBERT E. OLIPHANT & NANCY VER STEEGH, WORK OF THE FAMILY LAWYER (5<sup>th</sup> edition 2020) (hereinafter OV) [*All assignments are in the fifth*

*edition. I think you will get confused if you try to use a previous edition because the page numbers are different].*

- **Canvas Site**

The Course Canvas site is going to be our primary method of communication. It contains assignments, supplemental materials etc. I will use it as the primary vehicle for sending you e-mails and other communications. Please become familiar with it ASAP. Please check that you can log onto all the necessary components for the Course.

### **CLASS ATTENDANCE AND WORKLOAD**

Attendance is very important as much of the learning occurs in class. You are also required to attend class pursuant to the Law School's attendance policies.

*Chat for Attendance Only- Use the Zoom Chat feature to sign into class as soon as you enter.* It is the official attendance list. Other than for signing in for attendance purposes do not use Chat. If you have a question, use the Raise Hand feature of Zoom.

You must attend at least 80% of all class hours during the semester to be eligible to take the final examination. If you miss more than three classes, I may lower your final grade appropriately or ask you to withdraw from the course.

The American Bar Association requires that you spend at least six hours per week, on average, outside of class studying for a three-credit course. This requirement is in addition to the three hours a week we spend in class. (The ABA has set out a formula for determining the obligation. In other courses, the required number of out-of-class hours may be different.).

Please understand that the above is an estimate of average hours you will spend working on the course over the course of the entire semester. Actual workload may vary from week to week.

If you miss a class or exercise due to illness, emergency or extraordinary personal circumstances, please contact Betty Black (email address on cover) to notify us of the situation.

## **CREDIT AWARDED**

For successfully completing the course, you will receive three academic credits. Those three credits will be graded on the Law School curve system.

## **COURSE GRADING**

You grade will be based on:

- A final examination
- Participation in class
- Your written work in the course

*Final Examination:* The open-book final examination is worth 100% of your base grade. However, once that has been calculated, I reserve the right to raise or lower your final grade for exemplary or poor performance in class participation, and written assignments. The final exam will require knowledge of all the material we study during the semester. You will take it during the regular examination period. I have scheduled several sessions during the semester where we will review old examination questions after you prepare answers and compare them with my analysis and those of your colleagues. I will also discuss the details of the examination with you as the semester progresses.

*Class Participation:* I hope this Course will be an interactive and collaborative enterprise. I emphasize active class preparation and regular attendance. I reserve the right to call upon you in class even if you do not volunteer. If you attend each class and are fully prepared to engage and contribute meaningfully to class discussion (a judgment that is within my discretion), I reserve the right to take that into account in grading.

*Your Written Work in the Course:* You will see several assignments on the Course Syllabus that you have to complete and turn in by a specified due date. These written assignments are graded “pass/fail”. You must submit them on time or your grade will be lowered. Other than that, they will not be part of your final grade.

## **SUBMITTING ASSIGNMENTS**

You must email all assignments to all of the Course Teaching Assistants (TAs) by the date & time they are due. **In the subject field please title all**

**submissions as “Family Law Spring 2024, Assignment Title First Name Last Name.”** For example, “Family Law Spring 2024 Questions for Domestic Violence Expert -Emily Lovejoy” would be how Emily Lovejoy would submit her questions for the DV expert to the TAs. This is to ensure that no assignments are accidentally overlooked. *Email everything to all three of the TAs simultaneously.*

### **FACULTY ASSISTANT**

The Course faculty assistant, Betty Black, is in Room 216. Her telephone is 516-463-5928. Her email is [Betty.J.Black@hofstra.edu](mailto:Betty.J.Black@hofstra.edu).

### **TEACHING ASSISTANTS**

*The Course TAs and their email addresses are listed on the cover of this Memorandum.* They are the point people for administration of the course including receipt of assignments. They are available to answer any questions or address any comments or concerns you may have.

### **COMMUNICATION**

I will be happy to answer any questions, comments or concerns that you may have.

*Office Hours* – While I can’t promise I will do so for every class, I tend to log on a few minutes early before class begins and stay a few minutes later to check in with students who are interested in talking with me.

If you want to have a longer conversation, I suggest you make an appointment with me via e mail for a Zoom meeting.

## **FAMILY LAW SPRING 2024 SCHEDULE OF ASSIGNMENTS**

### **ASSIGNMENT KEY**

- *Casebook* – OV- Robert E. Oliphant & Nancy Ver Steegh, *Work of the Family Lawyer* (5<sup>th</sup> Edition)
- *CANVAS* – Assigned materials can be found in the appropriate folder under Course Modules on the course CANVAS site.
  - The materials assigned are contained in folders listed with the names of the subject listed on the assignment. For example, if the class topic is *Domestic Violence*, read all materials found in the Domestic Violence folder under Course Modules on the course CANVAS site. The materials in the folders are required reading. In other words, you are responsible for the contents of the folders.
  - In the folders, you will also find PowerPoint slides that I created on many of the subjects we will be studying. They are informal, bullet point summaries of what I regard as the most important material on the topic. Students have found them helpful in the past for focusing their learning. I suggest that you download the PowerPoint slides for your use.

<b>Date</b>	<b>Topic</b>	<b>Reading and Comments</b>
<b>Wednesday, January 10<sup>th</sup> (First Day of Class)</b>	Getting to Know You.  Course Overview and Policies, etc.  Family Law: Past and Present	I will begin the class by asking if you have any questions about the syllabus.  Be prepared- I will then ask each of you to briefly tell me about your experience with family law and what you hope to get out of the class.  Read OV (Oliphant & Ver Steegh) 3-24 (this is our course textbook)  Review the power point

		<p>slides in the Canvas Opening Day Assignment folder on:</p> <ul style="list-style-type: none"> <li>• Ten Questions About Family Law</li> <li>• Historical Background</li> </ul>
<b>Monday, January 15<sup>th</sup></b> <b>(No Class- Martin Luther King Day holiday)</b>		
<b>Wednesday, January 17<sup>th</sup></b> <b>(Hofstra Monday)</b>	Family Law- Past, Present and Future (continued)	<p>Read <u>Brooke S.B. v. Elizabeth A. C.C.</u>, 28 N.Y.3d 1, 61 N.E.3d 628 (2016) (Can be found in Canvas Opening Day Materials folder)</p> <p>Answer the Questions on Brooke SB which you can find in the Canvas Opening Day folder)</p> <p>Review the power point slides in the Canvas Opening Day Assignment folder on the <u>Brooke SB</u> Questions</p>
<b>Monday, January 22<sup>nd</sup></b>	The Constitution and Marriage	<p>OV: 25-56</p> <p><u>CANVAS</u> Marriage and the Constitution</p>
<b>Wednesday, January 24<sup>th</sup></b>	The Constitution and the Parent-Child Relationship	<p>OV 219-227</p> <p><u>CANVAS</u></p>

		The Constitutional Right to Parent
<b>Monday, January 29th</b>	The Divorce Process- from Fault to No Fault	<p>OV: 99-124, 130-132</p> <p><u>CANVAS</u> Divorce Overview (contains the Divorce Overview questions)</p> <p><i>Assignment to be completed before class:</i> Answer the <i>Divorce Overview Questions</i>. You do not need to turn them in. Be prepared to discuss them in small groups in class, followed by discussion in the class as a whole.</p>
<b>Wednesday, January 31st</b>	The Family Court: Organization and History (New York and the rest of the World)	<p>OV: 828; 139-142; 866-868</p> <p><u>CANVAS</u> Family Court Introduction</p>
<b>Monday, February 5th</b>	<p>Child Custody and Parenting Plans</p> <p>Analyzing a Family Law Statute</p>	<p>OV: 143-200</p> <p><u>CANVAS</u> Child Custody and Parenting (contains the Arizona Statute and the questions for the Statutory reading exercise)</p> <p><u>LOOKING AHEAD:</u> Please read the panelist bios in the “Family Lawyer Ethics” folder on CANVAS. Please email the TAs at least two</p>



		questions (you can submit more) related to professional responsibility and the future of family law practice for the panel by Wednesday, February 7 <sup>th</sup> at 5:00 pm.
<b>Wednesday, February 7<sup>th</sup></b>	Parenting Time and Visitation and Modifying Child Custody	OV: 201-227, 237-271  <u>LOOKING AHEAD:</u> Please email the TAs at least one question (you can submit more) for the dispute resolution expert by Wednesday, February 14 <sup>th</sup> at 5:00 pm.
<b>Monday, February 12<sup>th</sup> (Class Rescheduled to Friday, February 23<sup>rd</sup> at 12:10-1:30 pm)</b>		
<b>Wednesday, February 14<sup>th</sup></b>	Panel Discussion: Today's Family Law Practitioner	OV: 882-896  <u>CANVAS</u> Family Lawyer Ethics
<b>Monday, February 19<sup>th</sup> (Presidents Day – No Hofstra Classes)</b>		
<b>Wednesday, February 21<sup>st</sup></b>	Trends in Family Law Dispute Resolution and Practice (mediation, parent	OV: 829-863, 882-888  <u>CANVAS</u>

	education, collaborative law, parent coordination; unbundled services etc.)	Appropriate Dispute Resolution
<b>Friday, February 23rd 12:10-1:30 pm (Class Rescheduled from Monday, February 12<sup>th</sup>)</b>	Review Session 1	<p><u>Blackboard</u> Review Session I</p> <p><b><i>Preparation Note for Friday, February 23rd</i></b> <i>Assignment to be completed before this class.</i> Other than the materials in the Review Session I folder on Canvas, there is no new reading assignment.</p> <p>It is in your best interests, however, to prepare an answer to a question from a previous examination in this course which focuses on the issues we have studied in this class to date. Instructions are contained in the Review Session I folder. Please bring your answers to class. You do not have to turn an answer in but you will get much more benefit from the review session if you prepare one in advance.</p>
<b>Monday, February 26th</b>	Child Support: Establishing	OV: 287-334, 335-366 <u>CANVAS</u> Child Support

<b>Wednesday, February 28th</b>	Child Support: Modification and Enforcement	OV: 335-366
<b>Monday, March 4<sup>th</sup></b>	Division of Property at Divorce I	<p>OV: 441-453, 457-495</p> <p><u>CANVAS</u> Equitable Distribution</p> <p>This is a long reading assignment but it covers two classes.</p> <p>When you read NY DRL § 236(B), focus on the definition of marital versus separate property and the factors the court considers in making an equitable distribution of marital property.</p> <p>Skim <i>Nardini</i> (OV 463) to get a sense for the importance of asset valuation and how complicated valuation methodology can become. You will not need to become a valuation expert for this Course- just understand the basics and how extensive the valuation issues can become.</p> <p>Answer problems 1-7 (OV 492-493), which we will discuss in class.</p>
<b>Wednesday March 6<sup>th</sup></b>	Division of Property at Divorce II	No new reading assignment

<b>Monday, March 11<sup>th</sup></b>	Spousal Support - Maintenance	OV: 367-408  <u>CANVAS</u> Maintenance
<b>Wednesday March 13<sup>th</sup></b>	Modifying Spousal Support	OV 409-438
<b>Monday, March 18<sup>th</sup> (No Class – Spring Break)</b>		
<b>Wednesday, March 20<sup>th</sup> (No Class- Spring Break)</b>		
<b>Monday, March 25<sup>th</sup></b>	Getting Married	OV 57-98  <u>CANVAS</u> Marriage Regulation (be sure to include the new New York Statute on 'marriage officiants for a day)  <u>LOOKING AHEAD:</u> Please read the panelist bios in the Domestic Violence folder on CANVAS. Please email the TAs at least two questions (you can submit more) related to domestic violence for the panel by Monday, April 1 <sup>st</sup> at 5:00 pm.
<b>Wednesday, March 27<sup>th</sup></b>	Premarital and Post- Marital Contracts	OV: 57-96, 497-540  <u>CANVAS</u> Pre-Marital Agreements

<b>Monday, April 1st</b>	Cohabitation Outside of Marriage	OV: 541-556, 568-583  <u>CANVAS</u> Cohabitation
<b>Wednesday, April 3<sup>rd</sup></b>	Review session II	<u>CANVAS</u> Review Session II  <b><i>Preparation Note for Wednesday, April 3<sup>rd</sup></i></b> <i>Assignment to be completed before this class.</i> Other than the materials in the Review Session II folder on Canvas, there is no new reading assignment. It is in your best interests, however, to prepare an answer to a question from a previous examination in this course which focuses on the issues we have studied in this class to date. Instructions are contained in the Review Session II folder. Please bring your answers to class. You do not have to turn an answer in but you will get much more benefit from the review session if you prepare one in advance.
<b>Monday, April 8th</b>	Domestic Violence  I understand the subject matter of this class may be difficult for some students. If you are concerned about your reactions and ability to participate, please contact me or the TAs.	OV: 585-616  <u>CANVAS</u> Domestic Violence  Invited guests will discuss the topic with the class. You will find the biographies of the panelists in the Domestic Violence folder in addition to other

		materials. Please be sure to read them. We will not spend a great deal of time introducing the panelists in detail for class.
<b>Wednesday, April 10<sup>th</sup></b>	<p>Child Abuse and Neglect</p> <p>I understand the topic of this class may be difficult for some students. If you are concerned about your reactions and ability to participate please contact me or the TAs.</p>	<p>OV 627-662</p> <p><u>CANVAS</u> Child Abuse and Neglect</p>
<b>Monday, April 15<sup>th</sup></b>	<p>Foster Care and Termination of Parental Rights</p>	<p>OV 665-688</p> <p><u>CANVAS</u> Foster Care and Termination of Parental Rights</p>
<b>Wednesday, April 17<sup>th</sup></b>	<p>Adoption</p>	<p>OV 749-778</p> <p><u>CANVAS</u> Adoption</p>
<b>Monday, April 22<sup>nd</sup></b>	<p>Jurisdiction in Divorce and Family Court matters I</p>	<p>OV 124-130, 279-280 (note on status jurisdiction) 271-278 (include the full note on "home state")</p> <p><u>CANVAS</u> Matrimonial Jurisdiction</p> <p><b><i>Preparation Note for Monday, April 22<sup>nd</sup>:</i></b> <i>Assignment to be completed before this class- Outline an answer to the Matrimonial</i></p>

		Jurisdiction Hypo in the CANVAS folder. Please bring your answers to class where we will discuss them in small groups then in the class as a whole.
<b>Wednesday, April 24th</b>	Jurisdiction in Divorce and Family Court Matters II	No new reading
<b>Thursday, April 25<sup>th</sup> (Hofstra Monday) (Last Day of Classes)</b>	Overflow and examination review	
<b>Final Examination</b>	Scheduled for 8:00 a.m. to 12:00 noon on Monday, May 6 <sup>th</sup> , 2024	<b><i>Preparation Note for Final Examination</i></b> The examination is open book but no outside research is required or permitted. Details to be discussed in class.