

Family Law

In this subject, CALI has Lesson and Podcasts. There are also Casebook Correlations and CALI Topic Grids available on the CALI website to aid you in assigning lessons.

CALI Lessons:

Abortion

This lesson can be used in a Family Law or Constitutional Law course, as preparation for class or as review for an exam on the topic of Abortion.

Lesson Completion Time: 45 minutes

Author: Ruthann Robson, Distinguished Professor of Law, City University of New York Law School

Adoption

This lesson will cover the general area of adoption law and is designed as an introduction for those students who have not studied the subject and as a review for those students who have.

Lesson Completion Time: 45 minutes

Author: Len Biernat, Professor of Law, Hamline University School of Law

Alimony

This lesson reviews the general law of alimony. It focuses on the differences between alimony and property distribution; the gender implications, justifications, eligibility, amount and duration of alimony; the forms of alimony; and alimony modification. This lesson does not discuss compensatory spousal payments under the American Law Institute's Principles of the Law of Family Dissolution, which are addressed in a separate CALI lesson.

Lesson Completion Time: 45 minutes

Author: Cynthia Starnes, Professor of Law, Michigan State University College of Law

Child Custody Jurisdiction

This lesson is intended to be used as both an introduction to Child Custody Jurisdiction and as a review for students who have already studied the material.

Lesson Completion Time: 1 hour

Author: Andrea Charlow, Professor of Law, Drake University Law School

Child Custody Modification

This lesson explores the standards for modifying child custody orders and the policies underlying same. It is an introductory lesson and assumes an understanding of the issues involved in making an initial custody decree. This lesson should be worked, for review and reinforcement, after the topic has been covered in class. The lesson may also serve as a substitute for covering this topic in class, as long as the student has covered the more general topic of initial custody decision making. The lesson does not cover interstate jurisdiction or relocation (moving the child out of the jurisdiction). Those topics are covered in other lessons.

Lesson Completion Time: 45 minutes, plus another 20 minutes for the essay

Author: Janet Richards, Cecil C. Humphreys Professor of Law, University of Memphis
Cecil C. Humphreys School of Law

Classifying Special Types of Marital Property

This lesson considers the special classification issues associated with pensions, professional licenses and goodwill, personal injury and workers' compensation awards, and life insurance. The student should have a general understanding of the distinction between marital and separate property before working this lesson. The lesson can be used as an introduction to or review of the materials covered. It also works well as an independent lesson.

Lesson Completion Time: 1 hour

Author: Janet Richards, Cecil C. Humphreys Professor of Law, University of Memphis
Cecil C. Humphreys School of Law

Cohabitation

Cohabitants may litigate to obtain property, support, a share of an estate, or for derivative benefits such as wrongful death or survivor's benefits. This lesson reviews theories of recovery for cohabiting couples who were not formally married.

The lesson explores contract, quasi-contract and equitable theories of recovery such as constructive and resulting trusts, quantum meruit, promissory estoppel and implied contract. Note that not all states allow all remedies reviewed in this lesson.

This lesson does not cover domestic partnerships or common law marriage.

The lesson can be used as an introduction to the materials or for review.

Lesson Completion Time: 1 hour

Author: Andrea Charlow, Professor of Law, Drake University Law School

Commingled Property at Divorce

This lesson covers characterization of commingled property at divorce. It covers tracing, transmutation, differentiation between income and passive appreciation and other rules regarding characterization of commingled property as marital or separate.

Computation of the separate and marital portions of mixed pensions, a common asset of divorcing parties, involves complex issues that are beyond the scope of this lesson.

Before beginning this lesson, students must have a good understanding of the difference between community or marital and separate property, and the principles of equitable distribution. It is recommended that students first complete the lesson on property division at divorce.

Note - Some states treat all property owned by either spouse, no matter how or when it was acquired, as marital. This lesson does not apply to states that do not differentiate between marital/community and separate property. Nor does it apply to states that treat all commingled property as marital or community.

Lesson Completion Time: 40 minutes

Author: Andrea Charlow, Professor of Law, Drake University Law School

Compensatory Spousal Payments under the ALI Principles

This lesson deals with a topic more commonly known as alimony, spousal support, or maintenance. Its focus is Chapter 5 of the American Law Institute Principles of the Law of Family Dissolution. This is an introductory lesson. It assumes you have spent little or no time discussing this material in class.

The lesson is divided into three parts:

- Part I contains introductory provisions.
- Part II concentrates on awards based on disparate spousal earning capacity (ALI Topic 2 awards).
- Part III concentrates on awards based on reimbursement and rescission (ALI Topic 3 awards).

Lesson Completion Time: 45 minutes

Author: Cynthia Starnes, Professor of Law, Michigan State University College of Law

Constitutional Aspects of Family Law

This lesson is an examination of the constitutional law aspects of Family Law. It builds upon lessons which provide a review of Constitutional Law in the Family Law context, but is much more detailed. It is intended as a supplement and review of constitutional doctrine as it occurs in specific Family Law areas such as marriage, divorce, parenting, procreation, sexuality, the rights of minors, and end-of life issues.

Lesson Completion Time: 60 - 90 minutes

Author: Ruthann Robson, Distinguished Professor of Law, City University of New York Law School

Constitutional Powers and Structures Review for Family Law

This lesson is intended as an overview of Constitutional Law principles that are important in Family Law. It can be used at the beginning of the Family Law course as a refresher of Constitutional Law. It can also be used during the course to clarify general constitutional doctrine. This lesson is related to two other lessons regarding constitutional aspects of Family Law.

Lesson Completion Time: 30 minutes

Author: Ruthann Robson, Distinguished Professor of Law, City University of New York Law School

Constitutional Rights Review for Family Law

This lesson is intended as an overview of Constitutional Rights that are important in Family Law. It can be used at the beginning of the Family Law course as a refresher, or during the course to clarify general doctrine, or at the end of the course as review.

This lesson has two related lessons. Constitutional Powers and Structures Review for Family Law is an overview of the "structures" rather than the "rights" portions of Constitutional Law. The Constitutional Aspects of Family Law is a more extensive lesson

which examines the constitutional dimensions of specific areas such as marriage, divorce, parenting, procreation, contraception, sexuality, and other issues.

Lesson Completion Time: 30- 45 minutes

Author: Ruthann Robson, Distinguished Professor of Law, City University of New York Law School

Custody Disputes

This lesson will review general principles of custody disputes including terminology and factors used in resolving custody disputes. Separate lessons will cover custody jurisdiction, modification, and visitation.

Lesson Completion Time: 30 minutes

Author: Len Biernat, Professor of Law, Hamline University School of Law

Determining Child Support

This lesson is a review of the duty to support children and the growing federal role in determining child support.

Lesson Completion Time: 30 minutes

Author: Len Biernat, Professor of Law, Hamline University School of Law

Distribution of Property at Divorce

This lesson focuses on distribution of property that has already been identified and valued. Before beginning the lesson students should have a general understanding of the differences between common law and community property systems. They should also be aware of the basic distinction between marital and separate property. This lesson may be used either as an introduction to the distribution of property at divorce or as a refresher that tests a student's understanding of this subject.

Lesson Completion Time: 45 minutes

Author: Cynthia Starnes, Professor of Law, Michigan State University College of Law

Enforcement of Child Support Obligations

This lesson is a review of child support enforcement at both the state and federal levels.

Lesson Completion Time: 30 minutes

Author: Len Biernat, Professor of Law, Hamline University School of Law

Marriage Regulations

This lesson addresses the formal and substantive regulations imposed on the right to marry. The lesson discusses the difference between annulment and divorce and compares void and voidable marriages. The putative spouse doctrine and the marriage presumption are also covered. This lesson assumes prior coverage of this material in class and is designed to help you review these concepts. If you want to study the constitutional aspects of substantive regulations of marriage in more depth, see the CALI lessons, Constitutional Aspects of Family Law and Same Sex Relationships. The lesson contains 21 questions and should take 30-45 minutes to complete.

Lesson Completion Time: 30-45 minutes

Author: Janet Richards, Cecil C. Humphreys Professor of Law, University of Memphis
Cecil C. Humphreys School of Law

Modification of Alimony and Child Support

This lesson can serve either as an introduction to modification or as a review that reinforces and tests your understanding of this subject. Before beginning the lesson, you should be familiar with the general law of alimony and child support. The CALI lessons on Alimony and Child Support can help.

This lesson is divided into two parts: Part I deals with modification of alimony; Part II deals with modification of child support. Each part begins by identifying basic rules on modification and then explores specific fact patterns that often trigger requests for modification.

Lesson Completion Time: 30 minutes

Author: Cynthia Starnes, Professor of Law, Michigan State University College of Law

New Reproductive Technologies or Who's Your Mama?

This lesson covers emerging issues of assisted reproduction technologies. Most specifically, it explores issues of parental rights on both a constitutional and state level. Topics covered include artificial insemination, surrogacy, and the status of un-implanted pre-embryos when the parties disagree about implantation. It does not cover post-partum conception. The lesson includes the issue of lesbian partners when one provides the egg and the other is the gestational mother but it does not cover other issues of lesbian parenthood.

This lesson can be used for review or as background material for in depth class discussion.

Lesson Completion Time: 1 hour

Author: Andrea Charlow, Professor of Law, Drake University Law School

Paternity and Legitimacy

This is a lesson for reviewing the emerging rights of the nonmarital child and the nonmarital father.

Lesson Completion Time: 30 minutes

Author: Len Biernat, Professor of Law, Hamline University School of Law

Premarital Agreements

This lesson explores premarital agreements, also known as antenuptial or prenuptial agreements. It contrasts traditional and contemporary views of premarital agreements, the procedural and substantive requirements for enforcement, the Uniform Premarital Agreement Act and relevant provisions of the ALI Principles of the Law of Family Dissolution. This lesson assumes you already have a basic understanding of premarital agreements.

Laws governing premarital agreements are very state-specific. This lesson provides an overview of those laws, but students should remember that the laws of a particular state are vitally important to the cases they govern.

Lesson Completion Time: 45 minutes

Author: Cynthia Starnes, Professor of Law, Michigan State University College of Law

Same-sex relationships

This lesson covers the basic issues and arguments in same-sex marriage litigation. However, this area of the law is changing rapidly and the most recent outcomes of the arguments are not yet included.

This lesson addresses the legal ramifications of same-sex relationships, stresses comprehension of the arguments regarding the opposite sex requirement for marriage, and includes the various schemes states have used to address the controversies. Additionally, this lesson contains material relating to transgendered individuals who marry and international perspectives. It can be used as class preparation, supplement, or review.

This lesson has been updated to reflect changes in the law through April 15, 2009.

Lesson Completion Time: 55 minutes

Author: Ruthann Robson, Distinguished Professor of Law, City University of New York Law School

Support Jurisdiction

This lesson covers the basics of both spousal and child support jurisdiction. It is intended as an introduction to the materials and it can also be used for review.

Lesson Completion Time: 1 hour

Author: Andrea Charlow, Professor of Law, Drake University Law School

The Marital Status

This is an introduction to some of the legal aspects of the husband-wife relationship, including property and support obligations along with a number of issues involving the marital status.

Lesson Completion Time: 30 minutes

Author: Len Biernat, Professor of Law, Hamline University School of Law

UCCJEA - Enforcement Provisions

This lesson addresses the enforcement provisions of the child custody jurisdiction statutes. It also addresses the international aspects of child custody enforcement. The lesson should be worked after completing the lesson on Child Custody Jurisdiction.

The lesson assumes that the student is familiar with the provisions of the UCCJA, the PKPA, and the UCCJEA, but does not assume knowledge of the enforcement provisions of these statutes. The lesson does not assume that the student has a great deal of exposure to the international aspects of this issue, other than perhaps a brief overview of the Hague Convention and the International Parental Kidnapping Act.

Lesson Completion Time: 45 minutes

Author: Janet Richards, Cecil C. Humphreys Professor of Law, University of Memphis
Cecil C. Humphreys School of Law

Visitation and Relocation

This lesson is a review of visitation and relocation issues. The lesson can be used to introduce or review these topics. Students should be familiar with basic principles of custody determinations.

The lesson contains twenty questions, three of which are essay questions.

Lesson Completion Time: 30 minutes

Author: Janet Richards, Cecil C. Humphreys Professor of Law, University of Memphis
Cecil C. Humphreys School of Law

Podcasts:

Legal Issues in Cohabitation of Unmarried Couples

How can unmarried adults protect their interests when living together outside of marriage? In this Lawdible, Professor Len Biernat answers this question and other legal issues involved in the cohabitation of unmarried couples. Along the way, he covers issues of family law and contract law that go along with this situation.

Run Time: 8:34 Minutes

Author: Len Biernat, Professor of Law, Hamline University School of Law