

Exam Number: _____

FAMILY LAW - FINAL EXAM
Fall 2009
On-Line and 6:30 Mondays - Condurelli

Directions: Write your exam number on your blue book and on your exam. Then, read the following problem carefully. Take the time to organize your answer. Finally, respond in essay form, using only one (1) blue book.

Please write legibly and double space your writing.

Problem 1 (Approx. 2 ½ hours) 75% - (limit: one double-spaced blue book)

Jason is married to Sarah. They were married in the State of Steele five years ago. However, they have been residing in the State of Rodriguez since January of 2009.

Jason is a physician with a lucrative medical practice. Sarah is a nurse's aid. The parties jointly own the marital residence in Rodriguez, which is worth approximately 800K, acquired mainly from the sale of the parties' former, jointly-owned home in Steele. That former home, in Steele, was purchased in 2005 primarily with savings funded by Jason's income. The parties also enjoy a lakefront cottage in Rodriguez which Jason inherited from his grandfather prior to the parties' marriage. Title to this home is in Jason's sole name.

Prior to the parties' marriage, Jason and Sarah signed a prenuptial agreement which provided that in the event the parties were to divorce, Jason would be entitled to the lakefront home and the marital home. Sarah would be given 75K and custody of any children born of the marriage. Prior to signing the agreement, both parties consulted with counsel and they exchanged tax returns from the prior year.

In February of 2009, Jason and Sarah welcomed a baby daughter, Amy.

Jason fathered a son during a non-marital affair a few years before the marriage. From the beginning of the marriage, Jason continued to see the woman with whom he had the affair, much to Sarah's dismay. Her name is Lola. On Tuesdays, Jason has dinner with Lola. They usually go to Morton's Restaurant. Some nights Jason returns from his dinners with Lola very late at night. Sarah has asked Jason to stop seeing Lola, but Jason has refused. He has told Sarah that Lola is his child's mother and he and Lola need to discuss the child's progress and well-being.

Of late, Sarah has been having more difficulty coping with Jason's continuing relationship with Lola. She has been taking Vicodin and Oxycodone. In the last four months, Sarah's drug use has cost an average of \$250.00 per month. Sarah also has

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missed 25 days of work since August 2009 because she could not get up and out to work or bring baby Amy to day care.

About 2 months ago, Jason informed Sarah that he rented an apartment in the big city, so that he could attend a greater number of educational conferences and social networking events more easily and without a lengthy commute. Since then, Jason has been regularly leaving for work on Friday morning and not returning to the marital home until Monday evening after work. Sarah objected to this, but Jason said he had no plans to terminate the rental. Sarah was now excluded from all of Jason's professional and social activities and connections. Moreover, while Jason was at home, he prepared his own food at suppertime without regard for Sarah or what she had already prepared. One night, while Sarah was slicing potatoes, she cut her finger, partially severing it. She asked Jason for a ride to the hospital, because she was feeling faint from the bleeding. He refused and instead announced that he was taking Amy to visit her brother, James, at Lola's house. Jason has continued to pay all household bills and has assisted with Amy's care when at home.

Sarah has now recovered from the finger incident and her doctor has referred her for counseling and drug treatment. Today she arrives at your office for a consultation. Advise Sarah as to her rights, options and responsibilities.

Problem 2 (Short Answers- Approx. 30 min.) 25%

Directions: Please read the problem below then refer to the instructions following the text.

Husband & Wife were married in and resided in the State of Vaz for 13 years. One child was born of the marriage: Christa, age 8. During the marriage, Wife was frequently terrorized by Husband. On one occasion, he punched her and broke her cheekbone. On May 3, 2009, H left W note indicating that he had joined the military. When H left home, W allowed 8 year-old Christa to move in with W's brother, Dan, so that W could work and support herself. W formalized this arrangement by assenting to Dan's legal guardianship of Christa. Wife visited with Christa and gave money to Dan for Christa's care. In August of 2009, W commenced divorce proceedings against H in the State of Vaz. Meanwhile, in September of 2009, while W's divorce was still pending in Vaz, H obtained a divorce from W in Afghanistan. W was aware of H's attempts to obtain a divorce abroad and signed papers to indicate her consent thereto. Last month H died. Benefits are due to Husband's surviving spouse. Wife wants to obtain those benefits and she wants to take Christa back to live with her. Dan feels that a return of Christa to W would not be in Christa's best interests. W files to terminate Dan's guardianship and W files with the military to obtain benefits. While W recently learned that H took another wife in Afghanistan, she will argue that the Afghan divorce is invalid and that since the divorce in Paz was never finalized, she is H's true surviving spouse.

Define the following terms and explain their application, if any, to the fact pattern above:

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(Please write your answers in the spaces provided on the next pages.)

1. Desertion:

2. Abuse:

3. Doctrine of Comity:

4. Estoppel:

5. Condonation:

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6. Ex-Parte Divorce:

7. Parental Preference Doctrine:

8. Domicile:

9. De Facto Parent:

10. Jurisdiction:
