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**MASSACHUSETTS SCHOOL OF LAW at ANDOVER**

**SYLLABUS for FAMILY LAW ON-LINE**

**Spring 2024**

**INSTRUCTOR:**

**Atty. Jeanne Condurelli**

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**Course Description:**

General Family Law is tested on the Multistate Essay Examination and Massachusetts also tests issues of Massachusetts’ Family Law on its online examination. Therefore, this course will be examining family law generally, as well as examining specific practice issues in Massachusetts.

**Requirements & Class Participation:**

Please immediately e-mail Atty. Condurelli at [condurelli@mslaw.edu](mailto:condurelli@mslaw.edu) and acknowledge your participation in this class.

The packets of reading materials for the Family Law On-Line course are available for electronic access on the Spring 2024 Family Law TWEN course and/or linked to the Spring 2024 Family Law On-Line TWEN Dropbox. (Please see both the Packet and the 2023 Supplemental Packet.) The assigned readings that correspond to each section of the syllabus are largely contained in the original “Packet”, unless otherwise indicated herein. Pertinent audio and video recordings containing class materials may also be found on TWEN or in the Spring 2024 Family Law On-Line TWEN Dropbox. An “Additional Cases List” is also available with this Syllabus on TWEN. This list will provide citations to other cases, mainly Massachusetts cases, that may be referenced by the instructor during the term. Students may find these cases on WESTLAW. However, students are not required to read or print each of these additional cases. The assigned cases appear here in the Syllabus.

Each week a set of questions or an assignment will be posted at the Family Law On-Line webpage and/or on TWEN. These will be based on that section’s readings, class discussions and/or assignments. Students must submit their responses in writing to these questions by e-mail to [**condurelli@mslaw.edu**](mailto:condurelli@mslaw.edu)within one (1) week after posting or on the due date specified in the posting. Student submissions are expected to be thorough, well-written and well-reasoned. Legal analysis should be based on the principles addressed in the assignedreadings and class discussions.Students will not receive credit for late responses to the on-line questions or assignments**,** unless extenuating circumstances so warrant.

Each week students enrolled in the course must take the weekly quiz at <https://www.socrative.com> where the room is FAMILYLAWBOOTCAMP**.** The Socrative quizzes are only open for one week.After completing each section’s reading and downloading the class for the week, you should immediately take the quiz as the Socrative quizzes are only open for the current section from Monday until midnight the following Sunday. When the next quiz is posted, previous quizzes are unavailable to take. You will receive a zero for all quizzes not taken timely**.**

Please check your e-mail religiously for TWEN notification of the posting of the weekly questions, and for other class information and updates. Also, check for group or individual e-mail sent directly from the instructor.

**Grading Criteria:**

Your grade will be based upon your performance on the final examination, as well as on the weekly quiz scores from Socrative and on the written submissions to the weekly on-line questions or assignments. In addition, your final grade will take into consideration your work on any other assigned written problems, pleadings, and financial statements or worksheets that you may be asked to complete during the term.

**Preliminary Considerations:**

As you approach the materials and discussions in this course, think about the issues raised by the cases assigned and how you would deal with similar issues when you begin practicing law. Family law problems and the ethical and moral issues raised by these matters occur in abundance and are too often exhaustively litigated. For better or worse, it is an important practice area where skilled attorneys are desperately needed.

SECTION 1

1.16.2024 Family Law Overview (See TWEN Dropbox)

NCBEX Overview and Modern Approach

Families, Marriage, Divorce, and Children—The Basics

What is a family?

*Braschi v. Stahl* (See Packet, Section 3)

*Penobscot v. Brewer* (See Packet, Section 3)

Marrying, Limitations, and State Law

Reference : *Loving v. Virginia, 388 US 1, 87 S.Ct. 1817 (1967)*

*Zablocki v. Redhail*, *[434 U.S. 374, 384](https://casetext.com/case/zablocki-v-redhail" \l "p384),*[*98 S.Ct. 673*](https://casetext.com/case/zablocki-v-redhail)*,  (1978)*

*Obergefell v. Hodges,*

*Singh v. Singh*

*~~Sanderson v. Tryon~~*

*Moe v. Dinkins*, *533 F. Supp 623 (S.D.N.Y. 1981)*

*Bronson v. Swenson*

SECTION 2

1.22.2024 Marriage Validity, Annulment of Invalid Marriages and Non-Marriages; Common Law Marriages, Rights and Responsibility of Spouses

*~~Goodridge v. DPH~~*

*Lester*

*Johnston*

*In RE: Marriage of Oakley, 340 S.W. 3d 628 (2011)*

*In Re Estate of Love*

*McGuire*

*Southern N.H. Medical Center v. Hayes, 992 A. 2d 596, (NH*

*Sup. Ct. 2010)*

*Marvin* (see Packet Section 11)

SECTION 3

1.29.2024 Privileges, Family Privacy, Reproductive Choices and the Constitution

*Trammel v. U.S.\**

*Griswold*

*Eisenstadt v. Baird*

*Planned Parenthood v. Casey*

*Ayotte v. Planned Parenthood*

*Dobbs v. Jackson Women’s Health Organization\**

*\*Get Dobbs at:* [*https://www.supremecourt.gov/opinions/21pdf/19-1392\_6j37.pdf*](https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf)

(check library reserve desk for abbreviated version of this case)

*\* Discussion may also refer to:*  *Cavanaugh vs. Cavanaugh*, *490 Mass. 398 (2022)*

[*http://masscases.com/cases/sjc/490/490mass398.html*](http://masscases.com/cases/sjc/490/490mass398.html)

SECTION 4

2.05.2024 Domestic Violence Issues & Remedies

Abuse/Violence Defined/Battering and its effects

Reference: *M.G.L. c. 209A*

*Commonwealth v. Gordon*, *407 Mass 340 (1990)*

*C.O. v. M.M.*

*Mitchell v. Mitchell*

*~~KJB v. CMB~~*

*~~People v. Humphrey~~*

*Giovine*

*Twyman*

Possiible Drafting Assignment – MA 209A Complaint for Protection from Abuse

SECTION 5

2.12.2024 Separation and Marital Dissolution— Grounds and Defenses for Divorce, Property Division and Alimony

Section 5 (cont.)

*In the marriage of* *Dennis D. Kenik*

*Innerbichler*

*Ferguson*

*Postema*

*Elkus*

*Laing*

*Niroo*

*Siegel* (See Packet, Section 8)

SECTION 6

2.19.2024 Separation & Marital Dissolution continued

Marital Property, Alimony, and Child Support

Reference: *Massachusetts Child Support Guidelines*

[*https://www.mass.gov/info-details/child-support-guidelines*](https://www.mass.gov/info-details/child-support-guidelines)

*Hoffman*

*Massar*

*Schmidt*

*Clapp v. Clapp*

*In re Marriage of Bush*

*Solomon*

*Little*

SECTION 7

2.26.2024 Custody, Best Interests Standards, Lifestyle, and the Impact of Domestic Violence

Reference: *M.G.L. ch. 208, sec. 31 and 31A*

*Hollon*

*Jones*

*Kendall*

*McMillen*

*Garska*

*Squires*

*Young v. Hector*

*Custody of Vaughn*, *422 Mass. 590 (1996)*

Section 7 (Cont.)

Possible Essay Assignment RE: Custody/Divorce/Domestic Abuse Hypothetical

SECTION 8

3.04.2024 Economic Issues and Entanglements; Attempts at Private Determination of Property Division

*Farmer*

Uniform Premarital Agreement Act

*Edwardson*

*DeMatteo*

*Austin II*

*In RE: Estate of Hollett, 834 A. 2d 348 (NH Sup. Ct. 2003)*

*~~Vaughn v. Lawrenceburg Power~~*

*Craven v. Ansin-Craven*, *457 Mass 283 (2010)*

**Spring Break 03.10.24 through 03.17.24 - No Classes**

SECTION 9

3.18.2024 Jurisdiction and Recognition of Foreign Decrees

*Sosna (See Packet, Section 5)*

*Kulko*

*US v. Bongiorno*

*Chaddick v. Monopoli*

*Thompson*

*Silverman*

*Vanderbilt*

*CSE v. Brenckle*

*Miller v. Miller*, *448 Mass 320 (2007)*

SECTION 10

3.25.2024 Court Orders and Judgments, Relocation, Modification and Contempt

*In re Marriage of Carney*

*Hassenstab*

*Palmore v. Sidotti*, (See Packet, Section 13)

*Wetch*

*Baures*

*Henderickson*

*D’Ascanio*

*Ainsworth*

*~~Edgar v. Edgar~~*

SECTION 11

4.01.2024 Rights and Responsibilities of unmarried parents, stepparents, and other third parties—paternity by blood or otherwise

*Lehr*

*Michael H. v. Gerald D.*

*Troxel v. Granville*

*Youmans v. Ramos*, 429 Mass 774 (1999)

*Kinnard*

*Simons*

*V.C. v. M.J.B.*

*Miller*

*Quinn v. Mouw-Quinn*

*Lalli (see Packet Section 8)*

SECTION 12

04.08.2024 Caregiving, Fitness, Parent, Child, and the State

*Kelley*

*~~NV Dept. of Health v. Hibbs~~*

*Knussman v. MD*

*State v. McNight*

*Curran v. Bosze*

Section 12 (cont.)

*Santosky v. Kramer\**

*Chronister v. Brenneman*, 742 A.2d 190 (Penn. 1999)

*Commonwealth v. Dorvil,* 472 Mass 1 (2015)

Reference: *M.G.L. ch. 119, secs. 51A, 51B, 24, and 26 and M.G.L. ch. 210, sec. 3*

“Dreamers” – Reference: *M.G.L. ch. 119, sec. 39M*

**04.15.24** **Patriot’s Day – No Class**

SECTION 13

04.16.2024 Ethical Issues in Divorce, Custody & Cohabitation Matters

*Jones*

*Aflalo*

*Schult*

*Wolf*

*Matter of Petrie*

SECTION 14

04.22.2024. Adoption and Procreative Parents; Agency, Private Adoption, Technologically Assisted Reproduction and Children born after Divorce/Death

*In re Marriage of Witbeck-Wildhagen*

*K.M. v. E.G.*

*In Re C.K.G.*

*Vela v. Marywood*

*Adoption of CDM*

*J.B. v. M.B.*

Final Examination Discussion

SECTION 15

04.29.2024 Alternative Dispute Resolution; Mediation, Arbitration, Collaborative Law, and Cost-Effective Resolution Strategies

Reference: *SJC Rule 1:18*

*Toni*

*Kelm*

*Crupi*

*Bixler v. Masterson/Scientology*

Uniform Collaborative Law Act Prefatory Note

**05.06.2024. Last Day of Class Spring Semester**