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**SECRETARY:** Debby Warren (her desk is on the third floor, near my office)  
**ELECTRONIC INFO:** I've created a Blackboard site and a website for this class. Here's the url for the website: <http://www.uoregon.edu/~lharris/familylaw/fammainpage.html>

**OFFICE HOURS:** MW 2:30-4 p.m. I'll also be glad to talk to you at other times if I'm in my office and not busy. Just knock if the door's closed. If this doesn't work, leave me a note telling me how to reach you or send me e-mail, and I'll get in touch as soon as possible.

**CLASSES:** Family Law – Tuesday and Thursday 9-10:15 a.m.  
 Elder Law – Tuesday and Thursday 2:30-3:45 p.m.

**REQUIRED MATERIALS:**

Harris, Teitelbaum, and Carbone FAMILY LAW (3d. ed.)	} All three
Statutory Supplement	} available
Supplemental Materials	} at bookstore

**BASIS FOR GRADE:** Three-hour, partly open-book exam, part short answer and part essay.

You may bring into the test your textbook, the class supplements, and any notes and outlines that you make alone, or with other students. You may not bring into the test any commercial materials or any materials prepared by students not in this class this year. The purpose of these limitations is to make access to materials as fair as possible. **YOU MAY USE YOUR COMPUTER ON YOUR EXAM.**

Class participation and attendance I take class participation into account in borderline cases. Class attendance is required. If you don't attend substantially all the classes, you may be denied credit for the class

Optional writing assignments During the semester I'll assign two optional written assignments, which will be graded on a scale of 1-4. You may do neither, one, or both of them, and any that you do will count as extra credit. These assignments will be graded anonymously. The general instructions for the assignments are these:

Please write a 3-5-page memo, typed, double-spaced, responding to the problem. You can answer the problem based on the materials in the book, and so outside research is not required, though it is allowed. You may discuss a problem with others in the class, but the work you turn in must be entirely your own. This means that you can talk generally about the issues the problem raises and alternate approaches, but you cannot share writing. The papers will be graded anonymously; you'll get a number for them from the administration office and turn them in there. I will grade the papers and return them during the semester so that you'll have feedback as we go along.

Oregon Judicial Department Family Law website:

<http://www.ojd.state.or.us/osca/cpsd/courtimprovement/familylaw/index.htm>

## ASSIGNMENTS

The plain page numbers refer to the textbook, and those preceded by Supp. refer to the packet of supplementary materials. The ORS sections are in the Statutory Supplement.

### I. Introduction: What is a Family? -- Adult Partners

**1.** 3-30, *Numbers Drop for the Married with Children* and Sanger, *A Case for Civil Marriage* (Supp 2-12)

### II. The Importance of Being a Family

#### A. Ownership and control of property during marriage

**2.** 31-51, ORS 108.010 - 108.100.

**3.** 51-63, ORS 107.118-107.131

#### B. Daily management of property and support duties during marriage

**4.** 63-85, ORS 108.040 and 108.110 - 108.120

#### C. Contracts between spouses and spouses-to-be

**5.** 98-112, 725-752, ORS 108.700 - 108.725

#### D. Domestic violence

**6.** 113-114, 118-137, *Fierce Entanglements, Castro v. Heinzman, Restraining Orders and Stalking Orders, Screening Clients for Domestic Violence* (Supp. 13-40), ORS 30.866, 107.095(1) (c) - (g) and (5), 107.700 - 107.732, 163.730 - 163.755. We'll discuss the problems in the Supplement in class; please think them over as you prepare. Oregon Judicial Dept. information on DV:

<http://www.ojd.state.or.us/osca/cpsd/courtimprovement/familylaw/DomesticViolenceVer2.htm>

### III. Marriage and Domestic Partnerships

#### A. Ceremonial marriage

**7.** 155-176, 184-194, 215-218, *Marriage Regulation and Newspaper Clippings on Marriage* (Supp. 41--69). Please think of the newspaper articles as problem and consider how they would be analyzed legally, based on the *Marriage Regulation* essay and on ORS 106.010 - 106.220, 107.005 - 107.015.

**8.** 176-184, 195-215, 218-227

#### B. Traditional alternatives to formal marriage

**9.** 229-249

#### C. Modern judicial and statutory approaches

**10.** 249-267

**11.** 267-283, *Connecticut Civil Union Statute* (Supp. 70-71), Oregon domestic partnership statute (Stat. Supp. 18-21)

### IV. Divorce

#### A. Grounds and procedure

**12.** 287-297, 301-316, 318 (begin with Note 1)-345. We will focus on the problems on pp. 305-306 and cover in more depth the materials on pp. 323-345; *Far Apart Under One Roof, Divorce is Just a Click Away* and *Trying to Strengthen an "I Do" with a More Binding Legal Tie* (Supp. 72-79). Also, please review these sections of the Oregon Revised Statutes, which I'll explain: ORCP Rule 4(A),

(K) and (L), 107.025-107.089, 107.095-107.097, 107.105(1)(h), (4) and (5), 107.115, 107.445, 107.455-107.475, 107.485-107.490, 107.755-107.795, 108.110-108.120.

Oregon divorce forms:

<http://www.ojd.state.or.us/osca/cpsd/courtimprovement/familylaw/flpacket1.htm>

B. Property Division

**13.** 387-412; ORS 107.088 - 107.089, 107.192, 107.104, 107.105(1)(e), (f), (g), (i), and (j), (2), (3), and (6), 107.452

**14.** 412-430, *Tracing, Spousal Gifts and Rebuttable Presumptions: Puzzles of Oregon Property Division Law* (Supp. 80-81), ORS 107.105(1)(f). The full article is at [83 Oregon Law Review 1291](#) (2005)

C. Spousal Support

**15.** 430-459, ORS 107.105(1)(d), 107.407-107.412, 107.810-107.837

D. Issues on the Border Between Property and Support

**16.** 459-479; ORS 107.092, 107.105(1)(f), 107.118-107.131

**17.** 479-500, *Small Business: Divorce Can Be the End for a Company* (Supp. 82-83), ORS 107.105(1)(d)(B), 107.105(1)(f), and 107.135(1)(e)

E. Child support

**18.** 501-528, ORS 107.105(1)(c), 107.106, 25.240-25.245, 25.270, 25.275, 25.280, 25.290, 109.003 thru 109.030, 109.100, Child Support Guidelines (Statutory Supp. p. 116 et seq), esp. 37-050-0320, -0330, -0333, -0340, -0350, -0360, -0370, -0390, -0405, -0410, -0420, -0430, -0450, -0455, -0465, -0475, and -0490. Oregon child support information, including support tables and calculators: [http://dcs.state.or.us/oregon\\_admin\\_rules/guidelines\\_information.htm](http://dcs.state.or.us/oregon_admin_rules/guidelines_information.htm)

**19.** 528-542, ORS 107.108, 109.010

F. Modification

**20.** 549-566, ORS 25.287, 107.135(1) - (10), (13) and (14), 107.136, 107.407-107.415, 107.452, Child Support Guidelines 137-050-0335

**21.** 566-578, ORS 109.053, Child Support Guidelines 137-050-0320(9) and (14), -0333, and -0400.

V. What is a Family? -- Parent and Child

A. Basic Principles

**22.** 839-867, *Elisa B v. Superior Court* (Supp. 84-90), ORS 109.119; [O'Donnell and Lamont](#), 337 Or 86, 91 P3d 721 (2004), is the leading case interpreting ORS 109.119

B. Unmarried Fathers and Their Children

**23.** 867-871, 877-899, ORS 109.030, 109.060, 109.070, 109.092, 109.094, 109.096, 109.098, 109.124-109.264. For commentary on the 2007 amendments to these laws, see Report to the Oregon Law Commission, [Establishing, Disestablishing, And Challenging Legal Paternity](#) (2007)

C. Applying the Best Interests Test

**24.** 621-643, ORS 107.097, 107.101 - 107.102, 107.105(1)(a)-(b), 107.106, 107.137, 107.149, 107.425, Oregon sample parenting plans:

<http://www.ojd.state.or.us/osca/cpsd/courtimprovement/familylaw/parentingplan.htm>

**25.** 643-660, ORS 107.149,107.154, 107.159, 107.164, 107.169, 107.179

**26.** 660-694, ORS 107.137(1)(f), (2) and (3)

D. Enforcement and Modification

**27.** 695-723, ORS 107.135 (11) - (13), 107.138, 107.169, 107.174, 107.431,  
107.434 - 107.437, Oregon custody modification forms:

[http://www.ojd.state.or.us/osca/cpsd/courtimprovement/familylaw/flpacket4.  
htm](http://www.ojd.state.or.us/osca/cpsd/courtimprovement/familylaw/flpacket4.htm); custody and visitation enforcement forms:

[http://www.ojd.state.or.us/osca/cpsd/courtimprovement/familylaw/flpacket5.  
htm](http://www.ojd.state.or.us/osca/cpsd/courtimprovement/familylaw/flpacket5.htm)