Course: LAW/SOCWORK 823 Family Law II Spring 2014 (Brito)

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Family Law II
Brito I 823-001-A1
- News forum

Professor Tonya Brito
Office: Room 8103
Office Phone: 265-6475
Email: tbruto@wisc.edu
Office Hours: Mondays 1:30 - 2:30 pm
and by appointment

Class E-mail distribution list:
Law823-1-s14@lists.wisc.edu

Family Law II introduces students to the fundamental concepts of family law as it pertains to the legal regulation of the relationship of parent and child. The topics covered in the course include the right to privacy and reproductive autonomy, pregnancy leave, balancing work and family, the rights of unmarried parents and their children, child abuse and neglect, the foster care system, termination of parental rights, autonomy rights of children, adoption, and alternative reproductive technologies.

The textbook for this course is Weisberg and Appleton, Modern Family Law (4th ed 2010). Additional reading assignments and course materials are listed below along with links to materials, including relevant statutes, exercises and news reports. These course materials may be supplemented with additional photocopied materials that will be distributed in class.

The address of the class email list is Law823-1-s14@lists.wisc.edu. The list provides an avenue for students to continue discussion of issues raised in class and to ask questions. I will also use the list to notify you of any changes to assignments and similar matters. Be sure to check your email regularly.

Course requirements include regular class attendance, constructive class participation, and completion of the final exam. Class attendance and participation will factor into the final grade. The grading for class participation should provide adequate incentive to attend class. Consequently, excuses for absences need not be provided nor will they be accepted (absent exceptional circumstances such as a death in the family or serious illness). Given the weighing of grades, missing a couple of class sessions will not compromise one's grade, but missing many sessions will.

The final exam in this class will be an in-class, open book examination.

PRIVATE FAMILY CHOICES:
CONSTITUTIONAL PROTECTION FOR THE FAMILY AND ITS MEMBERS
Wednesday, January 22nd, pp. 1-20
The Birth of Privacy: The Meanings and Roots of Privacy
Griswold v. Connecticut
Eisenstadt v. Baird
Meyer v. Nebraska
Pierce v. Society of Sisters

Monday, January 27th, pp. 20-38
The Growth of Privacy: Abortion as a Private Choice
Roe v. Wade

Wednesday, January 29th, pp. 39-58
Burdens on Privacy
Gonzales v. Carhart

Monday, February 3rd, pp. 74-92
When Privacy Rights Conflict: Husbands & Wives and Children & Parents
Planned Parenthood v. Casey
Cincinnati Women's Services, Inc. v. Taft

Guttmacher Institute -- Abortion Fact Sheet
Guttmacher Institute, Abortion Incidence and Access to Services
Exercise -- Ultrasound Requirement

PARENTING
Wednesday, February 5th, pp. 252-266
Pregnancy Leave

- Cleveland Board of Education v. Lafleur
- Calif. Federal Savings & Loan Assoc. v. Guerra

Monday, February 10th, pp. 266-286
Balancing Work and Family

- Caldwell v. Holland of Texas, Inc.
- Dike v. School Board
- The Family and Medical Leave Act, 20 Years Later, N.Y. Times, Feb. 8, 2013

Wednesday, February 12th, pp. 415-427
The Nonmarital Family: Support Rights of Children

- Clark v. Jeter
- Wallis v. Smith
- Minnesota's Voluntary Recognition of Parentage Form
  Review Wisconsin paternity-related forms (see links to documents below)

Monday, February 17th, pp. 427-444
Guest Lecturer: Casey Faucon, Hastie Fellow
The Nonmarital Family: The Relationship Between Parenthood and Marriage

- Stanley v. Illinois
- Michael H. v. Gerald D.
  "Parent Trap: What About the Reproductive Rights of Men?" - Cathy Young, Chicago Tribune, November 25, 1998
- Paternal Interest Registry in Wisconsin
  Information for Putative (Possible) Fathers
  Information for Social Workers, Attorneys or Others
  Searching for Putative Fathers
  Declaration of Paternal Interest
  Declaration of Paternal Interest Revocation
Wednesday, February 19th, pp. 444-450

Guest Lecturer: Casey Faucon, Hastie Fellow

The Nonmarital Family: Extending Paternity Laws to Same-Sex Couples

Elisa B. v. Superior Court
Chatterjee v. King (see below)

Monday, February 24th -- No Class

State Regulation of the Parent-Child Relationship

Wednesday, February 26th, pp. 795-805

Parental Autonomy: Family Privacy Revisited

Meyer v. Nebraska
Pierce v. Society of Sisters
Prince v. Massachusetts
Wisconsin v. Yoder
Troxel v. Granville

Monday, March 3rd, pp. 809-829

Child Abuse and Neglect I

Introduction, Standards for Intervention in the Family: Parental Discipline

In re Juvenile Appeal
Newby v. United States


Wednesday, March 5th, pp. 829-841
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<td>Child Abuse and Neglect II</td>
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<td>Standards for Intervention in the Family: Neglect</td>
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<td>In re A.H.</td>
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<td>Wednesday, March 12th, pp. 903-918</td>
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<td>Child Abuse and Neglect III</td>
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<td>Standards for Intervention in the Family: Emotional Abuse and Neglect and Sexual Abuse</td>
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<td>Child Abuse and Neglect IV</td>
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<td>Dispositional Alternatives: Foster Care</td>
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<td>Smith v. OFFER</td>
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<td>Deshaney v. Winnebago County Dept. of Social Services</td>
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<td>Prevention and the Child Protection System - Jane Waldfogel</td>
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<td>Wednesday, March 26th, pp. 903-918</td>
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<td>Child Abuse and Neglect V</td>
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<td>Documentary: Failure to Protect</td>
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<td>Monday, March 31st (Date tentative)</td>
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<td>Overview of Mediation and Child Protection</td>
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<td>Session co-taught with Prof. Donna Erez-Navot</td>
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<td>Readings to be posted.</td>
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<td>Wednesday, April 2nd (Date tentative)</td>
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<td>Mediation and Child Protection Simulation Exercise</td>
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<td>Session co-taught with Prof. Donna Erez-Navot</td>
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<td>Monday, April 7th, pp. 918-938</td>
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<td>Children's Autonomy?</td>
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<td>State v. C.R. &amp; R.R.</td>
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<td>Bueno v. Scalia</td>
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<td>Ryan v. Ryan</td>
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doption

Wednesday, April 9th, pp. 939-953, 973-981

Adoption I: Background and Parental Consent

Scarpetta v. Spence Chapin Adoption Service

Adoption of Kelsey S.

Monday, April 14th, pp. 954-973, 987-993

Adoption II: Choosing an Adoptive Family

In re Baby Boy C.

Lofton v. Secretary of the Div. of Children and Family Serv.

Adoption of Tammy

Wednesday, April 16th, pp. 982-987, 993-1003

Adoption III: Legal Consequences of Adoption

Matter of Piel

Groves v. Clark

In re Lisa Diane G.

A lternative Reproductive Technologies

Monday, April 21st, pp. 1003-1011

Assisted Reproductive Technology I: Donor Insemination &
Traditional Surrogacy Arrangements

In re Adoption of Anonymous

In re Baby M - For easier reading after opening, click view,
The Surrogacy Center
Surrogacy Center - Parent Application
Surrogacy Center - Carrier Application
California Cryobank

Wednesday, April 23rd, pp. 1011-1020
Assisted Reproductive Technology II: Creating Nontraditional Families
Elisa B. v. Superior Court
Gillett-Netting v. Barnett
Jacob v. Schultz-Jacob
"Hello, I'm Your Sister. Our Father is Donor 150." - Amy Harmon - New York Times - Nov. 20, 2005

Monday, April 28th, pp. 1020-1032
Assisted Reproductive Technology III: In Vitro Fertilization
Lifchez v. Hartigan
A.Z. v. B.Z.

Wednesday, April 30th, pp. 1033-1045
Assisted Reproductive Technology IV: Egg Donation, Gestational Surrogacy, and Embryo Adoption
K.M. v. E.G.
In re Roberto D.B.

Final Exam
Information about the date and location of the exam will be announced when it becomes available. The final exam in this class will be an in-class, open book examination.

Example Final 1
Example Final 2

Family Law Links
Curriculum Guide to Family Law/Divorce
Family Law Concentration

Wisconsin Coalition Against Domestic Violence Clinical Program
The UW-Madison Law School offers an externship program (clinical) for students at the Wisconsin Coalition Against Domestic Violence (WCADV). Students assist with legal inquiries and research regarding domestic violence issues.

Family Court Assistance Project
The Family Court Assistance
Project is a clinical program designed to help make the legal system more accessible to low-income, unrepresented people with divorce, post-divorce, paternity, and restraining order matters. Students serve as facilitators/mediators, working with the parties to help them advance their cases for decision. In addition student represent individuals engaged in the family court process. Students under in-depth skills training in interviewing, counseling, and negotiations, and learn the nuts and bolts of family law. Students may enroll in the Family Court Assistance Project in conjunction with the Domestic Violence class to assist persons seeking restraining orders at the Dane County Courthouse.

**Family Law Project** Students in the Family Law Project represent incarcerated clients in family law issues, including divorce, paternity, child support, physical placement, and guardianship. Students gain hands-on experience in all aspects of the practice of family and civil law, including interviewing and counseling clients; examining and analyzing ethical issues; negotiating with an opposing party, opposing counsel, and/or a guardian ad litem; drafting court documents; interviewing witnesses; and preparing for and conducting court hearings. The Family Law Project is a three-semester commitment that may begin in the summer after the student's first or second year.