

**University of Cincinnati College of Law**  
**Spring Semester 2009**  
**January 2009**  
**Family Law**  
**Professor Qudsia Mirza**  
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## **Family Law**

### **Course Description**

This course will address the legal rules governing marriage, divorce, child custody, and property division. We will consider questions such as 'what is a family?', a classification that has changed according to differences in societies' values and policy goals throughout history. How do race and gender affect family law? How does the law address nontraditional families? The idea of family will be considered in a wider social, economic and political context and as such, the course is inter-disciplinary, drawing upon both legal and non-legal sources. The course will focus on the US perspective but an important dimension of the course is an international, comparative element in that we will also investigate the wider European context with a specific focus on British family law.

The broad themes of the course:

1. The meaning of 'family' in family law; marriage, cohabitation and other family arrangements; family proceedings, family decision-making; human rights and family law; reform of family law.
2. Marriage: the formation of marriage and other partnerships.
3. Divorce and separation; reconciliation and mediation.
4. Children: parentage and parental responsibility; children's rights and capacities; resolution of disputes over residence, contact and other issues; social parenthood.
5. Property and families: financial relief during marriage/partnership and on/or after divorce; financial support of children; occupation of the home.
6. Comparative international aspect: the European Convention on Human Rights and protection of the family; the UK context and the family.

## **Required Text**

The required text is Weisberg and Appleton, MODERN FAMILY LAW: CASES AND MATERIALS (3rd Edition) (Aspen, 2006). Additional materials will be provided on a week by week basis.

## **Assessment**

The course will be assessed by a three hour closed book examination. Detailed information on the format of the exam will be provided later in the course.

## **Class Participation**

Class participation is mandatory. I expect everyone to have completed the indicative reading for each class and will call upon people to respond to questions. I will set class questions some weeks and in others, I will direct you to the reading and we will go through this in class. There will also be group discussions where you will be required to work together in small groups and students will be asked to serve as discussion leaders.

If you are unable to attend a class because of an emergency, please let me know as soon as possible - preferably by e-mail. If you are unable to prepare for the class (in exceptional circumstances) again, please let me know as soon as possible before the beginning of the class.

## **Office Hours**

Tuesdays 10 - 11.30;

Thursdays 10 - 11.30.

I am also happy to see students at a time that is mutually convenient. Please e-mail me to set up an appointment.

## **Course Schedule**

The following is a schedule which provides information on the themes that will be covered in the course. A more detailed schedule will be provided on a week by week basis.

### **Week Beginning**

### **Theme**

- 12 January Introduction/Definition of Family
- 19 January Family/Privacy
- 26 January Getting Married I
- 2 February Getting Married II

- 9 February Regulation of Marriage I
- 16 February Regulation of Marriage II
- 23 February Alternative Families
- 2 March Divorce I
- 9 March Divorce II
- 16 March Dissolution and Financial Consequences
- SPRING BREAK 23 - 27 March
- 30 March Child Custody
- 6 April European Convention on Human Rights and the Family
- 13 April The UK Context and Family Law
- 20 April Review Class

The first class on 13 January is an introductory session and, as such, there is no preparation required for that class. For the class on 15th January please read pp 1 - 20 of Weisberg and Appleton. Please ensure that you bring the Weisberg and Appleton to each class during the course.