

DOMESTIC RELATIONS

COURSE 725/ SECTION 2

FALL 2019

TUESDAY/THURSDAY

11-12:15

ROOM 210

ASSOCIATE PROFESSOR,
ASSOCIATE DEAN LEDESMA

SEPTEMBER 10, 2019

TABLE OF CONTENTS

The Professor	3
Concealed Handgun Policy.....	4
Course Books & Material.....	5
Course Description & Objective	6
Student Learning Outcomes.....	7
Grading	9
Accommodations	10
Participation, Attendance & Professionalism	11
Academic Calendar	12
Policies & Procedures	13
Reading Assignments.....	14

THE PROFESSOR

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Thursdays 8:00- 10:00 a.m.
(All other times by appointment only)

Biography:

With “Excellence in Service” as her guiding principal, Attorney Stephanie Smith Ledesma, is honored to serve as the Associate Dean of Experiential Education Programs at the Thurgood Marshall School of Law. As a legal practitioner of over 20 years, with a primary focus of child welfare litigation and family law, Dean Ledesma speaks, trains and teaches nationally on matters related to cultural compassion; the disproportionality of the child welfare system; gender and race equity; and best practices in teaching trial skills and skills and advocacy in depositions. Dean Ledesma is often asked to serve as a keynote speaker, train national audiences on trial skills and development curricular in the area of trial skills training. Dean Ledesma is a long-time NITA, (National Institute of Trial Advocacy) faculty member and travels nationally and internationally training trial lawyers around the world on best practices in successful and effective litigation skills. Dean Ledesma is a mother of two amazing children; a servant-leader; and a training and legal education enthusiast.

CONCEALED HANDGUN POLICY

As you know, the State of Texas has recently passed legislation permitting you to carry a *concealed* firearm on campus if you have a concealed license permit recognized by the State of Texas, subject to the rules and regulations of Texas Southern University's ("TSU's) Campus Carry Policy. Under TSU's Campus Carry Policy, I have the right to designate my office as a gun-free zone. I have elected to make my office a firearm-free space. Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun. For a complete list of the gun-free zones on this campus and the rules governing campus carry at our institution, please visit Texas Southern University's website at <http://www.tsu.edu/>. Please note that entering a gun-free zone on campus with a firearm, including inside my office, could not only lead to criminal prosecution but suspension or expulsion from school.

SEPTEMBER 10, 2019

COURSE BOOKS & MATERIAL

1. *Family Law in Focus*

Pontrelli and Ehrlich

Wolters Kluwer

ISBN 978-1-4548-6804-0

Required

COURSE DESCRIPTION & OBJECTIVE

DESCRIPTION:

Domestic relations, also referred to as “family law”, is an area of civil law, (civil law covers all areas of law that are not military and are not criminal; hence, family, tort, contracts, sports and entertainment, etc.), that impacts most people at some point in their lives, either directly or indirectly. This course provides a broad introduction to the matters involved in the area of Domestic Relations, an area of law consistently tested on the Texas bar exam, and a potential subject to be tested for the Uniform Bar Exam, (Texas, February 2021).

During this course, we will study how federal and state governments both protect and confine family structures and individuals’ rights and responsibilities to their family unit; how marriages are entered and dissolved; care and custody of children in the family unit; and the financial consequences to spouses and parents when families restructure.

In addition to learning fundamentals of family law doctrine and how this doctrine responds to and shapes social norms, this course will also require students to think critically about the roles legal professionals—lawyers and judges—play in shaping families’ lives.

OBJECTIVE:

The objective of the class is to provide a platform for the critical analysis of and open and challenging discussions of family law matters. While community property laws will be discussed, the focus of the course is not an in-depth exploration of community property. This course is appropriate both for students who will or have taken a marital property course, and for those who will or have not.

The course begins with an overview of the fundamental right to marry, and proceeds into a review and discussion of the fundamental right to privacy. Other aspects of family law are studied also, including common law marriage, premarital agreements, annulments, adoptions, paternity, termination of parental rights, support, modification orders, enforcement orders, family violence and orders for family protection. Students will learn common terminology in family law and some of the procedural concerns that are often at issue.

STUDENT LEARNING OUTCOMES

By the completion of this course, students will be able to:

- Critically discuss and analyze landmark Supreme Court decisions related to:
 - The fundamental right to marry and related topics
 - Defense of Marriage Act
 - Define and explain the function of a Marriage License
 - Explain and critically discuss the criteria of a Common Law Marriage
 - Define, analyze and critically discuss Annulments
 - Draft an Original Petition for Divorce
 - The right to divorce
 - Explain the difference between divorce based on grounds vs. no grounds
 - The fundamental right to parent your children and related topics, including but not limited to:
 - Parental Rights
 - Termination of Parental Rights
 - Adoption
 - Grandparent Rights
 - Rights of Child Support and Medical Support
 - Duties and responsibilities related to children
 - Modification of orders
 - Enforcement of orders
 - Surrogacy
 - Discuss and analyze the fundamental right to privacy-
 - Use of Contraception
 - Abortion
- Explain the criteria of Prenuptial Agreements
- Differentiate between an Original Petition for Divorce and an Original Suit Affecting Parent Child Relationship
- Discuss Family Violence
 - Definition
 - Dating Violence
 - Restraining Orders

SEPTEMBER 10, 2019

- Protective Orders

SEPTEMBER 10, 2019

GRADING & EVALUATION

The final grade will be determined based on the following areas:

20 % from Briefs

10 % from Drafting assigned documents

40 % from timed essays, including but not limited to the mid-term and the final

20% Class preparation and participation, including, but not limited to timeliness to class

10% Teachers discretion

ACCOMMODATIONS

Please see the Texas Southern University, Thurgood Marshall School of Law Accommodations policy located at this link:
<http://www.tsulaw.edu/academics/18SuAccommodationsInformationWeb.pdf>

PARTICIPATION, ATTENDANCE & PROFESSIONALISM

Please see the Texas Southern University, Thurgood Marshall School of Law 2018-2019 Student Rules and Regulations located at the following link: http://www.tsulaw.edu/student_affairs/2018-2019_Rules_and_Regulations.pdf



**TEXAS SOUTHERN UNIVERSITY THURGOOD MARSHALL SCHOOL OF LAW
ACADEMIC CALENDAR 2019–2020**

FALL SEMESTER ACCELERATED (TURBO) COURSE

First Day of Accelerated Summer	Monday	August 5, 2019
Last Day to Add/Drop Classes	Monday	August 5, 2019
Last Day of Classes	Friday	August 16, 2019

FALL SEMESTER 2019 (SEVENTY-ONE DAYS OF CLASSES)

Orientation	Monday–Friday	August 12–16, 2019
First Day of Class	Monday	August 19, 2019
Last Day to ADD/DROP	Wednesday	August 21, 2019
Labor Day (NO CLASSES)	Monday	September 2, 2019
<i>Purge of all unpaid course selections</i>	Wednesday	September 18, 2019
Mid Term Examinations	Monday–Friday	October 14–18, 2019
Last Day to Drop a Class	Friday	November 8, 2019
Last Day of Classes	Tuesday	November 26, 2019
First Year Professors' Grades due	Tuesday	November 26, 2019
Reading Period (NO CLASS)	Wednesday	November 27, 2019
Thanksgiving Holiday	Thursday–Friday	November 28–29, 2019
Reading Period (NO CLASS)	Saturday–Sunday	November 30–December 1, 2019
Final Examinations	Monday–Friday	December 2–December 13, 2019
Commencement Exercises	Saturday	December 14, 2019

SPRING SEMESTER 2020 (SEVENTY DAYS OF CLASSES)

School Opens	Thursday	January 2, 2020
First Day of Class	Monday	January 13, 2020
Last Day to ADD/DROP	Wednesday	January 15, 2020
M L K Holiday (NO CLASSES)	Monday	January 20, 2020
<i>Purge of all unpaid course selections</i>	Friday	February 7, 2020
Mid Term Examinations	Monday–Friday	March 9–13, 2020
Spring Break	Monday–Friday	March 16–20, 2020
Spring Break (University Closed)	Wednesday–Friday	March 18–20, 2020
Last Day to Drop a Class	Thursday	April 9, 2020
Good Friday (NO CLASSES)	Friday	April 10, 2020
Last Day of Classes	Tuesday	April 28, 2020
First Year Professors' Grades due	Tuesday	April 28, 2020
Reading Period (NO CLASSES)	Wednesday–Thursday	April 29–April 30, 2020
Simulated Bar Exam*	Friday	May 1, 2020 (<i>tentative</i>)
Reading Period (NO CLASSES)	Saturday–Sunday	May 2–May 3, 2020
Final Examinations	Monday–Friday	May 4–May 15, 2020
Hooding Ceremony	Friday	May 15, 2020
Commencement Exercises	Saturday	May 16, 2020

Please note that the calendar events and /or dates are subject to change.

Updated August 6, 2019

SEPTEMBER 10, 2019

POLICIES & PROCEDURES

Please see the Texas Southern University, Thurgood Marshall School of Law 2018-2019 Student Rules and Regulations located at the following link
http://www.tsulaw.edu/student_affairs/rules.html

SEPTEMBER 10, 2019

READING ASSIGNMENTS (TO BE ASSIGNED DAILY)

I. Fundamental Right to Privacy - August 22, 2019

1. Brief and be prepared to discuss *Griswold v. Connecticut*, 381 U.S. 479 (1965)
2. Brief and be prepared to discuss *United States v. Vuitch*, 402 U.S. 62 (1971)
3. Brief and be prepared to discuss *Eisenstadt v. Baird*, 405 U.S. 438 (1972)
4. Brief and be prepared to discuss *Roe v. Wade*, 410 U.S. 113 (1973)
5. Brief and be prepared to discuss *Doe v. Bolton*, 410 U.S. 179 (1973)

XX Assignment on Strict, Intermediate, and Rational Basis because we are speaking of fundamental rights

II. Fundamental Right to Marry - August 27, 2019

1. Read chapters 1 and 2 from course book
2. Brief and be prepared to discuss *Loving v. Virginia*
3. Brief and be prepared to discuss *Zablocki v. Redhail*
4. Brief and be prepared to discuss *US v. Windsor*
5. Brief and be prepared to discuss *Obergefell v. Hodges*

III. Marriage- August 29, 2019

1. Gifts in contemplation of marriage
2. Uniform Premarital Agreement
3. Proof of Informal Marriage
4. Requirements for Marriage
5. Formal Marriage
6. Impediments to Marriage

IV. Test-September 3, 2019

1. Essay Exam 1- 2 Questions

V. Marriage continued- September 5, 2019

1. Review of Essay Questions 1 and 2
2. Annulments
 - a. Read Chapter 4 of text

VI. Divorce- September 10, 2019

1. Review of Essay Question 2
2. Brief and tender, (use template on TWEN):
 - a. Planned Parenthood v. Casey
 - b. Simeone v. Simeone
 - c. Carabetta v. Carabetta

VII. Guest Speaker- September 12, 2019

VIII. Divorce-September 17, 2019

1. Original Petition for Divorce
 - a. Read Chapter 4 of text
 - b. Personal jurisdiction
 - i. Read and be prepared to discuss *In re Marriage of Kimura*, 471 N.W.2d 869 (Iowa 1991)
 - c. Divorce based on Grounds
 - i. Texas Family Code
 1. Fault Grounds
 - a. Read *Flanagan v. Flanagan*, 956 A.2d 829 (Md. Ct. Spec. App. 2008)
 2. Fault Defenses
 - a. Read *Lawrence v. Lawrence*, 956 So.2d 251 (Miss. Ct. App. 2006)
 - d. Divorce based on no Grounds
 - i. Texas Family Code

IX. Divorce- September 19, 2019

1. Spousal support
 - a. Read Chapter 7 of Text
 - i. Texas Family Code
2. Division of Property
 - a. Read Chapter 8
 - b. Read and be prepared to discuss *In re Marriage Cardona*, 316 P.3d 626 (Colo. 2014)
 - c. Read and be prepared to discuss *O'Brien v. O'Brien*, 489 N.E.2d 712 (N.Y. 1985)

X. Divorce- September 26, 2019

1. Division of Property Continued
 - a. Read Chapter 8
 - b. Read and be prepared to discuss *In re Marriage Cardona*, 316 P.3d 626 (Colo. 2014)

SEPTEMBER 10, 2019

- c. Read and be prepared to discuss *O'Brien v. O'Brien*, 489 N.E.2d 712 (N.Y. 1985)

XI. Timed Essay 2- October 1, 2019

- 1. Divorce- Division of Property
- 2. Spousal Support

XII. Domestic Violence – October 3, 2019

- 1. Read Chapter 11 of Text
 - a. Dating Relationships
 - b. Marital Relationships
 - i. Read and be prepared to discuss *Castle Rock v. Gonzales*, 545 U.S. 748 (2005)
 - c. Temporary Restraining Orders
 - d. Ex Parte Protective Order
 - e. Protective Orders

XIII. Timed Essay Exam 3- October 8, 2019

- 1. Domestic Violence

XIV. Review of Timed Essay 2 and 3- October 10, 2019

XV. Review of Timed Essay 3- October 15, 2019

XVI. Parents and Children- October 17, 2019

- 1. Paternal Rights
 - a. Read Chapter 5 of Text
 - i. Read and be prepared to discuss
 - 1. *Meyer v. Nebraska*
 - 2. *Pierce v. Society of Sisters*
 - 3. *Wisconsin v. Yoder*
 - 4. *Stanley v. Illinois*
 - 5. *Lassiter v. Department of Social Services*
 - 6. *Sandusky v. Kramer*

XVII. Parents and Children-October 22, 2019

- 1. Best Interest of the Child
 - a. Read and be prepared to discuss
 - i. *Holley v. Adams*, 544 S.W.2d, 376 (1976)
 - ii. *Palmira v. Sidoti*, 466 U.S. 429 (1964)

2. Conservatorship of Parents
 - a. Read and brief for submission, *Troxel v. Granville*, 530 U.S. 57
 - b. Texas Family Code

XVIII. Timed Essay 4- October 24, 2019

1. Best Interest of Children and Conservatorship Rights

XIX. Parents and Children Continued- October 29, 2019

1. Visitation
2. Child Support
 - a. Read Chapter 6 of Text
3. Suit Affecting the Parent Child Relationship
 - a. Temporary Orders
 - b. Motion to Enforce
 - c. Motion to Modify
 - d. UCCJEA

XX. Parents and Children Continued- October 31, 2019

1. Visitation
2. Child Support
 - a. Read Chapter 6 of Text
3. Suit Affecting the Parent Child Relationship
 - a. Temporary Orders
 - b. Motion to Enforce
 - c. Motion to Modify
 - d. UCCJEA

XXI. Timed Essay 5-November 5, 2019

1. SAPCR

XXII. Review Timed Essay 5- November 7, 2019

XXIII. Termination of Parental Rights- November 12, 2019

1. Read Chapter 13 of text
2. Read the Adoption Assistance and Child Welfare Act
3. Read Adoption and Safe Families Act
4. Adoption
 - a. Read Chapter 12 of Text

XXIV. Surrogacy-November 14, 2019

SEPTEMBER 10, 2019

1. Gestational Agreements

XXV. Determining Parentage- November 19, 2019

1. Read Chapter 12
2. Voluntary Acknowledgment
3. Presumed Fatherhood