

2019 Spring Syllabus and Outline
FAMILY LAW
ANGELIQUE G. BONANNO, CFLS

STUDENT HANDOUT/SYLLABUS

REQUIRED TEXT ASSIGNMENT: REFERS TO TEXT BOOK
ADDITIONAL ASSIGNMENT: REFERS TO SUPPLEMENTAL MATERIALS STUDENTS MUST READ AND BRIEF PRIOR TO EACH APPROPRIATE CLASS SESSION. ADDITIONAL ASSIGNMENTS REFER TO CALIFORNIA CASES AND/OR CALIFORNIA STATUTES. ALL STUDENTS MUST READ COMPLETELY EACH ADDITIONAL ASSIGNMENT IN ITS ENTIRETY.

“IRMO” REFERENCES: *IN RE THE MARRIAGE OF*

“FC” REFERENCES: *CALIFORNIA FAMILY CODE SECTIONS*

“CCP” and/or “CODE OF CIVIL PROCEDURE” REFERENCES:
CALIFORNIA CODE OF CIVIL PROCEDURE

“EC” and/or “EVIDENCE CODE” REFERENCES: *CALIFORNIA EVIDENCE CODE*

TO STUDENTS: You will be required to read portions of the assigned text book as well as additional outside sources such as California Cases, California *Family Code* Sections, California *Code of Civil Procedure*, and California *Evidence Code* Sections. This course will meet on Tuesday evenings. There will be 14 class sessions. Assignments below are identified by the actual classroom date.

FOR OFFICE HOURS: PLEASE CALL 909-989-7284

Email Communications: agblaw@msn.com

Course Content: This course will provide students with basic and fundamental law as it relates to the actual practice of Family Law in the State of California. This course will include, but will not necessarily be limited to exploring the issues of “Status”, Date of Separation, Domestic Violence, Child Custody, Child Visitation, Child Support, Spousal Support, Attorneys Fees, Judicial Counsel Forms, and Dissomaster or X-Spouse Calculations as applied to the practice of Family Law in California Courts. The required text will at times relate to out of state cases, however the course will then draw an analogy to California law. Discussion will include how the rule of law

differs or remains the same as applied in California Family Law Courts.

This course will encompass not only required text and supplemental reading assignments which must be read and fully briefed before each session, but it will also provide an every day application of the law to specific fact patterns.

Students will also receive actual Judicial Council Forms which are used in California Family Courts. Judicial Council Forms will be distributed so that each student will have essentially a sample “start to finish” Divorce Package by the end of the course. Students will also receive several sample X-Spouse calculations when issues of support are addressed so they can familiarize themselves with the forms and understand how it applies to a Family Law Case.

Throughout the course and at varying times, (when time permits) an “RFO” (Request for Order) fact pattern will be distributed to students regarding certain topics covered in the course curriculum. Students will then be required to participate in an in-class mock Request For Order hearing. They will be designated as the attorney for either the Petitioner or the Respondent. They will then be required to argue the case based upon whom they represent. The Professor will act as the Judicial Officer asking questions during the presentation and requiring students to participate in a mock Court appearance. This will give students an idea of what it is like to actually practice and argue a Family Law case. Participation in this process is mandatory.

Finally, students will receive extensive anecdotes from the professor of actual Family Law cases and how the law was applied to the particular set of facts. Students will receive information as to how the various Family Law Courts are the same and how they differ from county to county in the Southern California region. Students will receive information about local Judicial Officers and recommendations as to how to be successful when arguing a Family Law case in Court. Students will learn about how to assist and manage a client who is going through a divorce, how to give clients reasonable expectations about their cases, when to mediate and when to litigate a case, and how to handle challenging clients. Time permitting, and based upon availability, Professor reserves the right to bring in

a guest speaker, specifically a local San Bernardino County Family Law Judicial Officer.

This is NOT a Community Property Course. While there may be some discussion as to minor property issues, that is not the subject of this course.

Course Objectives: To introduce students the fundamentals and legal principles of California Family Law, statutory law, case law, and California Judicial Council Forms.
To articulate the law and then apply propositions of California *Family Code* to real and hypothetical fact patterns.
To participate in mock Court appearances by reviewing a fact pattern and thereafter being assigned as the attorney for either the Petitioner or the Respondent to argue the case before peers. The student will make a formal “appearance” and then argue the case in the setting of a mock Request for Order Court hearing.
Competently identify and resolve issues in a Family Law matter and prepare students to be able to handle a case from start to finish upon receiving admission to the California State Bar.

Class Expectations: This course covers extensive material as it relates to California Family Law. It will not be possible to explore every area of the law, but it will be extensive. Review and briefing of the course material (including additional reading assignments) is mandatory. Each student is expected to read and brief all the applicable assignments before coming to class.

BOOK BRIEFING OR CANNED BRIEFS ARE NOT ALLOWED.

Students are expected to be present at each class session. Class attendance will be taken at the beginning of each class. **Tardy students may expect to receive either a ½ absence or full absence as permitted in Administrative Guidelines.**

Each student may be required to participate in the mock Request for Order hearing. Participation will vary depending on amount of time expended in each class session.

Students who are not prepared for class may be marked as absent as per Administrative Guidelines. Students should be

on time for class and be prepared to remain in class for the entire session. Cell phone use is not permitted in class. Professor will use a Socratic Method. Students should be prepared to brief cases by identifying the Issue, Rule, Analysis, and Conclusion of each case. All students should be prepared to answer questions about the case even if they are not called upon to “brief” the case. Class work must be your OWN work. While students are encouraged to study together outside of classroom time, you must do your own work. The final objective is intended to provide legal principles and practical applications about the actual practice of law this field. Students will learn the black letter law as it applies to California. They will then learn how to apply said law to various fact patters and changes in the fact patterns. They will then be given an opportunity to argue as case in a mock hearing setting.

Respect of Others: There is no talking in class to other students. This is disruptive to others who are listening to the lecture. Students should use every effort to remain in class for the duration of the class and not leave during the lecture as this is also disruptive to other students. If student needs to leave the classroom, it is requested you do so quietly. Students who leave class early and do not return may be marked absent. Students are *strongly encouraged to ask questions throughout* lectures on any theory presented in the course. Students should raise their hand if there are questions.

Academic Integrity: Plagiarism or other fraudulent reprehension relative to the originality of any part of any academic requirement in the course is not permitted. All course work must be that of the individual student. Use of “canned briefs” is not permitted.

Student Disabilities: Students with disabilities who require accommodations must comply with the notice and documentation requirements of The College of Law. Students who wish to receive accommodation should, within the first month following initial registration, make an appointment with the Assistant Dean of Students in order to become informed of these requirements. If

you wish to receive accommodation for a disability, you are responsible for reviewing The Handbook for Students with Disabilities, which is available at the Registrar's Office. Any student eligible for and requesting academic accommodations due to a documented disability (or a suspected disability) is asked to contact the College of Law, Director of Student Affairs and Americans with Disability Act Compliance Officer, Jullie McCurdy, Ph.D. by email at jmccurdy@laverne.edu or by phone at 909.460.2046. Her office is located on the first floor of the College of Law, Office #102. You can also contact Cindy Denne at the University of La Verne Disabled Student Services office at 909.448.4938. The office is located at 2215 "E" Street. In order to be considered for accommodations, disabilities must be documented and the proper medical evaluations must be submitted. We are here to help you succeed in law school. Visit us online at <http://sites.laverne.edu/disabled-student-services/>

Assignments: Class assignments are listed below. Each section is identified with particularity as to the issues which will be addressed on the particular class session.

Office Hours: Professor is an Adjunct Family Law Attorney with a busy private practice. Professor is typically on campus 30-60 minutes before class. Office hours are available upon request. Professor is available via telephone or email to set up office hours. Telephone and email contact information is listed within this Syllabus. Professor will be available most class days after class as well for individual questions and/or assistance. Additional requested time can be arranged by Professor and Student upon request.

Grading: Students will be graded on being prepared for class assignments, class participation, and a final exam. The final

exam will consist of a two hour written exam. It is a **CLOSED BOOK** exam. No notes, documents, or other learning aids will be permitted. Professor reserves the right to include within the final exam either one, two or three fact patterns. Final exam is intended to be completed within the time allotted.

Review: Professor reserves the right to have a final review class or not. It is dependent upon time permitting.

Final Thoughts: While Family Law is not a “bar tested” category, it is nonetheless one of the most common areas of the law. This class is intended to give you the tools you will need to be able to handle a Family Law matter. It is very common for new attorneys upon receiving admission to the California State Bar to be questioned by a friend or family member regarding a Family Law issue. It is also an area of the law which you may decide to pursue upon completion of law school. Family Law is one of the most extensive areas of the law as it encompasses multiple theories. It is sometimes considered the last area of general practice. This particular area of practice can be challenging at times, but is also **EXTREMELY REWARDING**; professionally, personally and economically. I wish to welcome you all to my class and look forward to exploring these legal principles with you. I hope you will enjoy this course as much as I enjoy teaching it.

WEEK 1 AND 2

I. STATUS

A. JURISDICTION

Additional Assignment: FC 200, UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT, FC 3400-3465.

B. DATE OF MARRIAGE:

TEXT ASSIGNMENT: P. 121-123

TEXT ASSIGNMENT: P. 183, NOTES 1, AGE

REGULATION, P. 193 [d] CONSENT REQUIREMENTS, P. 193-195 NOTES 1-3

Additional Assignment: FC 300, 301, 302, 303, 352, and 420

Additional Assignment: FC 308.5

TEXT ASSIGNMENT: P. 184-185 §207 PROHIBITED MARRIAGES

TEXT ASSIGNMENT: P. 131-136, NOTES 1-6

TEXT ASSIGNMENT: P. 136 PUTATIVE SPOUSE DOCTRINE,

IN RE ESTATE OF VARGAS, (1974) 36 Cal.App.3d 714,

NOTES P. 1 38-142, PROBLEMS P. 142-143 (2-1 AND 2-2),

CEJA V. RUDOLPH & SLETTEN, (2013) 56 Cal.App.4th

1113.

C. DATE OF SEPARATION

Additional Assignment:

IRMO BARAGRY, (1977) 73 Cal.App.3d 444,

IRMO MANFER, (2006) 144 Cal.App.4th 925,

IRMO NORIVEL, (2002) 102 Cal.App.4th 1152, FC 771,

IN RE MARRIAGE OF DAVIS, (2015) CALIFORNIA

SUPREME COURT CASE (2015) 61 C4th 846.

D. WHO CAN MARRY

TEXT ASSIGNMENT: P.152-163, VARNUM V. BRIEN,

IOWA SUPREME COURT (2009) 763 N.W.2d 862, P. 163-

175 NOTES 1-10, P. 175-181 NOTES 1-4, P. 182 PROBLEMS 2-6, 2-7, AND 2-8.

Additional Assignment: FC 297, 297.5, 298, 298.5, 299, 299.2., and 308.5.

E. DISSOLUTION OF MARRIAGE AND TERMINATION OF PARTIES' MARITAL STATUS
TEXT ASSIGNMENT: P. 259 [2] AMERICAN DIVORCE IN THE 20TH CENTURY, P. 264 [3] THE DEVELOPMENT OF THE NO FAULT APPROACH, P. 265 MAX RHEINSTEIN: MARRIAGE STABILITY, DIVORCE AND THE LAW, P. 270-274 NOTES 1-6

- Additional Assignment: FC 2337
- F. LEGAL SEPARATION
 - G. NULLITY
- TEXT ASSIGNMENT: P. 126-,127 VOID VS. VOIDABLE.

WEEK 3 AND 4

- II. DOMESTIC VIOLENCE / PROTECTIVE ORDERS / DVPA
TEXT ASSIGNMENT: P. 228-230 LIABILITY FOR SPOUSAL VIOLENCE, P. 230-247 NOTES 1-12, P. 248-248 PROBLEMS (2-15, 2-16, 2-17, 2-18).

Additional Assignment:

FC 6203, 6211, 6220, 6301, 6305, 6320, 3064, and 3044

SABBAH V. SABBAH, (2007) 151 Cal.App.4th 818

SM v. EP, (2010) 184 Cal.App.4th 1249

PEOPLE V. WHITEHURST, (1992) 9 Cal.App.2 1045

MARRIAGE OF FREITAS, (2012) 209 Cal.App.4th 1059

FC 4325, 6240, 6254, 6270, 6271, 6303, and 6306.

FC 4325, 6240, 6254, 6270, 6271, 6303.

CALIFORNIA PENAL CODE SECTION 273.5.

- A. BACKGROUND/STATISTICS
- B. DEFINITION OF ABUSE
- C. TEMPORARY VS. PERMANENT ORDERS
- D. DURATION OF RESTRAINING ORDER
- E. ORDERS AVAILABLE
- F. WHO IS PROTECTED
- G. EFFECTS ON CUSTODY
- H. EFFECTS ON SPOUSAL SUPPORT
Additional Assignment: FC 4320

WEEK 5

III. CHILD CUSTODY

TEXT ASSIGNMENT: P. 292-299, THE EFFECTS OF DIVORCE ON CHILDREN

Additional Assignment:

IRMO CARNEY, (1979) 24 Cal. 3d 725

IRMO WILLIAMS, (2001) 88 Cal.App.4th 808

FC 3002, 3003, 3004, 3006, 3007, 3011, 3020, 3040, 3041, 3041.5, 3042, 3044, 3048, and 3023

WAINWRIGHT v. SUPERIOR COURT, (2000) 84

Cal.App.4th 262

DEBORAH M. v. SUPERIOR COURT, (2005) 128

Cal.App.4th 1181

FC 3042, 3044, 3048, and 3023.

A. LEGAL CUSTODY

B. PHYSICAL CUSTODY

C. ESTABLISHING PHYSICAL CUSTODY ORDERS

Additional Assignment: FC 3011, 3020, 3040, 3041

TEXT ASSIGNMENT: P. 743 2ND FULL

PARAGRAPH RE: O.J. SIMPSON

TEXT ASSIGNMENT: P. 737-741, V.C. v.

M.J.B., New Jersey Supreme Court, (2000) 748 A.2d

539. NOTES, P. 742-749, PROBLEMS P. 749 (6-17 TO 6-19)

D. *FAMILY CODE* SECTION 3044

Additional Assignment: FC 3044

E. *FAMILY CODE* SECTION 3048 MANDATORY LANGUAGE

Additional Assignment: FC 3048

F. PRIORITY OF CASES

Additional Assignment: FC 3023

G. PREFERENCE OF CHILD

Additional Assignment: FC 3042

MARRIAGE OF ROSSON, (1986) 178 Cal.App.3d 1094.

H. MODIFICATION OF CUSTODY

TEXT ASSIGNMENT: P. 703-710, IRMO BURCHARD v. GARAY, NOTES P. 706-710.
PROBLEM P. 710, (6-15)

Additional Assignment:

MONTENEGRO v. DIAZ, (2001) 26 Cal.4th 249.
IRMO BIRNBAUM, (1989) 211 Cal. App.3d 1508.

WEEK 6

IV. VISITATION

A. PARENTING PLANS

Additional Assignment: FC 3046, 3011, 3040

B. STANDARD FREEMAN ORDERS

C. TIME SHARE

D. VISITATION TO NON-PARENTS

TEXT ASSIGNMENT: P. 726-732, TROXEL v. GRANVILLE, United States Supreme Court, (2000), 530 U.S. 57. NOTES P. 732-736, PROBLEM P.736 (6-16)

Additional Assignment: FC 3104, 3103, 3101,
EVIDENCE CODE SECTION 730, 733.

Additional Assignment: FC 3103

WEEK 7 AND 8

V. MOVE AWAY

TEXT ASSIGNMENT: P. 710-725 IRMO LaMUSGA, P. 718-725 NOTES 1-6.

Additional Assignment:

MARRIAGE OF BROWN & YANA, (2006) 37 Cal.4th 947

IRMO BURGESS, (1996) 13 Cal.4 25
NIKO v. FOREMAN (2006) 144 Cal.App.4 344
JACOB A. v. C.H., (2011) 196 Cal.App.4th 1591
MARK T. v. JAMIE Z., (2011) 194 Cal.App.4th 1115
F.T. v. L.J., (2011) 194 Cal.App.4th 1
MARRIAGE OF ADAMS AND JACK A., (2012) 209
Cal.App.4th 1543
FC 7501,
CALIFORNIA EVIDENCE CODE Section 730 and 733
CALIFORNIA RULES OF COURT 5.220
MARRIAGE OF SEAGONDOLLAR, (2006) 139 Cal.App.4th
1116.
FC 3024, 243, 3111
CCP 595.4, FC 216 and 3190.

A. WHY MOVE

B. WHAT IS THE PROCEDURAL POSTURE

WEEK 9 AND 10

VI. CHILD SUPPORT

TEXT ASSIGNMENT: P. 503-504, P. 515[a], P. 516-517 [3], P. 518-520 STRUCTURE OF GUIDELINES, P 527-529 IRA MARK ELLMAN & TARA O'TOOLE ELLMAN, *THE THEORY OF CHILD SUPPORT*, P. 538[a]. P. 538-539[b].

Additional Assignment: FC 4001, 3830, 3900, 3901, 3910, 4006, 4009, 4011, 4052, 4053, 4057, 4057.5, 4058, 4059, 4062, and 4065.

IN RE MARRIAGE OF BARDZIK, (2008) 165 Cal.App.4th 1291.

MARRIAGE OF DESTAIN, (2001) 91 Cal.App.4th 1385.

MARRIAGE OF SCHLAFELY, (2007) 149 Cal.App.4th 747.

MARRIAGE OF ALTER, (2009) 171 Cal.App.4th 718

MARRIAGE OF WILLIAMSON, (2014) 226 Cal.App.4th 1303.

FC 4331, 4070-4073.

A. INCOME AND GUIDELINE

- B. PRESUMPTIVELY CORRECT
- C. PRIVATE SECTOR VS. DEPARTMENT OF CHILD SUPPORT SERVICES
- D. DURATION
Additional Assignment:
JONES v. JONES, (1986) 179 Cal.App.3d 1011.
- E. FACTORS TO CONSIDER
Additional Assignment:
DaSILVA v. DaSILVA, (2004) 119 Cal.App.4th 1030
- F. AS AND FOR ADDITIONAL CHILD SUPPORT
Additional Assignment: FC 4062.
- G. DEVIATION OF GUIDELINE
Additional Assignment: FC 4057, 4064, 4065.
- H. RETROACTIVITY
- I. NON-TAXABLE EVENT
- J. MODIFICATIONS OF CHILD SUPPORT

WEEK 11 AND 12

VII. SPOUSAL SUPPORT

TEXT ASSIGNMENT: P. 419-420 ALIMONY, P. 421-422
NOTES 1-3, P. 423 [2] THE STRUGGLE FOR A MODERN
RATIONALE, P. 423 NOTE: GENDER PATTERNS IN
ALIMONY, P. 429-430 NOTE: THE ALIMONY PUZZLE, P.
434-436, MARRIAGE OF WILSON, (1988) 247 Cal.Rptr.
522, P. 436-438 NOTE 1, P. 442-443 NOTE 5, P. 446-447
NOTE 7, P. 448-452 RAINWATER v. RAINWATER,
ARIZONA COURT OF APPEALS, (1993) 869 P.2D 176, P.

452-454 HECKER v. HECKER, MINNESOTA SUPREME COURT, (1997) 568 N.W.2D 705

- A. PENDENT LITE
Additional Assignment: FC 4336, 4337

- B. PERMANENT SPOUSAL SUPPORT
Additional Assignment:
FC 4320
IRMO VOMACKA, (1984) 36 Cal.3d 459.
IRMO JONES, (1990) 222 Cal.App.3d 505.
IRMO IBERTI, (1997) 55 Cal.App.4th 1434.
IRMO OSTRANDER, (1997) 53 Cal.App.4th 63.
IRMO WEST, (2007) 152 Cal.App.4th 240.
FC 4336, 4337, 4320, 4326, 4325, 4360, and 4323.

- C. RETROACTIVITY
Additional Assignment: FC 4333.

- D. MODIFICATIONS OF SPOUSAL SUPPORT
Additional Assignment: FC 4326, and 4333

- E. OTHER ISSUES
Additional Assignment: FC 4324, 4325, 4334, 4335, 4336, 4337, 4338, 4339, 4360, 4339, and 4323

- F. CONTEMPT OF COURT
Additional Assignment:
IN RE FEIOCK, (1989) 215 Cal.App.3d 3141.

WEEK 13

VIII. PROPERTY

- A. LIMITED AREAS OF CALIFORNIA COMMUNITY PROPERTY LAWS

- B. EPSTEIN
Additional Assignment:
IRMO EPSTEIN, (1979) 24 Cal.3d 76.

- C. WATTS
Additional Assignment:
IRMO WATTS,(1985) 171 Cal.App.3d 366.

- D. CONFIRMATION OF SEPARATE PROPERTY

- IX. ATTORNEYS FEES
Additional Assignment: FC 2030, 2031, 2032, 271, 1101, 2334, 3027.1, 3028, 3114, 3150-3153, 3184, 3120, 3120, 3121, 3407, 3408, 3416, 3652, 4002, 4303, 4403, 5283, 6344, 6386, 7604, 7827, 7860-7864, 7895, 8800, and 4320.
CODE OF CIVIL PROCEDURE 128.5
IRMO KEECH, (1999) 75 Cal.App.4th 860.
IRMO HATCH, (1985) 169 Cal.App.3d 1213.

- A. MOST COMMON REQUESTS

- B. OTHER METHODS

- C. ATTORNEY FEE DECLARATION

- D. NEW ADDITIONAL MANDATORY FORMS

WEEK 14

X. OTHER ISSUES

- A. NAME CHANGES
TEXT ASSIGNMENT: P. 702-703 Naming the Child

Additional Assignment:

IRMO SHIFFMAN, (1980) 28 Cal.3D 640.

IRMO McMANAMY AND TEMPLETON, (1993) 14 Cal.App.4th 607.

B. ATROS

Additional Assignment: FC 233, 235, 2040

C. ARREARS/INTEREST

D. BREACH OF FIDUCIARY DUTY

Additional Assignment: FC 721, 1100, 1101, *CODE OF CIVIL PROCEDURE* 3294

IRMO FELDMAN, (2007) 153 Cal.App.4th 1470.

MARRIAGE OF ECONOMOU, (1990) 224 Cal. App.3d 1466.

E. PRESUMPTIONS (Paternity Matters and Other Presumptions)

Additional Assignment: FC 7610(a), 7610(b), ELISA B. v. SUPERIOR COURT, (2005) 37

Cal.App.4th 108

FC 7540, 7611, 7541.

EVIDENCE CODE SECTION 662, FC 721(b), 3044.

F. A VIEW FROM THE FAMILY LAW BENCH

Time Permitting:

Guest Speaker: Local Family Law Judicial Officer
(BASED UPON AVAILABILITY)

FINAL EXAM: DATE TO BE DETERMINED

(please consult the Administrative Office for dates and times)