Handout 6 - Family law

## **Internet search**

1. Impediments to marriage
2. Consanguinity
3. Relationship by affinity
4. Foster care

## **Vocabulary - questions**

1. What does **immediate family** refer to?
2. Provide a more formal equivalent for *wife/husband* and *brother/sister*.
3. Provide a synonym for **relation by blood**. If you are not related by blood, you can be related by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ .
4. **N\_\_\_\_\_\_\_\_\_\_\_\_\_\_** of marriage (=marriage **annulment**) is a declaration by a court that your supposed marriage is **null and \_\_\_\_\_\_\_**, and that no valid marriage exists between you and your partner.
5. **Voidable** marriage: a marriage that is valid until declared invalid. The grounds for invalidation of marriage vary depending on state.  Common grounds for **voiding** a marriage include that one of the parties **is \_\_\_\_\_\_\_\_\_\_\_\_ the age of consent**, a party was incapable of consenting to marriage due to mental incapacity or mental illness, or a party was physically **\_\_\_\_\_\_\_\_\_\_\_\_\_ of** entering into marriage due to impotence or venereal disease.
6. What is **solemnization** of marriage?
7. Explain the concept of **prohibited degree of relationship,** and provide an example.
8. What is **common law marriage** and where does it still exist?
9. Does the concept of **cohabitation** cover the situation when 2 students share the same flat for economic reasons?
10. If you cohabit with someone, you are a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (a derived noun).
11. Explain the concept of **community property**. What is normally excluded from the scope of community property?
12. If some items are not included in **community property**, they are classified as \_\_\_\_\_\_\_\_\_\_\_\_\_ property.
13. Eventually, she was **awarded custody** of their daughters. Explain what happened.
14. Children live with parents who have **physical custody** (US). Explain the difference between physical custody and **legal custody**.
15. Custody can be **sole** (the custody was awarded to one parent) or \_\_\_\_\_\_\_\_\_\_ . Explain the difference.
16. Explain the meaning of **visitation rights**.
17. What is **open adoption?** Can you think of any advantages of open adoption?
18. What is meant by **in-family adoption**?
19. Explain the concept of **surrogacy**. Does it exist in your country?
20. If something is void ***ab initio***, what does it mean?
21. Can you see any difference between child kidnapping and child **abduction**?
22. *Derivations*: If you adopt a child, you are an \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (= **adoptive parent**). The adopted child is an \_\_\_\_\_\_\_\_\_\_\_ .
23. Can you get married **by proxy** in your country?
24. Which criteria do you have to meet to have the **capacity to marry**?
25. Can a heterosexual couple enter into **civil partnership**?
26. A divorce can be **contested** or **uncontested**. Explain the difference.
27. “**Desertion** by husband or wife happens when either one of the spouses \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ .”
28. What is the difference between a **half-blood brother**, a **full-blood brother**, and a **stepbrother**?
29. “But that remedy may well be of very little value to the **injured party**.” In what sense was the party injured? Provide a synonym for “injured”.
30. “He [refused](https://dictionary.cambridge.org/dictionary/english/refuse) to [pay](https://dictionary.cambridge.org/dictionary/english/pay) **maintenance** for his three [children](https://dictionary.cambridge.org/dictionary/english/children).” Explain the word “maintenance” and provide a synonym.
31. Can you provide an example of a **rebuttable presumption** in family law? What is the opposite of “rebuttable”?
32. If a marriage was terminated **by dissolution**, what does it mean?
33. What does it mean if a marriage has been **avoided**? (provide 2 possible interpretations)
34. What are the parties to a divorce action called?
35. Briefly explain the concept of **irretrievable breakdown of marriage**.

## **A prenuptial agreement: improve the text**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, hereinafter *regarded* as Prospective Husband, and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, hereinafter *regarded* as Prospective Wife, hereby agree on this \_\_\_\_\_ day of \_\_\_\_\_\_, in the year \_\_\_\_, as follows:

* Prospective Husband and Prospective Wife contemplate marriage in the *close* future and *hope* to establish their *concerned* rights and responsibilities regarding each other's income and property and the income and property that may be *gotten*, either separately or together, during the marriage.
* Prospective Husband and Prospective Wife have made a full and complete *telling* to each other of all of their *actives and passives*, as more fully set forth in the accompanying Financial Statements, attached *thisto* as Exhibits A and B.
* Except as *differently* provided below, Prospective Husband and Prospective Wife *can‘t be bothered about* the following rights:
  + - * to a share in each other's *wealth* upon their death.
      * to spousal *alimentation*, both temporary and permanent.
      * to the division of the separate property of the parties, *if it is* currently held or hereafter acquired.
* Both Prospective Husband and Prospective Wife are represented by separate and independent legal *deputies* of their own choosing.
* This agreement constitutes the *total* agreement of the parties and may be modified only in a writing *created* by both Prospective Husband and Prospective Wife.
* In the event it is determined that a *sentence* of this agreement is invalid because it is contrary to *actual* law, that provision is deemed separable from the rest of the agreement, such that the remainder of the agreement remains valid and enforceable.
* This agreement is made in accordance with the laws of the state of \_\_\_\_\_\_\_\_\_\_\_\_\_, and any *quarrel* regarding its enforcement will be resolved by reference to the laws of that state.
* This agreement will take *force* immediately upon the solemnization of the parties' marriage.

## **Video: Silk 4**

*Arrange these parts in an appropriate chronological order*

* Billy (the clerk) is doing the accounts, and there appear to be some financial problems.
* Martha is angry when she sees Clive snorting cocaine.
* Martha is saying that Nick should have bought a second-hand wig because a new wig could make him look like he does not know what he is doing.
* Martha is telling Gary (the defendant in the aggravated burglary trial) that she will get him off.
* Mr Dodds is saying that the defendant yawned.
* Nick and Clive engage in a fight over Martha’s phone and Clive falls off the stairs, hurting his knee.
* Nick is running away with a stolen wig and gown.
* Nick is soaking the brand-new wig in tea to make it look used.
* On the phone, Martha is trying to arrange a visit to Mercedes who was sentenced to 14 years in prison.
* The solicitor is highly critical of Martha’s performance in court.

## **Revision of terminology**

Latin for “from the beginning”.

It occurs when a man and woman who are free to marry agree to live together as husband and wife without the formal ceremony. Both spouses must have intended to be husband and wife. Only certain states recognize it.

It refers to the legal arrangements for whom a child will live with and how decisions about the child will be made. It has two parts: legal and physical. Legal …. is the decision-making part: physical ……. refers to where the child lives on a regular basis.

The legal end of a marriage.

The financial obligation that both parents have to their child(ren).

Two people living together in an intimate relationship, without being married.

If there is a ………… issue in a family law case that generally means there is some question concerning who the biological father is.

\_\_\_\_\_\_\_\_\_\_\_\_\_ is one in which the parties cannot agree, either about getting divorced or about the terms of the divorce, such as the division of assets, allocation of debts, alimony, child support, or the custody of children.

The right of a parent and child to contact and visit one another when the child is residing or visiting with the other parent.

Your close family.

Legal obstacles that prevent a marriage sacrament from being performed validly.

Relationship by blood.

In-law relationship.

A process in which a woman carries and delivers a child for a couple or individual.

“the father of the child is the mother´s husband.”

Assets acquired during marriage, except inheritance and gifts.

A wedding ceremony.

What is generally recognized as a ground for divorce?

The removal by a parent of a child from the care of the other parent without the consent of that parent.

Invalid marriage.