

Examples and Explanations

Family Law, Second Edition, Oliphant & VerSteegh

Page limitations in the second edition placed a natural practical limitation on the number of problems that we could share with student readers. However, the web provides us with the opportunity to supplement several of the sections in the Examples and Explanation book. We believe that these new problems will further enhance a student's ability to master family law and provide an added intellectual boost when preparing for final family law examinations.

Please read the introductory material for each section before you begin work on the following additional problems.

Note: This material is available only to a student who has purchased the first or second edition of the Family Law Examples and Explanations book. It may not be copied or reproduced in any form without the express written consent of authors. Students who have purchased the second edition may, of course, download and print out this supplemental material for their individual use.

DOWNLOAD #4, June 6, 2007: 2.17 Putative Marriage Doctrine – UMDA

EXAMPLE. Assume that John marries Francis, joins the National Guard, and is dispatched to an eight month assignment in Iraq. John meets Alicia, a corporal in another Guard unit and they marry. John never informs Alicia that he is still married to Francis. Alicia becomes suspicious when certain benefits due the spouse of a person in the military do not arrive. After a little investigation, she discovers that John is still married. Alicia brings a divorce action and Francis brings a motion to dismiss. In a jurisdiction with a typical UMDA putative spouse statute, how will the court handle the matter?

EXPLANATION. If a putative married is found to exist (it does), then Alicia, who entered the marriage with John in good faith, can claim an interest in John's property, inherit from John, and sue for the wrongful death of John.