

**L A K E H E A D U N I V E R S I T Y**

DEPARTMENT OF POLITICAL SCIENCE

Political Science 3113-FA

Law and Politics of the Family

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Fall, 2017  
Mondays, 7:00-10:00 p.m.  
ATAC-2001

**Course Outline**

- An overview of family law in Canada (primarily in Ontario), theory and procedure, including the political issues and controversies surrounding it.
- Lectures will deal with the following topics:
  - Custody/Access
  - Child/Spousal Support
  - Child Protection
  - Divorce
  - Matrimonial Property
  - Domestic Contracts
  - Co-Habitational Relationships
  - Aboriginal People and Family Law

**Required Textbook**

*Canadian Family Law*, (Sixth Edition), Julien D. Payne and Marilyn A. Payne (available at Lakehead University book store)

**Course Requirements and Evaluation**

Mid-term Examination (November 6).....20% (Optional)  
Essay (due October 30).....30% (Optional)  
Assignment (due October 23).....15% (Optional)  
Final Examination (December examination period).....35% (100% if no options chosen or whatever percentage based on which option(s) chosen)

The final examination is open book and two and one-half hours in length. It will consist of short answer questions, short essay questions and a property equalization question.

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Supplementary Course Outline

Fall, 2017

CFL (Canadian Family Law, Sixth Edition), Intro to Law in Canada and Lecturer's Notes are all on reserve in the library.

- September 11 Lecture 1: Introduction  
Recommended reading: Intro to Law in Canada, Chapters 2, 3 and 9 (only pages 201-208 in chapter 9)  
Required reading: CFL, Chapter 1  
Assignment handed out  
Essay Topics handed out
- September 18 Lecture 2: Custody and Access  
Required reading: CFL, Chapter 10 and page 57 and pages 606-651
- September 25 Lecture 3: Child Support  
Required reading: CFL, Chapter 9 and pages 603-606
- October 2 Lecture 4: Spousal Support  
Required reading: CFL, Chapter 8 and pages 600-603
- October 9 NO CLASS: Mid-Term Break
- October 16 Lecture 5: Matrimonial Property 1  
Required reading: CFL, Chapter 13
- October 23 Lecture 6: Matrimonial Property 2  
Recommended reading: Intro to Law in Canada, Chapter 5;  
Required reading: CFL, Chapter 13  
Assignment due
- October 30 Lecture 7: Divorce  
Required reading: CFL, Chapter 7  
Essay due
- November 6 Lecture 8: Mid-Term Examination  
Matrimonial Property Workshop  
Required reading: Sample Property Questions

- November 13 Lecture 9: Domestic Contracts  
Recommended reading: Intro to Law in Canada, Chapter 6  
Required reading: CFL, Chapter 4
- November 20 Lecture 10: Child Protection  
Required reading: CFL, pages 119-129
- November 27 Lecture 11: Co-Habitational Relationships  
Required reading: CFL, Chapter 3
- December 4 Lecture 12: Aboriginal People and Family Law/ Final Examination  
Review
- December 7-17 Final Examination scheduled (two and one-half hours, open book)

The above is subject to change. Required readings, other than CFL readings, will be assigned, handed out in class or e-mailed to you.

## 3113- LAW AND POLITICS OF THE FAMILY- ESSAY OPTION-2017

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Prepare a 7-10 page, typewritten, double-spaced essay, using 12 point font, on one of the following topics:

(1) Alternative dispute resolution (ADR) in family law cases may be made mandatory as part of the court process. Write about the history of ADR in Canada, or Ontario. Review the advantages and disadvantages of ADR in family law. Offer your opinion on whether it should be made mandatory.

(2) The Government of Canada and the provincial governments have introduced child support guidelines as part of the law. Should spousal support guidelines be made mandatory as well? In your essay, review the history of child and spousal support law to provide the necessary historical context.

(3) “There are far too many children in the care of child protection agencies. More damage is done to children in the care of those agencies than if they are left in the care of their parents, with all of their shortcomings.” Discuss this idea and whether you agree or disagree. How culturally sensitive should we be in relation to the care of children or does the protection of children override all other concerns?

(4) “The reason why we have such a high divorce rate is that divorce is too easy to obtain.” Review the history of divorce law in Canada. Discuss why the divorce rate continues to rise and if you agree or disagree with the general proposition about the link between divorce law and the divorce rate.

Your essay should include citations and a complete bibliography. It is worth 30% of your final mark and is due no later than October 30, 2017. The essay is optional but will count toward your final grade once it is handed in. To obtain a good mark, you must not use merely internet sources- journal articles or texts are the legitimate research sources that must be utilized.

3113- LAW AND POLITICS OF THE FAMILY- ASSIGNMENT OPTION-2017

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Worth 15% of Final Mark-Optional

Due: October 23, 2017

Pick a family law case, a written decision decided by a judge or a court, from any source (eg. law books, television, movies, etc.-real or fictitious) and answer the following:

- a) summarize the facts of the case (two paragraphs or ½ page maximum) ;
- b) outline the nature ( i.e. a general description) of the issues involved in the case (two to three sentences maximum) ;
- c) what did the court decide (one to two paragraphs maximum) ;
- d) why did the court decide the issues the way that it did (one to two paragraphs maximum) ; and
- e) do you think the outcome was fair and just? why or why not ? (1/2 page maximum)

Two pages maximum- nothing will be read beyond the two pages. Twelve point font, double spaced. FOLLOW ALL OF THESE INSTRUCTIONS TO THE LETTER.

The assignment is optional but will count toward your final grade once it is handed in.