

LAKEHEAD UNIVERSITY

DEPARTMENT OF POLITICAL SCIENCE

Political Science 2315 WAN

Law and Politics of the Family

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Winter, 2015
Wednesdays, 7:00-10:00 p.m.
SN 1015

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

Required Textbook

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

Optional Textbook

Ontario Family Law Practice 2015, David M. Steinberg, Craig Perkins, Esther L. Lenkinski and Andrew James (available at Lakehead University book store)

Course Requirements and Evaluation

Mid-term Examination (March 4).....	20% (Optional)
Essay (due February 25).....	30% (Optional)
Assignment (due February 11).....	15% (Optional)
Final Examination (April 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.

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Supplementary Course Outline

Winter, 2015

CFL (Canadian Family Law, Fifth Edition), Intro to Law in Canada, BAC (Bar Admission Course) Family Law Materials and Lecturer's Notes are all on reserve in the library.

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| January 7 | 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 |
| January 14 | Lecture 2: Custody and Access
Recommended reading: BAC, Chapter 4
Required reading: CFL, Chapter 10 and page 55 and pages 552-596 |
| January 21 | Lecture 3: Child Support
Recommended reading: BAC, Chapter 6
Required reading: CFL, Chapter 9 and pages 549-552 |
| January 28 | Lecture 4: Spousal Support
Recommended reading: BAC, Chapter 6 (continued)
Required reading: CFL, Chapter 8 and pages 546-549 |
| February 4 | Lecture 5: Divorce
Recommended reading: BAC, Chapter 2
Required reading: CFL, Chapter 7 |
| February 11 | Lecture 6: Matrimonial Property 1
Recommended reading: BAC, Chapter 5
Required reading: CFL, Chapter 12
Assignment due |
| February 18 | No class (Study Week) |

- February 25 Lecture 7: Matrimonial Property 2
Recommended reading: Intro to Law in Canada, Chapter 5;
BAC, Chapter 5
Required reading: CFL, Chapter 12
Essay due
- March 4 Lecture 8: Mid-Term Examination
Matrimonial Property Workshop
Required reading: Sample Property Questions
- March 11 Lecture 9: Domestic Contracts
Recommended reading: Intro to Law in Canada, Chapter 6; BAC, Chapter
11
Required reading: CFL, Chapter 4
- March 18 Lecture 10: Child Protection
Recommended reading: BAC, Chapter 13
Required reading: CFL, pages 109-122
- March 25 Lecture 11: Demonstration Court Motion and/or Guest Speakers
- April 1 Lecture 12: Review and Exam Preparation
- April 10-23 Final Examination scheduled (two and one-half hours, open book)

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

2315- LAW AND POLITICS OF THE FAMILY- ASSIGNMENT OPTION-2015

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Worth 15% of Final Mark-Optional

Due: February 11, 2015

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. To obtain a case, utilize the CanLii web site.

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

2315- LAW AND POLITICS OF THE FAMILY- ESSAY OPTION-2015

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Prepare a 5-10 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 February 25, 2015. 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.