

DOMESTIC RELATIONS

CASES AND PROBLEMS

Seventh Edition

Homer H. Clark, Jr.
Ann Laquer Estin

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CASES AND PROBLEMS ON DOMESTIC RELATIONS

Seventh Edition

By

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610 Opperman Drive
P.O. Box 64526
St. Paul, MN 55164-0526
1-800-328-9352

Printed in the United States of America

ISBN 0-314-15491-4



TEXT IS PRINTED ON 10% POST
CONSUMER RECYCLED PAPER



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Preface

This volume marks the fortieth anniversary of this casebook, which was first published in 1965. The field of family law has seen remarkable change over this time period, and the contents of this edition are almost entirely different from the original. In 1965, divorces were difficult to obtain, and laws in most states required proof of serious marital fault. Married women had gained the right to contract and to own property, but in most states a husband could not be prosecuted for forcibly raping his wife. The Supreme Court had weighed in repeatedly on the problems of conflict of laws and migratory divorce, but it had not yet addressed laws prohibiting interracial marriage and contraceptive use and abortion, or laws discriminating against nonmarital children and unwed fathers. There were no federal laws addressing child support enforcement, child abuse prevention, foster care or adoption. As these changes have unfolded, each new edition has incorporated new questions, new problems, and new legal rules. With this edition, for example, there is a new chapter on international issues in family law.

The project of maintaining and updating a comprehensive teaching book has been possible only with the help of many people over many years. For this most recent effort, we owe particular thanks to Melanie Stutzman and Cindy Winn for secretarial assistance, and to a number of student research assistants at the University of Iowa: Erin Snyders, Evan Williams, Jocelyn Cornbleet, Jennifer Hill, Angela Johnson, and Laura Williams. Thanks are also due to many of our colleagues, and to Judge Carol Glowinsky of the Colorado District Court for her work on previous editions.

Please note that many of the cases in this book have been edited, sometimes extensively. Where material has been eliminated, this is noted with an ellipsis (* * *) or with a bracketed summary of the omitted portion of the decision. Footnotes, and citations to statutes and cases, have been omitted from the opinions without indicating this omission in the text. All statutory citations in the text and notes were checked on Westlaw in 2004 or 2005, and the year during which the check was made is indicated in parentheses.

Much more detail on the issues covered in the book is available in Professor Clark's treatise. See Homer H. Clark, Jr., *The Law of Domestic Relations in the United States* (2d ed. 1987) and Homer H. Clark, Jr., *The Law of Domestic Relations in the United States* (Student 2d ed. 1988). Citations to these works will be in the form, for the two-volume practitioner's edition, 1 or 2 H. Clark, *Domestic Relations* § ____ (2d ed. 1987) and for the student edition, H. Clark, *Domestic Relations* § ____ (Student 2d ed. 1988). Another very useful resource, cited regularly throughout the book, is American Law Institute, *Principles of the Law of Family Dissolution: Analysis and Recommendations* (2002), cited here as "ALI Principles."

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