

TEST BANK**CHAPTER 1****True/False**

Indicate whether the statement is true or false.

1. Family law has not changed much because society's definition of a family has not changed
ANS: F
2. Most of family law is written by the federal government.
ANS: F
3. Spouses can agree on their own what is in the best interests of their child.
ANS: F
4. Interrogatories are sent by parties to witnesses.
ANS: F
5. A conflict of interest actually or potentially places a person at a disadvantage even though he or she is owed undivided loyalty.
ANS: T
6. Primary authority is any nonlaw that a court could rely on in reaching its conclusion.
ANS: F

Multiple Choice

Identify the letter of the choice that best completes the statement or answers the question.

7. Federal law:
 - a. has little role in family law since family law is governed by state law
 - b. determines when parties can be divorced
 - c. has greatly influenced the law of child supportANS: C
8. The main categories of court opinions are:
 - a. opinions that interpret statutes
 - b. opinions that create and interpret common law
 - c. a and bANS: C
9. Which of the following are not secondary primary authority?
 - a. legal encyclopedias
 - b. statutes
 - c. court opinions
 - d. court rulesANS: A

Short Answer Essay

10. Define family law.

ANS: The body of law that defines relationships, rights, and duties in the formation, existence, and dissolution of marriage and other family units.

11. Briefly mention five developments that are expected to play a major role in family law in the twenty-first century.

ANS: equality of the sexes, federalization of family law, expansion of the contract dimension of family law, scientific breakthroughs creating the need for new laws, emerging recognition of gay rights.

12. Give five examples of family law where federal law has had a large impact.

ANS: paternity, taxes, bankruptcy, interstate child custody, and child support.

13. What do we mean when we say that marriage is a status?

ANS: Marriage is a legal entity that imposes certain rights and obligations, often in spite of what both spouses agree to do.

14. Define common law.

ANS: judge-made law in the absence of statutory or other controlling law.

15. Define bias.

ANS: an inclination or tendency to think and to act in a certain way; a danger of prejudice.

16. Name four online sources of court opinions.

ANS: WESTLAW, LEXIS-NEXIS, LOISLAW, and the Internet

Fill-in-the-Blank

Complete each statement.

17. At one time in the eyes of the law the husband and wife were one and the one was the _____.

ANS: husband

18. Over twenty-five percent of children under eighteen live with _____.

ANS: only one parent

19. The relationship in Vermont that has the same rights and duties as a marriage under state law is called a _____.

ANS: civil union

20. The _____ is the court's answer to a legal issue.

ANS: holding

21. Court opinions are printed in volumes called _____.

ANS: reporters

Matching

Match each numbered entry with the most relevant lettered entry below.

- a. prejudice
- b. practice of law
- c. any law
- d. Temporary Assistance to Needy Families
- e. judge-made law
- f. sent to parties
- g. heavily regulated by federal law

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- h. Vermont
- i. secondary authority
- j. divided loyalty
- 22. civil union
- 23. child support
- 24. TANF
- 25. common law
- 26. interrogatories
- 27. bias
- 28. conflict of interest
- 29. legal advice
- 30. primary authority
- 31. legal treatise

Correct answer:

- 22. ANS: H
- 23. ANS: G
- 24. ANS: D
- 25. ANS: E
- 26. ANS: F
- 27. ANS: A
- 28. ANS: J
- 29. ANS: B
- 30. ANS: C
- 31. ANS: I

CHAPTER 2

True/False

Indicate whether the statement is true or false.

1. Family law paralegals who violate ethics can be disciplined by the bar association.
ANS: F
2. Contingent fees in family law cases are ethical.
ANS: F
3. Fixed fees are paid only if the attorney wins the case.
ANS: F
4. Splitting a fee with a nonattorney can be ethical if the amount of the fee is reasonable.
ANS: F
5. It cannot be a breach of confidentiality to reveal a nonembarrassing fact about a client's case.
ANS: F
6. There cannot be a conflict of interest if the client is not actually harmed by what the attorney does.
ANS: F
7. If the client consents to the attorney's conduct, the conduct cannot constitute a conflict of interest.
ANS: F
8. Attorneys are always vicariously liable for what their paralegals do.
ANS: F

9. Since a paralegal is not a member of the bar, he or she cannot cause imputed disqualification.
ANS: F
10. It is possible for an attorney to be charged with unethical conduct even if his or her sexual relations with a client are consensual.
ANS: T

Multiple Choice

Identify the letter of the choice that best completes the statement or answers the question.

11. Paralegals who violate ethical rules can be:
- disbarred by a court
 - suspended by a court
 - both a and b
 - none of the above
- ANS: D
12. An attorney who accepts more cases than he or she can handle is likely to be charged with violating which ethical rule(s)?
- an attorney shall provide competent representation
 - an attorney's fee shall be reasonable
 - an attorney shall avoid a conflict of interest
 - none of the above
- ANS: A
13. The reasonableness of a fee is determined by:
- the amount of time and labor involved
 - the complexity of the matter
 - the experience and reputation of the attorney
 - the customary fee in the locality for that kind of case
 - all of the above
- ANS: E
14. An attorney is liable for negligence:
- when the attorney loses the case
 - when the attorney makes a mistake
 - when the attorney's conduct falls below the standard of reasonable care
 - all of the above
- ANS: C

Short Answer Essay

15. Define ethics.
ANS: Ethics are standards or rules of behavior to which members of an occupation, profession, or other organization are expected to conform.
16. What are the two kinds of ethics?
ANS: those that are enforced by sanctions and those that are not enforced by sanctions
17. What is the danger posed by contingent fees in family law cases?
ANS: The attorney might interfere with the possibility of a reconciliation since the attorney would not be paid if the parties reconciled.

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18. When can an attorney reveal a client confidence?

ANS: when the client consents to the disclosure, when the attorney reasonably believes disclosure is necessary to prevent a client from committing a criminal act likely to result in imminent death or substantial bodily harm

19. Define conflict of interest.

ANS: Divided loyalty that actually or potentially places a person at a disadvantage even though that person is owed undivided loyalty.

20. When is a Chinese Wall needed?

ANS: when an attorney or paralegal has a conflict of interest and, therefore, needs to be screened from involvement in the case in order to avoid disqualification

21. Define commingling of funds.

ANS: mixing general law firm funds with client funds in a single account

22. What is the only advice that can be given to an unrepresented opponent?

ANS: that he or she should obtain his or her own attorney

Fill-in-the-Blank

Complete each statement.

23. The *Model Rules of Professional Conduct* was written by the _____.

ANS: American Bar Association (ABA)

24. An attorney can be sued for _____ if he or she fails to fulfill a promised result.

ANS: breach of contract

25. If the entire law firm is disqualified because of the conflict of interest in one attorney, there has been a(n) _____ disqualification.

ANS: imputed

26. A person who has a conflict of interest is _____.

ANS: tainted

27. _____ is unreasonable conduct that causes injury or damage to someone to whom you owe a duty of reasonable care.

ANS: negligence

Matching

Match each numbered entry with the most relevant lettered entry below.

- a. contract of employment
 - b. divided loyalty
 - c. screening
 - d. impartial
 - e. first amendment
 - f. American Bar Association
 - g. ambulance chasing
 - h. penalties or punishment
 - i. depends on outcome of case
 - j. reasonably necessary skill
28. sanctions
29. Model Rules
30. competent
31. retainer
32. contingent fee

33. conflict of interest
34. Chinese Wall
35. disinterested
36. attorney advertising
37. solicitation

Correct answer:

28. ANS: H
29. ANS: F
30. ANS: J
31. ANS: A
32. ANS: I
33. ANS: B
34. ANS: C
35. ANS: D
36. ANS: E
37. ANS: G

CHAPTER 3

True/False

Indicate whether the statement is true or false.

1. If a case is contested, there is no opposing party.
ANS: F
2. You can always assume that a client will understand that you are not an attorney when you introduce yourself as a paralegal.
ANS: F
3. If an attorney has filed a notice of appearance, he or she may need the permission of the court to withdraw from the case.
ANS: T
4. A legal interviewer should pursue questions that are reasonably likely to lead to relevant facts.
ANS: T

Multiple Choice

Identify the letter of the choice that best completes the statement or answers the question.

5. An attorney may decline to represent a person because:
 - a. the case is not meritorious
 - b. of conflict of interest
 - c. of inability to pay attorney fees
 - d. all of the aboveANS: D
6. A formalized fee arrangement is:
 - a. a letter of nonengagement
 - b. a retainer
 - c. a letter of authorization
 - d. none of the aboveANS: B

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7. What is the function of a letter of nonengagement?

ANS: to refute a later possible claim that the office agreed to represent a person

8. Under what circumstances is a law office likely to compile a comprehensive family history of a new client?

ANS: when the case is contested, will raise complex issues, and involve relatively large sums of money

9. What are some of the reasons clients do not know what they want?

ANS: they are not sure what they want, they change their mind about what they want, they are not aware of their legal and nonlegal options, they are confused about the law, they have mistaken understandings about the law

10. Give an example of a breach of confidentiality committed by an interviewer while interviewing a client.

ANS: having open case files of other clients in the room visible to the interviewee; discussing the case of other clients on the phone while the interviewee is in the room

11. What should a paralegal do when a client asks for legal advice during an interview?

ANS: refuse to give the advice; tell the client the attorney will provide the advice later

12. What are some of the documents a client can be asked to bring to the office, if available?

ANS: premarital agreement, marriage license, property deeds, prior divorce or annulment decree, powers of attorney, agreements between the spouses

13. Give examples of information the office must collect to determine if a conflict of interest exists.

ANS: client's or spouse's maiden name, other names used by the client or spouse, whether the office ever represented the client or spouse before, whether the office has ever represented relatives or business associates of the client or spouse before

14. Give examples of some of the emergency concerns that the office must find out about early in the representation of a client.

ANS: danger of violence, immediate support needs, hiding or giving away assets

15. Give examples of some frequently overlooked assets that an interviewer should inquire about.

ANS: frequent flier points, accumulated equity in a car lease, unused sick leave, lottery tickets

Matching

Match each numbered entry with the most relevant lettered entry below.

- a. waives confidentiality
 - b. contract of employment
 - c. reasonably likely to succeed
 - d. disputed
 - e. refusal to represent
- 16. meritorious
 - 17. letter of nonengagement
 - 18. contested
 - 19. retainer
 - 20. letter of authorization

Correct answer:

- 16. ANS: C
- 17. ANS: E
- 18. ANS: D
- 19. ANS: B
- 20. ANS: A

CHAPTER 4

True/False

Indicate whether the statement is true or false.

1. All states require consideration for a valid premarital agreement.
ANS: F
2. A party to a premarital agreement cannot waive full disclosure of the other party's assets and debts.
ANS: F
3. A husband and wife have a confidential relationship with each other.
ANS: T
4. In most states there is no confidential relationship between parties about to be married.
ANS: T
5. A premarital agreement can relieve one party of the obligation to support any children from the marriage.
ANS: F
6. *Marvin v. Marvin* rules that all premarital agreements are legal.
ANS: F

Multiple Choice

Identify the letter of the choice that best completes the statement or answers the question.

7. Another name for a premarital agreement:
 - a. separation agreement
 - b. prenuptial agreement
 - c. post-nuptial agreement
 - d. cohabitation agreementANS: B
8. Under the Premarital Agreement Act, a premarital agreement is not enforceable if:
 - a. it was not entered voluntarily
 - b. it waives spousal support
 - c. it is unconscionable and entered without adequate disclosure of assets
 - d. a and cANS: D
9. The courts in some states oppose the enforceability of cohabitation agreements because:
 - a. they constitute payment for sex
 - b. they weaken the institution of marriage
 - c. the legislature should decide if they should be legal
 - d. all of the aboveANS: C

Short Answer Essay

10. Define premarital agreement.

ANS: A contract made by two individuals who are about to be married that covers spousal support, property division, and related matters in the event of the separation of the parties, the death of one of them, or the dissolution of the marriage by divorce or annulment

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11. Distinguish between a cohabitation agreement and a post-nuptial agreement.

ANS: A cohabitation agreement is made between two people who do not intend to marry. A post-nuptial agreement is made by two married people.

12. Explain why palimony is a nonlegal term.

ANS: The term was invented by the media to cover the equivalent of support payments (alimony) between unmarried parties (i.e., pals) who live together. But the law does not impose a support obligation on unmarried parties.

13. When does an implied contract come into existence?

ANS: when an agreement can be inferred from the conduct of the parties

14. When will a putative spouse be considered in a valid marriage?

ANS: when he or she reasonably believes he or she entered a valid marriage even though there was a legal impediment to the legality of the marriage

Fill-in-the-Blank

Complete each statement.

15. Premarital agreements and prenuptial agreements are also called _____ agreements.

ANS: antenuptial

16. Whatever the parties mutually promise or exchange in their agreement is the _____ for the agreement.

ANS: consideration

17. Under *Marvin v. Marvin*, a cohabitation agreement is unenforceable only to the extent that it _____ rests on meretricious sexual relations.

ANS: explicitly

18. A quasi contract is created to avoid _____.

ANS: unjust enrichment

19. An agreement to participate in a common enterprise in which the parties have a mutual right of control is called a(n) _____.

ANS: joint venture

Matching

Match each numbered entry with the most relevant lettered entry below.

- a. shocking to the conscience
 - b. owing good faith and loyalty
 - c. "alimony" for unmarried cohabitants
 - d. people of the same sex
 - e. requiring restitution
 - f. relinquishing a right
 - g. bargained-for exchange
 - h. contract created by law
 - i. legal impediment to marriage
 - j. pertaining to unlawful sexual relations
- 20. waiver
 - 21. unconscionable
 - 22. consideration
 - 23. meretricious
 - 24. fiduciary

25. palimony
26. POSSLQ
27. unjust enrichment
28. quasi contract
29. putative spouse

Correct answer:

20. ANS: F
21. ANS: A
22. ANS: G
23. ANS: J
24. ANS: B
25. ANS: C
26. ANS: D
27. ANS: E
28. ANS: H
29. ANS: I

CHAPTER 5

True/False

Indicate whether the statement is true or false.

1. A promise to marry is a contract.
ANS: T
2. All contracts must be in writing to be enforceable.
ANS: F
3. A broken engagement might constitute a breach of contract and fraud.
ANS: T
4. A state that has abolished breach-of-promise-to-marry actions will always allow a fraud action if the elements of fraud can be established.
ANS: F
5. Only gifts given without consideration are revocable.
ANS: F
6. General restraints on marriage are enforceable only if they serve what the court considers a useful purpose.
ANS: F
7. Electing a forced share can give a spouse more than what is provided for him or her in the will of a deceased spouse.
ANS: T
8. The violation of the technical requirements for marriage does not invalidate the marriage in most states.
ANS: T
9. Even in states where common law marriages are allowed, such marriages cannot have the same validity as ceremonial marriages.
ANS: F
10. Both bride and bridegroom must be present in a proxy marriage.
ANS: F

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11. Covenant marriages are no-fault marriages.
ANS: F
12. DOMA authorizes civil unions.
ANS: F
13. The civil union is granted every right and benefit accorded a marriage.
ANS: F

Multiple Choice

Identify the letter of the choice that best completes the statement or answers the question.

14. Which of the following are the elements of a contract:
- offer
 - acceptance
 - consideration
 - all of the above
- ANS: D
15. Which of the following is not a category of damages:
- compensatory
 - punitive
 - promissory
 - mitigating
- ANS: C
16. A gift is not irrevocable unless it is:
- delivered
 - given without consideration
 - takes effect immediately
 - is accepted
 - all of the above
- ANS: E
17. Which of the following are the elements of a common law marriage.
- legal capacity to marry
 - intent to marry
 - cohabitation
 - openness
 - all of the above
- ANS: E

Short Answer Essay

18. Why is specific performance an inappropriate remedy for breach of promise to marry?
ANS: It makes no sense to force someone to marry against his or her will.
19. Distinguish between a general restraint on marriage and a reasonable limitation on marriage.
ANS: A general restraint on marriage is a total or near total prohibition on marriage. A reasonable limitation on marriage is a partial prohibition on marriage, serves a useful purpose, and is otherwise not illegal.
20. What are the elements of fraud?
ANS: false statement of fact, knowledge that it is false, intent that it be relied on, actual reliance that is reasonable, harm

21. What is the privilege for marital communication?
ANS: One spouse cannot disclose in court any confidential communications that occurred between the spouses during the marriage.
22. State the ruling of *Zablocki v. Redhail*.
ANS: Only reasonable regulations that do not significantly interfere with decisions to enter the marital relationship may be legitimately imposed
23. When are name changes allowed?
ANS: when the person is consistent in using the name and is not trying to defraud anyone by the name change
24. Define covenant marriage.
ANS: A form of marriage that requires proof of premarital counseling, a promise to seek marital counseling when needed during the marriage, and proof of marital fault to dissolve.
25. Define domestic partnership.
ANS: A same-sex couple or an unmarried opposite-sex couple who are emotionally and financially interdependent and who meet the requirements for registering their relationship with the government so that they can receive specified marriage-like benefits.

Fill-in-the-Blank

Complete each statement.

26. An action for breach of promise to marry is called a(n) _____ action.
ANS: heart balm
27. Money paid because of wrongful conduct is called _____.
ANS: damages
28. The recipient of a gift is the _____.
ANS: donee
29. In most cases, the validity of a marriage is determined by the law of the state of _____.
ANS: celebration
30. A putative spouse is unaware of a(n) _____ to the validity of the marriage.
ANS: legal impediment
31. A statute that says it is against the state's strong public policy to recognize same-sex marriage is called a(n) _____.
ANS: Mini-DOMA

Matching

Match each numbered entry with the most relevant lettered entry below.

- a. has same state rights as a marriage
- b. has same rights as ceremonial marriage
- c. has some rights of a marriage
- d. widow's right
- e. breach of promise to marry
- f. marriage between the races
- g. valid gift
- h. constitutional test
- i. payment of money
- j. refusal to recognize same-sex marriage

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32. heart balm action
33. irrevocable
33. damages
35. civil union
36. rational basis
37. common law marriage
38. Mini-DOMA
39. miscegenation
40. dower
41. domestic partners

Correct Answer

32. ANS: E
33. ANS: G
34. ANS: I
35. ANS: A
36. ANS: H
37. ANS: B
38. ANS: J
39. ANS: F
40. ANS: D
41. ANS: C

CHAPTER 6

True/False

Indicate whether the statement is true or false.

1. An annulment is a declaration that a valid marriage can be dissolved.
ANS: F
2. Once an annulment has been decreed, the phrase “annulled marriage” is more technically correct than the phrase “attempted marriage.”
ANS: F
3. Ratification is a retroactive approval of something.
ANS: T
4. When there has been more than one marriage, the first marriage is presumed to be valid.
ANS: F
5. When there has been more than one marriage, the most recent marriage is presumed to be invalid.
ANS: F
6. Consanguinity is relationship by marriage.
ANS: F
7. Infertility can be a ground for an annulment.
ANS: F
8. The refusal to consummate a marriage is a ground for annulment.
ANS: F
9. Children of an annulled marriage are usually considered legitimate.
ANS: T

10. Some states will invalidate a marriage entered in their state solely to evade the marriage laws of another state.

ANS: T

Multiple Choice

Identify the letter of the choice that best completes the statement or answers the questions.

11. In which of the following court decrees are the parties still validly married?
- divorce
 - legal separation
 - annulment
 - none of the above

ANS: B

12. Which of the following is not a legal capacity ground for annulment?
- preexisting marriage
 - fraud
 - physical disability
 - nonage

ANS: B

13. Which of the following is not an intent ground for annulment?
- sham marriage
 - consanguinity
 - duress
 - fraud

ANS: B

14. The minimum age to marry may differ depending on whether:
- the parents have consented
 - the female is pregnant
 - a child has already been born
 - all of the above

ANS: D

15. A marriage will be considered valid in a domiciliary state if:
- the marriage is valid in the state where contracted
 - recognizing the marriage will not violate a strong public policy of the domiciliary state
 - a and b

ANS: C

Short Answer Essay

16. Distinguish between an annulment and a divorce.

ANS: An annulment is a declaration that a valid marriage never existed. A divorce is a declaration that a valid marriage can now be dissolved.

17. Distinguish between an annulment and a legal separation.

ANS: An annulment is a declaration that a valid marriage never existed. A legal separation is a declaration that a still validly married couple can live separate and apart.

18. List physical disabilities that can be the basis of an annulment.

ANS: communicable venereal disease, incurable impotence, epilepsy, pulmonary tuberculosis in advanced stages

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19. What is the standard of mental disability that will qualify as a ground for annulment?

ANS: The inability to understand the marriage contract and the duties of marriage due to mental illness

20. Distinguish between the essentials test and the materiality test for fraud as a ground for annulment.

ANS: essentials test: the matter went to the heart or essence of the relationship (usually involving future sexual relations and children); materiality test: but for the event, the party would not have entered the marriage

Fill-in-the-Blank

Complete each statement.

21. A legal separation is also called a(n) _____ separation.

ANS: judicial

22. A marriage that is void from the beginning is said to be _____.

ANS: void ab initio

23. A wrongdoing party with _____ may be estopped from an otherwise available annulment action.

ANS: dirty hands

24. The state where the parties file the suit is the _____ state.

ANS: forum

Matching

Match each numbered entry with the most relevant lettered entry below.

- a. below the minimum age
- b. right to bring a court claim
- c. presumption of death
- d. still married
- e. retroactive approval
- f. relationship by marriage
- g. acceptable reasons
- h. relationship by blood
- i. die leaving a valid will
- j. place of the trial

- 25. consanguinity
- 26. forum
- 27. nonage
- 28. testate
- 29. standing
- 30. Enoch Arden defense
- 31. legal separation
- 32. grounds
- 33. affinity
- 34. ratification

Correct answer:

- 25. ANS: H
- 26. ANS: J
- 27. ANS: A
- 28. ANS: I
- 29. ANS: A
- 30. ANS: C
- 31. ANS: D
- 32. ANS: F
- 33. ANS: G
- 34. ANS: E

CHAPTER 7

True/False

Indicate whether the statement is true or false.

1. In a state with no-fault grounds for divorce, fault grounds are never available.
ANS: F
2. The one exception to the movement away from fault grounds is the covenant marriage.
ANS: T
3. Only the party not at fault can assert the incompatibility ground for divorce.
ANS: F
4. For a divorce to be granted on a no-fault ground, both spouses must agree that a reconciliation is impossible.
ANS: F
5. Recrimination exists when the plaintiff in the divorce action incited the acts constituting the marital wrong by the other spouse.
ANS: F
6. A divorce a vinculo matrimonii is a legal separation.
ANS: F
7. A separation agreement is a legal separation.
ANS: F
8. A child acquires a domicile by operation of law.
ANS: T
9. The final divorce judgment is called the interlocutory judgment.
ANS: F
10. It is possible for someone with a valid jurisdictional objection to a divorce judgment to be estopped from raising that objection.
ANS: T

Multiple Choice

Identify the letter of the choice that best completes the statement or answers the question.

11. Which of the following is not a no-fault ground for divorce?
 - a. incompatibility
 - b. desertion
 - c. living apartANS: B
12. Which of the following are defenses to fault grounds of divorce?
 - a. collusion
 - b. res judicata
 - c. connivance
 - d. adultery
 - e. a and c
 - f. a and dANS: E

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13. The granting of a divorce because an opponent fails to appear or answer the complaint is a(n):
- collusive divorce
 - limited divorce
 - default divorce
 - bilateral divorce

ANS: C

14. To dissolve a marriage, a court needs:
- in rem jurisdiction
 - personal jurisdiction
 - subject-matter jurisdiction
 - a and c
 - b and c

ANS: D

Short Answer Essay

15. List the major no-fault grounds for divorce.

ANS: living apart, incompatibility, irreconcilable differences, irretrievable breakdown

16. List the major fault grounds for divorce.

ANS: adultery, cruelty, desertion

17. Define collusion in a divorce case.

ANS: An agreement between spouses to lie in order to facilitate the obtaining of the divorce.

18. When does incompatibility exist in a marriage?

ANS: When such discord exists between the spouses that it is impossible for them to live together in a normal marital relationship.

19. Give an example of constructive desertion.

ANS: Mary Smith moves out of the home after her husband, Ted Smith, repeatedly physically beats her. Ted remains in the home. He has constructively deserted Mary.

20. Name five different items that a divorce decree can accomplish.

ANS: dissolve the marriage, award spousal support, award child support, divide marital property, award child custody

21. What is the domestic relations exception?

ANS: Federal courts do not have subject-matter jurisdiction over divorce, alimony, or child custody cases even if there is diversity of citizenship among the parties.

22. List the main discovery devices.

ANS: interrogatories, deposition, request for admissions, physical or mental examination, and request for production

Fill-in-the-Blank*Complete each statement.*

23. _____ are acceptable reasons for seeking a particular result such as a divorce.

ANS: grounds

24. In the living apart ground for divorce, the time the parties lived apart must be _____.

ANS: consecutive

25. The person with whom a spouse has committed adultery is called the _____ .
ANS: co-respondent
26. A spouse's consent or willingness that the other spouse commit a marital wrong is called _____ .
ANS: connivance
27. A divorce a mensa et Thor is a(n) _____ .
ANS: legal separation
28. An attack against a judgment that is brought outside the normal appeal process is a(n) _____ attack.
ANS: collateral

Matching

Match each numbered entry with the most relevant lettered entry below.

- a. forgiveness
 - b. Jewish divorce
 - c. only one side is present
 - d. interim or temporary
 - e. factual questions
 - f. representing oneself
 - g. thing, object, or status
 - h. alternative to litigation
 - i. enforceable only in part
 - j. prevented from asserting a right
- 29. interlocutory
 - 30. arbitration
 - 31. divisible
 - 32. condonation
 - 33. Get
 - 34. ex parte
 - 35. equitable estoppel
 - 36. res
 - 37. pro se
 - 38. interrogatories

Correct answer:

- 29. ANS: D
- 30. ANS: H
- 31. ANS: I
- 32. ANS: A
- 33. ANS: B
- 34. ANS: C
- 35. ANS: J
- 36. ANS: G
- 37. ANS: F
- 38. ANS: E

CHAPTER 8

True/False

Indicate whether the statement is true or false.

1. Once spouses have executed a legally binding separation agreement, they are free to remarry.
ANS: F

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2. Interrogatories are written factual questions sent by one party to another before trial.
ANS: T
3. The only way to ensure that a separation agreement will not be invalidated by fraud is to have a clause in the agreement saying that both parties entered it voluntarily.
ANS: F
4. Debts that are outstanding have been discharged.
ANS: F
5. Alimony debts can be discharged in bankruptcy.
ANS: F
6. Standard of living during the marriage is relevant to the court's decision on property division, but not on alimony.
ANS: F
7. Commingled separate and marital property may be treated as marital property if clear evidence does not indicate otherwise.
ANS: T
8. A same-sex couple in a Vermont civil union can enter a tenancy by the entirety.
ANS: T
9. By definition, an equitable distribution of marital property must be an equal distribution.
ANS: F
10. Dissipated income can be imputed to the wrongdoer.
ANS: T

Multiple Choice

Identify the letter of the choice that best completes the statement or answers the question.

11. A separation agreement violates public policy if it:
 - a. is conducive to divorce
 - b. is collusive
 - c. is entered with consideration
 - d. a and c
 - e. a and bANS: E
12. Which of the following devices can provide security for the payment of alimony?
 - a. escrow
 - b. security bond
 - c. annuity
 - e. trust
 - f. all of the aboveANS: F
13. Transmutation:
 - a. is a commingling of separate and marital property
 - b. is a voluntary change of separate property into community property
 - c. is a voluntary change of community property into separate property
 - d. a and c
 - e. b and cANS: E

Short Answer Essay

14. What is the definition of a separation agreement?

ANS: A contract by spouses who have separated or who are about to separate that covers support, custody, property division, and other terms of their separation.

15. What are the characteristics of an effective separation agreement?

ANS: comprehensive, fair, accurate, legal, and readable

16. When are property division debts discharged in bankruptcy?

ANS: when the debtor does not have enough assets to pay the privilege debt and other legitimate debts and when the benefit of discharging the property division debt outweighs the harm or detriment that the discharge would cause the other spouse

17. Define rehabilitative alimony.

ANS: support payments to a former spouse limited to the time needed to return to financial self-sufficiency through employment or job training

18. Distinguish between tangible and intangible property.

ANS: Tangible property has a physical form—contact can be made with it through the senses. Intangible property does not have physical form.

19. Distinguish between separate property and marital property.

ANS: Separate property is property one spouse acquired before the marriage by any means and property he or she acquired during the marriage by gift, will, or intestate succession. Marital property is nonseparate property acquired by a spouse during the marriage and the appreciation of separate property that occurred during the marriage.

20. Name the two main categories of pension plans.

ANS: defined-benefit plan and defined-contribution plan

Fill-in-the-Blank

Complete each statement.

21. The _____ for a separation agreement is the exchange of promises made in the agreement.

ANS: consideration

22. Alimony payments are _____ by the payor.

ANS: deductible

23. Lump sum alimony is called _____.

ANS: alimony in gross

24. Joint tenants do not enjoy the right of _____.

ANS: survivorship

25. The court order to obtain a share of a pension is called a(n) _____.

ANS: QDRO (Qualified Domestic Relations Order)

Matching

Match each numbered entry with the most relevant lettered entry below.

- a. that which is exchanged
- b. occurring automatically
- c. lifetime use of land
- d. sharing a pension
- e. lump sum

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- f. agreement to commit fraud
 - g. one account
 - h. gift by will
 - i. unpaid
 - j. as between strangers
- 26. collusion
 - 27. bequest
 - 28. consideration
 - 29. outstanding
 - 30. operation of law
 - 31. dower
 - 32. QDRO
 - 33. commingling
 - 34. at arm's length
 - 35. alimony in gross

Correct answer:

- 26. ANS: F
- 27. ANS: H
- 28. ANS: A
- 29. ANS: I
- 30. ANS: B
- 31. ANS: C
- 32. ANS: D
- 33. ANS: G
- 34. ANS: J
- 35. ANS: E

CHAPTER 9

True/False

Indicate whether the statement is true or false.

1. The parent with legal custody determines where the child lives.
ANS: F
2. A child suffering from parental alienation syndrome expresses a hatred for one parent that did not exist before the custody dispute arose.
ANS: T
3. A parent who leads an immoral lifestyle can never be awarded custody.
ANS: F
4. Race cannot be the sole factor that determine custody.
ANS: T
5. Grandparents must be granted the right to visit their grandchildren.
ANS: F
6. If a biological parent is living, a court cannot grant custody to a psychological parent.
ANS: F

Short Answer Essay

7. Name a gender based custody standard and a gender neutral custody standard.

ANS: gender based standard (tender-years presumption); gender neutral standard (best interests of the child, primary caregiver presumption)

8. Why is the tender years presumption legally questionable?

ANS: This presumption may constitute illegal sex discrimination since it favors mothers over fathers.

9. Why is joint custody unlikely to work in contested custody cases?

ANS: In contested custody cases, the parents have been fighting about which parent should have custody. This animosity suggests that they will not be able to cooperate in the manner needed for a joint custody arrangement to work.

10. What are some of the reasons mothers are awarded custody most of the time?

ANS: Fathers often don't ask for custody. Mothers have often been the primary caregiver. Judges sometimes have a bias against giving custody to fathers, particularly full-time working fathers.

11. What was the holding of *Troxel v. Granville*?

ANS: Third parties such as grandparents cannot be given visitation rights if the visitation would interfere with the constitutional right of a fit parent to make child-rearing decisions.

12. Name two statutes that cover interstate custody issues.

ANS: Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) and the Parental Kidnaping Prevention Act (PKPA)

13. What is the home state of a child under the UCCJEA?

ANS: The state in which the child has lived with a parent (or anyone acting as a parent) for at least six consecutive months immediately before the custody case is commenced in court or since birth if the child is less than six months old.

Fill-in-the-Blank

Complete each statement.

14. The main standard used by courts in awarding custody is the _____.

ANS: best interests of the child

15. Siblings live with different parents in cases of _____ custody.

ANS: split

16. In contested custody cases, the court may appoint a(n) _____ to represent the child.

ANS: guardian ad litem

17. A court will consider _____ visitation if there is a danger that the noncustodial parent will flee with the child or otherwise harm the child.

ANS: supervised

18. A court that obtains custody jurisdiction in compliance with the UCCJEA has _____ to make all modifying custody decisions.

ANS: exclusive, continuing jurisdiction

19. If the parents disagree about whether a child's surname should be changed, the court will decide the issue on the basis of the _____.

ANS: best interests of the child

Matching

Match each numbered entry with most relevant lettered entry below.

- a. disputed

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- b. special representative
 - c. seeking a favorable court
 - d. guideline favoring mother
 - e. strong emotional bond
 - f. siblings
 - g. child rearing decisions
 - h. six consecutive months
 - i. alternative to litigation
 - j. gender neutral guideline
- 20. legal custody
 - 21. psychological parent
 - 22. mediation
 - 23. home state
 - 24. split custody
 - 25. best interests of the child
 - 26. tender years presumption
 - 27. forum shopping
 - 28. guardian ad litem
 - 29. contested

Correct answer:

- 20. ANS: G
- 21. ANS: E
- 22. ANS: I
- 23. ANS: H
- 24. ANS: F
- 25. ANS: J
- 26. ANS: D
- 27. ANS: C
- 28. ANS: B
- 29. ANS: A

CHAPTER 10

True/False

Indicate whether the statement is true or false.

- 1. Unlike most areas of family law, federal law plays a major role in the law of child support.
ANS: T
- 2. Parents can enter agreements that give the duty of child support to one of the parents.
ANS: F
- 3. In rem jurisdiction is sufficient for a court to order a nonresident to pay child support.
ANS: F
- 4. Long-arm jurisdiction requires sufficiently purposeful contacts in the state.
ANS: T
- 5. A divisible divorce is entitled to full faith and credit by another state only in part.
ANS: T
- 6. The custodial parent has the primary duty to support a child.
ANS: F

7. The amount of child support specified in the child support guidelines is presumed to be correct.
ANS: T
8. The person to whom an obligation is owed is the obligor.
ANS: F
9. IV-D agencies help parents collect child support.
ANS: T
10. The Family Violence Indicator (FVI) helps prevent the release of information on IV-D clients that could lead to the commission of violence by noncustodial parents.
ANS: T
11. The failure to pay child support can lead to a criminal prosecution.
ANS: T
12. Pension plans of parents who fail to pay child support can be reached through a Qualified Medical Child Support Order (QMCSO).
ANS: F

Short Answer Essay

13. List the long-arm bases of obtaining personal jurisdiction against a nonresident under the UIFSA.
ANS: the nonresident resided with the child in the state; the nonresident resided in the state and provided prenatal expenses or support for the child; the child resides in the state as a result of the acts or directives of the nonresident; the nonresident engaged in sexual intercourse in the state, which may have led to the conception of the child
14. What is the home state under the UIFSA?
ANS: The state in which the child has lived with a parent for at least six consecutive months immediately before the support case is commenced in court or since birth if the child is less than six months old.
15. When will imputed income be used in the calculation of the amount of child support that is owed?
ANS: when a parent dissipates resources; when a parent fails to pursue reasonably available sources of income such as available employment
16. List some of the licenses that can be denied or revoked for the failure to pay child support.
ANS: driver's license, attorney's license, real estate broker's license, plumber's license
17. Name some of the state agencies checked by the State Parent Locator Service for the current address of noncustodial parents.
ANS: Department of Motor Vehicles, Unemployment Compensation Commission, Tax Department, prisons

Fill-in-the-Blank

Complete each statement.

18. Temporary child support can be awarded _____, meaning during the litigation.
ANS: pendente lite
19. Personal jurisdiction is also called _____ jurisdiction.
ANS: in personam
20. If a state obtains long-arm jurisdiction over a nonresident parent, the custodial parent can use the _____ procedure to enforce the support order in another state.
ANS: registration

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21. _____ income is assumed to be available regardless of whether it is actually available.

ANS: imputed

22. The enforcement method that accounts for almost 60 percent of child support collections is _____.

ANS: income withholding

Matching

Match each numbered entry with the most relevant lettered entry below.

- a. during the litigation
 - b. enforcement agency
 - c. assumed to exist
 - d. seizure
 - e. nonresident defendant
 - f. still due
 - g. person owed a debt
 - h. health insurance
 - i. transfer
 - j. required to enforce support order
23. personal jurisdiction
24. assign
25. QMCSO
26. obligee
27. IV-D
28. long arm jurisdiction
29. arrears
30. levy
31. pendente lite
32. imputed income

Correct answer:

- 23. ANS: J
- 24. ANS: I
- 25. ANS: H
- 26. ANS: G
- 27. ANS: B
- 28. ANS: E
- 29. ANS: F
- 30. ANS: D
- 31. ANS: A
- 32. ANS: C

CHAPTER 11**True/False**

Indicate whether the statement is true or false.

- 1. Alimony is deductible by the recipient.
ANS: F
- 2. The payment of alimony is added to the payor's adjusted gross income.
ANS: F

3. Alimony is not deductible if divorced parties are living in the same home after the one-month grace period.
ANS: T
4. Deductible alimony can include the value of stock transferred for the use of support.
ANS: F
5. Alimony payments not made directly to a spouse cannot be deductible.
ANS: F

Multiple Choice

Identify the letter of the choice that best completes the statement or answers the question.

6. In a property division, the price that can be obtained for property by a willing buyer and willing seller is called:
a. basis
b. fair market value
c. adjusted bases
d. appreciation
e. a and d
ANS: B
7. Sam bought a house for \$200,000. He spent \$50,000 to add a room. He sold the house for \$260,000.
a. his basis is \$250,000
b. the appreciation is \$50,000
c. the appreciation is \$60,000
ANS: C
8. Same facts as question 7. The adjusted basis is:
a. \$200,000
b. \$250,000
c. \$260,000
ANS: B
9. Same facts as question 7. The realized gain is:
a. \$50,000
b. \$260,000
c. \$10,000
ANS: C

Short Answer Essay

10. List the seven requirements for deductible alimony.
ANS: The payment is under a divorce decree or separation agreement. The parties do not file a joint return. They are not members of the same household. The payment is in cash. There is no duty to pay after the death of the recipient. The payment is not child support. The parties have not designated the qualifying alimony payment as nonalimony.
11. Under what conditions can payments made to a third party qualify as deductible alimony?
ANS: The payments are in lieu of alimony payments directly to the spouse. A written request says both intend the payments to be treated as alimony. The payor receives this request before he or she files the return seeking the alimony deduction.
12. Name some "alimony" contingencies that relate to a child.
ANS: the child reaches 18, dies, marries, leaves home, leaves school

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13. How does the recapture rule prevent front loading?

ANS: The alimony that was deducted is recaptured in the third year. The payor now declares as taxable income the amounts improperly deducted as alimony. The recipient, having declared such amounts as income, can now deduct those amounts.

14. List the tax consequences of the transfer of appreciated property incident to a divorce.

ANS: There is no deduction by the transferor. The transferee does not include the property as income. The transferor pays no taxes on the appreciation. The basis of the property in the hands of the transferee is the adjusted basis that the property had in the hands of the transferor.

Matching

Match each numbered entry with the most relevant lettered entry below.

- a. recipient
 - b. increase in value
 - c. deductible by payor
 - d. no compulsion to sell
 - e. initial capital investment
 - f. to benefit from
 - g. event that may occur
 - h. recapture rule
 - i. relief from tax obligation
 - j. after deductions
- 15. front loading
 - 16. innocent spouse
 - 17. contingency
 - 18. transferee
 - 19. appreciation
 - 20. adjusted basis
 - 21. fair market value
 - 22. basis
 - 23. realize
 - 24. alimony

Correct answer:

- 15. ANS: H
- 16. ANS: I
- 17. ANS: G
- 18. ANS: A
- 19. ANS: B
- 20. ANS: J
- 21. ANS: D
- 22. ANS: E
- 23. ANS: F
- 24. ANS: C

CHAPTER 12**True/False**

Indicate whether the statement is true or false.

1. The Married Women's Property Acts added disabilities to those suffered by married women.

ANS: F

2. Courtesy is the right of a widow to the lifetime use of one-third of the land owned by her deceased husband.
ANS: F
3. The right of election applies only if a spouse dies intestate.
ANS: F
4. A woman can use her maiden name as her married name.
ANS: T
5. When applying for credit, a woman can never be asked about her marital status.
ANS: F
6. Sex discrimination in employment is legal only if it can be shown that gender is not a BFOQ.
ANS: F
7. Sterilization that is forced is illegal.
ANS: F
8. FACE gives a woman a cause of action if she is a victim of an assault while seeking reproductive health services.
ANS: T
9. Battered woman syndrome is used to bolster the argument that the battered woman acted in self-defense against her attacker.
ANS: T

Short Answer Essay

10. Why are some courts suspicious of conveyances between spouses?
ANS: There is an attempt to evade creditors of the transferor.
11. When can the creditor request information about the spouse of a woman who applies for credit?
ANS: when her spouse is applying for credit with her; when her spouse will be allowed to use the account; when she is relying on her spouse's income or on alimony or child support from a former spouse; when she resides in a community property state
12. Distinguish between quid pro quo harassment and hostile environment harassment.
ANS: Submission to or rejection of unwelcome sexual conduct is a basis for employment decisions (quid pro quo harassment). Pervasive unwelcome sexual conduct or sex-based ridicule unreasonably interferes with a person's job performance or creates an intimidating, hostile, or offensive environment (hostile environment harassment).
13. When are restrictions on a woman's access to abortion unconstitutional?
ANS: When the restriction places an undue burden on the woman's abortion decision before viability.

Fill-in-the-Blank

Complete each statement.

14. The right of a widow to the lifetime use of one-third of the land owned by her deceased husband is called _____.
ANS: dower
15. A person who dies without leaving a valid will dies _____.
ANS: intestate

Matching

Match each numbered entry with the most relevant lettered entry below.

- a. widower's property right
 - b. legal sex discrimination
 - c. court order
 - d. avoiding creditor(s)
 - e. in lieu of will's provision
 - f. self defense
 - g. pervasive unwelcome conduct
 - h. die without a valid will
 - i. survivable outside the womb
 - j. contract during the marriage
- 16. intestate
 - 17. forced share
 - 18. hostile environment
 - 19. curtesy
 - 20. viability
 - 21. injunction
 - 22. fraudulent transfer
 - 23. post-nuptial agreement
 - 24. battered woman syndrome
 - 25. BFOQ

Correct answer:

- 16. ANS: H
- 17. ANS: E
- 18. ANS: G
- 19. ANS: A
- 20. ANS: I
- 21. ANS: C
- 22. ANS: D
- 23. ANS: J
- 24. ANS: F
- 25. ANS: B

CHAPTER 13**True/False**

Indicate whether the statement is true or false.

1. At common law, an illegitimate child was the child of nobody.
ANS: T
2. An illegitimate child can inherit from his or her intestate father or mother.
ANS: T
3. Mothers and fathers have an equal right to support their illegitimate children.
ANS: T
4. A child born through artificial insemination is the legitimate child of the husband if he consented to the insemination even if the child was not born with his sperm.
ANS: T

5. A court cannot declare that a man is the father of a child unless that court had personal jurisdiction over the man.
ANS: T
6. Personal jurisdiction cannot be obtained over a nonresident unless he or she is served within the state.
ANS: F
7. Paternity must be proven beyond a reasonable doubt.
ANS: F
8. DNA testing is done on deoxyribonucleic acid removed from cells.
ANS: T
9. A putative father is a man proven to be the biological father of the child.
ANS: F

Short Answer Essay

10. How are illegitimate children discriminated against in social security?
ANS: An illegitimate child can be forced to prove that he or she was dependent on the father. A legitimate child will be presumed to have been dependent on the father.
11. What are the three main kinds of artificial insemination considered by a married couple?
ANS: with the semen of the husband; with the semen of a third-party donor (AID); with semen mixed with that of the husband and a third-party donor (AIC)
12. What is Lord Mansfield's Rule?
ANS: The testimony of either spouse is inadmissible on the question of whether the husband had access to the wife at the time of conception since such evidence would tend to prove that the child was illegitimate.
13. When will a biological father lack standing to prove that he is the biological father?
ANS: He lacks standing if he was not married to the mother who was still married to someone else. In some states, he is allowed standing, but only if he brings the paternity action within the statute of limitations.

Fill-in-the-Blank

Complete each statement.

14. To die _____ means to die leaving a valid will.
ANS: testate

Matching

Match each numbered entry with the most relevant lettered entry below.

- a. deoxyribonucleic acid
 - b. no relitigation allowed
 - c. right to bring suit
 - d. leaving a valid will
 - e. determination of paternity
 - f. nonresident defendant
 - g. inadmissible evidence
 - h. child of no one
 - i. alleged
 - j. needed to enforce a child support order
15. putative
 16. filius nullius
 17. Lord Mansfield's Rule

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18. long-arm statute
19. testate
20. personal jurisdiction
21. filiation
22. standing
23. res judicata
24. DNA testing

Correct answer:

15. ANS: I
16. ANS: H
17. ANS: G
18. ANS: F
19. ANS: D
20. ANS: J
21. ANS: E
22. ANS: C
23. ANS: B
24. ANS: A

CHAPTER 14

True/False

Indicate whether the statement is true or false.

1. In most states, a minor is someone over eighteen years of age.
ANS: F
2. Contracts by most minors are voidable.
ANS: T
3. In all states, minors cannot disaffirm those contracts they entered by lying about their age.
ANS: F
4. Minors cannot own property in their own name.
ANS: F
5. Unemancipated children are not entitled to keep their own job earnings.
ANS: T
6. A child must be a minimum age to have a will.
ANS: T
7. Teachers are in loco parentis.
ANS: T

Short Answer Essay

8. List some ways a child can be emancipated.
ANS: marriage, entering military service, abandonment by the parents, contract with the parents, court order
9. When can a child chose his or her own domicile?
ANS: when the parents consent or when the child is emancipated

10. When is a student entitled to counsel in a school hearing?

ANS: when the student faces expulsion or a long-term suspension

11. Distinguish between neglect and abuse.

ANS: Neglect is the failure to provide the child with support, medical care, education, moral support, or discipline. Abuse is physically harming the child other than by accident.

12. Define juvenile delinquent.

ANS: A young person under a designated age whose conduct would constitute a crime if committed by an adult.

Matching

Match each numbered entry with the most relevant lettered entry below.

- a. invalid if declared invalid
 - b. physical harm
 - c. everything left by decedent
 - d. criminal if adult
 - e. temporary facility
 - f. special representative
 - g. prevent
 - h. permanent home
 - i. legal independence
 - j. in place of the parent
- 13. domicile
 - 14. emancipation
 - 15. estop
 - 16. guardian ad litem
 - 17. abuse
 - 18. in loco parentis
 - 19. foster home
 - 20. juvenile delinquent
 - 21. estate
 - 22. voidable

Correct answer:

- 13. ANS: H
- 14. ANS: I
- 15. ANS: G
- 16. ANS: F
- 17. ANS: B
- 18. ANS: J
- 19. ANS: E
- 20. ANS: D
- 21. ANS: C
- 22. ANS: A

CHAPTER 15

True/False

Indicate whether the statement is true or false.

1. A black market adoption is an adoption that occurs without agency involvement.

ANS: F

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2. Race can be considered in the adoption decision but it cannot be used to delay an adoption to a petitioner whose race is different from that of the child.
ANS: T
3. Most states explicitly prohibit homosexuals from adopting children.
ANS: F
4. Adoption always requires the consent of the biological parents.
ANS: F
5. A parent's parental rights can be terminated by a finding of unfitness by a preponderance of the evidence.
ANS: F
6. A child can divorce a parent found to be unfit.
ANS: F
7. A contact veto is a refusal by a biological parent to be contacted by an adopted child.
ANS: T

Short Answer Essay

8. Define Adoption.
ANS: The legal process by which an adoptive parent assumes the rights and duties of a natural (i.e., biological) parent.
9. What are the three categories of adoption?
ANS: agency adoption, independent/private adoption, black market adoption
10. Name some of the intermediaries of adoption.
ANS: attorney, doctor, member of the clergy, photographer, web designer
11. What are the factors considered by the court in making the adoption decision?
ANS: age, health, marital status, race, religion, economic status, and morals of the petitioner; the wishes of an older child
12. What is a second-parent adoption?
ANS: the adoption of a child by a partner (or cohabitant) of a natural parent who does not give up his or her own parental rights
13. Why is the adoption procedure relatively cumbersome and elaborate?
ANS: to protect the rights of the biological parents and the child
14. What statute is designed to facilitate interstate adoptions?
ANS: the Interstate Compact on the Placement of Children
15. In an action to terminate parental rights, when is the defendant entitled to a state-appointed attorney?
ANS: when the defendant cannot afford his or her own attorney and when the complexity of the case requires the assistance of an attorney
16. How can a noncustodial parent obtain notice of an adoption proceeding when the mother fails to inform him or the proposed adoption?
ANS: by registering in the putative father registry, if available in the state
17. What is an equitable adoption?
ANS: the treatment of an unadopted child as having been adopted for purposes of inheritance from a man who made an unfulfilled promise to adopt before he died

Matching

Match each numbered entry with the most relevant lettered entry below.

- a. legally dependent
 - b. denial of consent
 - c. under care of guardian
 - d. substantial abuse or neglect
 - e. payments beyond expenses
 - f. notice of proposed adoption
 - g. fatherhood
 - h. formal request
 - i. tort
 - j. unfulfilled contract to adopt
- 18. putative father registry
 - 19. wrongful adoption
 - 20. petition
 - 21. paternity
 - 22. equitable adoption
 - 23. contact veto
 - 24. black market
 - 25. unfit
 - 26. ward
 - 27. unemancipated

Correct answer:

- 18. ANS: F
- 19. ANS: I
- 20. ANS: H
- 21. ANS: G
- 22. ANS: J
- 23. ANS: B
- 24. ANS: E
- 25. ANS: D
- 26. ANS: C
- 27. ANS: A

CHAPTER 16

True/False

Indicate whether the statement is true or false.

1. IVF is an ART.
ANS: T
2. In Louisiana, a viable in vitro fertilized human ovum is a juridical person that shall not be intentionally destroyed.
ANS: T
3. In some states, it is illegal to give birth to a child for the sole purpose of surrendering it to another person for adoption.
ANS: T

Short Answer Essay

4. List some of the assisted reproductive technologies.

ANS: in vitro fertilization, artificial insemination, gamete intrafallopian transfer, zygote intrafallopian transfer, embryo transplant

5. When a couple cannot agree on the disposition of frozen embryos, how does Tennessee resolve the question?

ANS: The party wishing to avoid procreation prevails unless the other party needs the embryos for procreation. If the party wishing to preserve them wants to donate them to another couple, the party wishing to destroy them prevails.

6. What are the two major categories of surrogate mothers?

ANS: The genetically related surrogate who supplies the egg; the nongenetically related surrogate who carries the egg supplied by another woman

7. If surrogate contracts are illegal in New Jersey, why was Baby M given to the parties who arranged the surrogate contract rather than to the surrogate mother?

ANS: The court determined that it would be in the best interests of the child, Baby M, to be with the biological father and his wife.

8. What are some of the arguments against allowing surrogate contracts?

ANS: Children will be psychologically damaged when they find out they were “bought.” Buying and selling babies violates the law against slavery. The poor will be exploited. Women may be pressured to have an abortion if the surrogate contract requires it, e.g., the child is likely to be born deformed.

9. What is provided in Alternative A of the Uniform Status of Children of Assisted Conception Act?

ANS: Surrogate contracts are allowed. A court hearing would be held in which the parties would submit medical evidence to prove that the would-be mother cannot bear her own children and that the surrogate mother is mentally and physically fit to bear the child. The surrogate mother can pull out of the agreement up to 180 days into her pregnancy.

10. What are the two tests used to determine which is the natural mother—the woman who provided the ova (egg) for the child or the surrogate who carried the child but is not genetically linked to it?

ANS: (1) The natural mother is the woman who had the intent to procreate and to raise the child even if she has no genetic link. (2) The natural mother is the woman with the genetic link to the child.

11. What are the two major categories of surrogate agreements?

ANS: commercial and noncommercial

Matching

Match each numbered entry with the most relevant lettered entry below.

- a. hereditary unit
 - b. fertilized egg
 - c. ART
 - d. carries a child for another
 - e. coordinator of services
- 12. surrogate
 - 13. in vitro fertilization
 - 14. broker
 - 15. gene
 - 16. embryo

Correct answer:

- 12. ANS: D
- 13. ANS: C

14. ANS: E
15. ANS: A
16. ANS: B

CHAPTER 17

True/False

Indicate whether the statement is true or false.

1. In many states, an award received by a spouse for a personal injury tort may be subject to property division for that part of the award that provides economic damages such as loss of income.
ANS: T
2. One spouse can sue another in tort only if the state has interspousal tort immunity.
ANS: F
3. A child can sue a parent for intentional or negligent injury to the child's property.
ANS: T
4. An emancipated child can sue a parent for intentional or negligent injury to the child's person.
ANS: T
5. The intrafamily tort immunity prevents a brother from bringing a tort action against his sister.
ANS: F
6. Wrongful life is an action by, or on behalf of, an unwanted child who is impaired in which the child seeks his or her own damages.
ANS: T
7. Wrongful birth is an action by the parents of an unwanted child who is impaired in which the parents seek their own damages.
ANS: T
8. Wrongful pregnancy is an action by the parents of an unwanted child who is healthy in which the parents seek their own damages.
ANS: T
9. A wife can sue for a loss of her husband's consortium only if the husband was not wrongfully injured.
ANS: F
10. Alienation of affections is a heart-balm action.
ANS: T
11. Parents are vicariously liable for all damages caused by the torts of their children.
ANS: F
12. Wrongful adoption requires an intentional withholding of information relevant to the decision of prospective adoptive parents.
ANS: F

Short Answer Essay

13. Define tort
ANS: A tort is a civil wrong that has caused harm to person or property for which the law will provide a remedy.

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14. Why is a court inclined to impose intrafamily tort immunity within a family that has liability insurance?

ANS: There is a danger that the parties will fabricate the tort in order to collect insurance.

Matching

Match each numbered entry with the most relevant lettered entry below.

- a. able to pay
 - b. civil wrong
 - c. alienation of affections
 - d. payment for another's wrong
 - e. interference with a child's contribution
15. vicarious liability
16. loss of services
17. tort
18. heart-balm action
19. deep pocket

Correct answer:

- 15. ANS: D
- 16. ANS: E
- 17. ANS: B
- 18. ANS: C
- 19. ANS: A