



# ST. JEROME'S UNIVERSITY

St. Jerome's University in the University of Waterloo  
Department of Sexuality, Marriage, and Family Studies  
SMF 350

## Love and the Law

Fall 2021

Remote Hybrid: Asynchronous Learning +  
Synchronous Zoom Class Wednesdays 11:30 am – 12:50 pm

### INSTRUCTOR INFORMATION

Instructor: Dr. Denise Whitehead (pronouns: she/her)  
Office: Sweeney Hall, 2217  
Phone: 519-884-8110 Ext. 28281  
(a message will be delivered to my computer)  
Office Hours: By appointment via email  
Email: [denise.whitehead@uwaterloo.ca](mailto:denise.whitehead@uwaterloo.ca)

### COURSE DESCRIPTION

SMF 350 LEC 0.50 Course ID: 015871

#### Love and the Law

Relationship breakdown is a social phenomenon that has legal consequences. This course provides students with a socio-legal foundation in current family law. Topics may include the court system, the litigation process, property division, spousal and child support, child co-parenting, child protection, high conflict families, and alternative dispute resolution processes.

*Prereq: Any 200-level SMF course; Level at least 3A.*

*Antireq: SMF 365 taken fall 2014 or winter 2016; SMF 366 taken winter 2017*

**COURSE STRUCTURE:** This course has been formulated as a HYBRID remote online course during this time of COVID-19. This means that there will be differences.

This hybrid course is being offered with one synchronous meeting time: Wednesdays 11:30 am to 12:50 pm over Zoom. This is half the amount of time we would normally meet if we were having in-person lectures. Therefore, we will need to make the most of our time together! This also means that I will be finding ways to encourage and support your learning in asynchronous ways each week including posting Powerpoint lectures on certain content.

**Weekly Time Allocation for SMF 350:** This may come as a surprise, but university students are generally expected to devote 2-3 hours of study time for each hour they spend in class. At UW class time is typically three hours. Therefore, reading, studying, and assignments should add up to an additional 6-9 hours per week per course (e.g., readings, studying, and completing assessments). **Thus, a reasonable amount of time for this course is approximately 9-12**

**hours/week.** (See <https://www.uwinnipeg.ca/accepted-students/what-to-study/how-many-courses-should-i-take.html>). Please work to get the most out of this course – you paid for it!!

**LEARN:** The LEARN D2L platform is a critical resource to this course. You are encouraged to become highly familiar with how to access content, lectures, and access information to assist you in completing this course and all related assessments.

LEARN also serves as the communication centre for me to keep in touch with all of you. You will see that I post reminders, updates and other little items that catch my attention that I want to share with you. Please access daily to stay current.

### **COURSE OBJECTIVES**

This course will provide students with a beginner foundational knowledge in family law addressing issues related to the court system, the litigation process, spousal and child support, child custody, child protection, supervised access, high conflict families, and consensual dispute resolution processes.

Increasingly, the family law justice system is drawing on non-lawyer expertise to deliver services for families. This course will address the typical legal issues that families encounter as well discuss alternative dispute resolution options and the roles that legal and non-lawyer family law justice professionals provide to support children and families in the family law process.

More importantly, many community service agencies serve clients who are coping with family law justice issues; having a working knowledge of their situation and being able to assist with referrals is a vital element in being able to effectively support individuals.

One of the central goals for this course is to create a learning environment wherein you may develop your knowledge base and your skills in critical thinking, writing, oral communication, and self-directed learning. My personal goal as an instructor is to facilitate a supportive class environment, to guide you to unpack course material in both critical and applied ways, and to encourage you to learn by communicating with each other through discussion. It is expected that you will have a lot of questions! I will do my best to answer them.

*Upon completion of this course, students should be able to:*

1. Apply and analyze the laws and regulations as applied to family to the creation and dissolution of relationships.  
(NOTE: In accordance with Bloom's Taxonomy of Learning of Educational Objectives this means that for this 300-level course I will be asking you to go beyond merely acquiring knowledge and comprehension but to reach higher order learning. One of the ways that this is supported is through open-book assignments. Understanding this goal means that you will want to do readings and prepare notes so that you are well positioned in the assessments to demonstrate your ability to apply and analyze the knowledge to a factual case rather than merely recite.)
2. Be aware of and critically analyze the social constructions and policy implications of the legal regulation of personal relationships.
3. Demonstrate enhanced critical thinking and written communication skills.
4. Demonstrate the ability to translate complex legal material for the general public.

**REQUIRED TEXTS** (and other readings as assigned throughout the course)

**Book 1: Required (Paperback) (and see eBook option further down)**

Title : Families and the Law 3<sup>rd</sup> ed

Author: Bakht et Pearlston

ISBN : 9781553223870

Price : \$98.50

APA: Mossman, M.J., Bakht, N., Gruben, V., & Pearlston, K. (2015). *Families and the Law: Cases and Commentary* (3rd Edition). Concord, ON: Captus Press.

**eBook Version**

<http://www.captus.com/information/eBook.htm>

- The eBook purchase link for Fall 2021 is available one week before class starts.
- Students can click on University of Waterloo link and then purchase access to the eBook for SMF 350 in Fall 2021.
- Online, streaming, term-based *Families and the Law, 3e* eBook is \$64 plus tax.

**Book 2: Required (Paperback)** (You can also find this through commercial book retailers) And Free ebook available

here: <https://www.reserves.uwaterloo.ca/ares/ares.dll?Action=10&Form=50&Value=164256>.

Title : Tug of War: A Judge's Verdict

Author: Brownstone

ISBN : 9781550228700

Price : \$19.95

APA: Brownstone, H. (2009). *Tug of war: A judge's verdict on separation, custody battles, and the bitter realities of family court*. Toronto: ECW Press

**How to purchase these books?**

You can log in to [UWaterloo BookLook](#), using your UWaterloo email and password, to view your personalized booklist and add items directly to your shopping cart.

A common list of online questions, such as shipping rates and returns, can be found on our website at [wstore.ca/help](http://wstore.ca/help).

If you need assistance with your online order, please email [wstore@uwaterloo.ca](mailto:wstore@uwaterloo.ca). A member of their team will reach out as soon as possible.

## COURSE REQUIREMENTS AND ASSESSMENT

Assessment	Due Date	Weighting towards final grade
Midterm Assessment: 24 hour take home Covers weeks 1 - 5	24 Hour Take Home Assessment Released Friday October 22 at 9 a.m. Due: Saturday October 23 by 9 a.m.	35%
Final Take Home Cumulative: covers the entire course	24 Hour Take Home to be given during the final examination period: Due: Saturday December 11 (more details to follow)	35%
Knowledge Translation: Fact Sheet/Poster/PSA/Video/Other format (with permission)	Individually or in pairs Due: Sun. Dec. 5 by 11:59 pm	30%

## COURSE SCHEDULE

Generally, this course runs on a Monday to Sunday schedule in the way that online lectures, Zoom meetings, readings and assignments are mapped. This varies slightly in the first Week 1 – which is short, and the last Week 12 – which is slightly longer. **Please think of this course as having a Monday/Wednesday teaching schedule. I will post the week’s Powerpoint lecture by end of Sunday so you can access it on Monday (or maybe Tuesday) so we will be ready for our Wednesday Zoom class.**

Readings are required as outlined below.

Additional items may be added (e.g., cases, news items, etc.)

Week/Dates	Topic	Readings	Due Dates
<b>1</b> Sept. 8-12 Zoom Class: Wednesday Sept. 8 11:30 am to 12:50 pm	WELCOME! Introductions and Orientation to the course	Please purchase books and get organized  Read: Mossman pp. 987-990 (this Epilogue is 3 pages)  Brownstone: Chapters 1-4 (pp. 1-48)  Note in Ch 3 Brownstone talks about testing hair for drugs. This type of testing has been discredited. Quite the scandal re experts. Read here: <a href="https://projects.thestar.com/motherisk/">https://projects.thestar.com/motherisk/</a>	Put assessment dates in your calendar ☺

Week/Dates	Topic	Readings	Due Dates
<p><b>2</b></p> <p>Sept. 13-19</p> <p>Zoom Class: Wed. Sept. 15</p> <p>11:30 am to 12:50 pm</p>	<p>Themes in family law</p> <p>Legal Primer overview</p>	<p>Mossman CH 1: pp. 9-51**note chart on page 51 (I recommend you flag that page and return often)</p> <p>Brownstone Chapters 5-9 (pp. 49-126)</p>	<p>Watch Legal primer lecture before Wednesday - Bring your questions to Wednesday's class</p>
<p><b>3</b></p> <p>Sept. 20-26</p> <p>Zoom Class: Wed. Sept. 22nd</p> <p>11:30 am to 12:50 pm</p>	<p>Forming Families: Marriage in the context of cohabitation</p>	<p>Mossman CH 2: pp. 55 – 163 (this looks like a lot of pages. Focus on what one needs to make a marriage legal and the various aspects that make a marriage void or voidable if they are present (like duress, lack of consent, etc.) Making a summary of this information will allow you to understand it and shorten the content considerably when it comes time for assignment/exams.</p> <p>Re Mossman pp 68-69 - please also read this Oct. 2020 news release regarding the recognition of Indigenous marriage ceremonies in Ontario <a href="https://news.ontario.ca/en/release/58746/ontario-recognizes-indigenous-marriage-ceremonies">https://news.ontario.ca/en/release/58746/ontario-recognizes-indigenous-marriage-ceremonies</a></p>	<p>Commentary Assessment:</p>
<p><b>4</b></p> <p>Sept. 27-Oct. 3</p> <p>Zoom Class: Wed. Sept. 29</p> <p>11:30 am to 12:50 pm</p>	<p>Forming Families: Parent-Child Relationships: Establishing parentage</p>	<p>Mossman CH 3: 165-218</p> <p>Review Brownstone Ch. 8: Paternity and Child Support</p>	

Week/Dates	Topic	Readings	Due Dates
<p><b>5</b></p> <p>Oct. 4-8</p> <p>Zoom Class: Wed. Oct. 6th</p> <p>11:30 am to 12:50 pm</p>	<p>Forming Families cont'd: Assisted Reproduction and Adoption</p>	<p>Mossman CH 3: 218-276</p>	
<p>Thanksgiving and Reading Week</p> <p>October: Saturday 9 - Sunday 17</p>	<p>Enjoy!! Rest. Have some fun. Get caught up.</p>	<p>No assigned readings this week!!</p>	<p>No assessments or coursework may be scheduled during this break! 😊</p>
<p><b>6</b></p> <p>Oct. 18-24</p> <p>Zoom Class: Wed. Oct. 20</p> <p>11:30 am to 12:50 pm</p>	<p>Family Dissolution: Principles and Processes</p>	<p>Mossman CH 5: Family Dissolution: Principles and Processes (pp. 369-477)</p>	<p>Take home midterm this week on content weeks 1-5. Released Friday</p>
<p><b>7</b></p> <p>Oct. 25-31</p> <p>Zoom Class: Wed. Oct. 27<sup>th</sup></p> <p>11:30 am to 12:50 pm</p>	<p>Children and family dissolution: Rights, Relationships and Economic Support</p> <p>(focus on custody and parenting plans)</p>	<p>Mossman CH 8 (pp. 817-922): Children and Family Dissolution: Rights, Relationships and Economic Support</p> <p>Re read Brownstone: Chapters 6-9</p> <p>And Brownstone: CH 13: Ten tips for success in resolving parenting disputes</p> <p>Read case: Chomos v. Hamilton (2016) <a href="https://www.canlii.org/en/on/onsc/doc/2016/2016onsc5208/2016onsc5208.pdf">https://www.canlii.org/en/on/onsc/doc/2016/2016onsc5208/2016onsc5208.pdf</a></p>	

Week/Dates	Topic	Readings	Due Dates
<p><b>8</b></p> <p>Nov. 1-7</p> <p>Zoom Class: Wed. Nov. 3rd</p> <p>11:30 am to 12:50 pm</p>	<p>Children and family dissolution: Rights, Relationships and Economic Support</p> <p>(focus on child support)</p>	<p>Mossman CH 8 (pp. 922-986): Children and Family Dissolution: Rights, Relationships, and Economic Support</p> <p>Re read Brownstone: Chapters 6-9</p> <p>Brownstone CH 12: So now what? After your dispute is resolved.</p> <p>What was this father thinking?? Read <a href="https://www.canlii.org/en/on/onsc/doc/2016/2016onsc2179/2016onsc2179.html">https://www.canlii.org/en/on/onsc/doc/2016/2016onsc2179/2016onsc2179.html</a></p>	
<p><b>9</b></p> <p>Nov. 8-14</p> <p>Zoom Class: Wed. Nov. 10th</p> <p>11:30 am to 12:50 pm</p>	<p>Family in the Shadow of the State: Responsibilities for Care and Protection</p>	<p>Mossman CH 4 (pp. 279-365): Responsibilities for Care and Protection</p> <p>Brownstone CH 10: Parallel cases in criminal and family court</p> <p>Brownstone CH 11: When private disputes become a public concern: Calling in the child protection authorities</p>	
<p><b>10</b></p> <p>Nov. 15-21</p> <p>NO Zoom Class (Cancelled)</p> <p>Online lectures only</p>	<p>Spousal Support</p>	<p>Denise @ NJI (Zoom Discussion about spousal support and property will be done in Week 11)</p> <p>Mossman CH 7: Spousal Support (pp. 677-816)</p>	
<p><b>11</b></p> <p>Nov. 22-28</p> <p>Zoom Class: Wed. Nov. 24th</p> <p>11:30 am to 12:50 pm</p>	<p>Property</p>	<p>Mossman CH 6: Families, Property, and Family Property: Principles of Equality and Equity</p>	

Week/Dates	Topic	Readings	Due Dates
<b>12</b> Nov. 29- Dec. 7 LAST Zoom Class: Wed Dec. 1st 11:30 am to 12:50 pm  <i>Note: Classes            at UW end            Tuesday            December 7</i>	Knowledge translation/PS A projects	See memo in LEARN that discusses the guidelines and expectations for this assignment.  Final Zoom Class: Course Wrap up/About the take home exam/Questions	Due: Sunday December 5 by 11:59 p.m.

### IMPORTANT DATES TO REMEMBER FALL 2021

Academic Deadlines per University of Waterloo Undergraduate Studies Academic Calendar

Tuesday September 21	Add period ends
Tuesday September 28	Drop deadline to withdraw from classes with 100% tuition refund
Wednesday September 29	Drop with WD (withdrew) grade assigned for course is dropped
Tuesday October 26	Deadline for 50% tuition refund
Tuesday November 23	Drop with WD ENDS: WD (withdrew) grade assigned for class(es) dropped
Wednesday November 24	Drop with WF begins: WF (withdrew/failure) grade assigned for classes dropped
Wednesday December 8 (note classes end December 7)	Drop with WF ENDS: last day to drop a class without a petition

### POLICY ON LATE WORK, MISSED ASSIGNMENTS, AND MAKE-UP TESTS

#### Illness

People get sick. And during this pandemic there are new ways to become ill. The best way to handle this situation is to keep me informed. This allows me to know what you are facing and for me to brainstorm options and solutions to help you complete the course.

*Self-declaration of COVID symptoms.* The University of Waterloo has provided a self-declaration for COVID symptoms for students via Quest. Please note that while I can access this

information you must ALSO email me if you have made this declaration.

<https://uwaterloo.ca/quest/help/students/how-do-i/self-declare-my-illness>

As you will see on the above website this is for 14 days. Other illnesses, or if the illness will last greater than fourteen days, must be reported using the **Verification of Illness Form**

As the website notes:

“Ultimately, the authority for deciding whether your request for consideration will be granted rests with the instructor. Regardless of whether consideration is provided, you are responsible for contacting the instructor/faculty member to discuss how you will meet the course requirements.”

### **Late Assignments & Take Home Exams**

Generally, due dates must be adhered to. It allows you, the student, to make timely and consistent progress in completing the course. If you are ill or have accommodations through AccessAbility I would be pleased to discuss options to help support you in the successful completion of this course. If your assignment is late without a documented reason then my late policy will apply:

- 10%/day penalty off your assessed grade.
- After 3 days late I will no longer accept your assignment/exam and you will be assessed a grade of zero.

Reminder the clock starts on the day and at the time it is due. You are not required to notify me that you are handing in something late, but checking in with me to let me know something is coming late, rather than simply forgotten, is appreciated (and I worry a bit less).

### **Make-up Tests**

This is NOT applicable in this year of online learning and take home assessments and exams.

### **RULES FOR GROUP WORK IN ASSIGNMENTS**

All take home exams are to be completed **without consultation of classmates or any other person**. The one exception is if you choose to work with a partner for the knowledge translation project. If you choose to work in partnership with someone else you must complete the [Group Assignment Checklist](#) and this MUST be submitted with the assignment.

### **ATTENDANCE POLICY**

Zoom classes on Wednesday are required. Please maximize your learning by reviewing Powerpoint lectures and completing readings. Participation will be actively encouraged and expected.

### **CORRESPONDENCE**

Email is generally answered within 24-48 hours– Monday to Friday – and at other times when I am able. If you haven't heard from me within 48 hours during the business week, please resend your email in case I didn't receive or it got lost. Generally, I do not respond to email on weekends or to last minute requests (e.g., right before an assignment is due). Please ensure you

give me enough time to problem solve.

Please be professional in your emails and include the following:

- A personal address: For example, Dear Denise (preferred) or, if you are more comfortable, Dear Professor Whitehead or Dear Dr. Whitehead
- In the Subject line please note the course you are in: SMF 350 and a short description of your query
- Your request/question
- A signature line: For example, Sincerely Sarah; Kind Regards, Sayeed; Best, Mija

**PLEASE contact me** if you are having medical/psychological or other issues that are compromising your ability to complete the course successfully. Generally, tackling these issues earlier, rather than later in the course, allows for more options. Please access the resources available to you as outlined further on in this syllabus.

## **OTHER IMPORTANT INFORMATION**

### **Intellectual Property**

Students should be aware that this course contains the intellectual property of their instructor(s), TA, and/or St. Jerome's University.

Intellectual property includes items such as:

- Lecture content, spoken and written (and any audio/video recording thereof);
- Lecture handouts, presentations, and other materials prepared for the course (e.g., PowerPoint slides);
- Questions or solution sets from various types of assessments (e.g., assignments, quizzes, tests, final exams); and
- Work protected by copyright (e.g., any work authored by the instructor or TA or used by the instructor or TA with permission of the copyright owner).

Course materials and the intellectual property contained therein, are used to enhance a student's educational experience. However, sharing this intellectual property without the intellectual property owner's permission is a violation of intellectual property rights. For this reason, it is necessary to ask the instructor, TA, and/or St. Jerome's University for WRITTEN permission before uploading and sharing the intellectual property of others online (e.g., to an online repository).

Permission from an instructor, TA, or the University is also necessary before sharing the intellectual property of others from completed courses with students taking the same/similar courses in subsequent terms/years. In many cases, instructors might be happy to allow distribution of certain materials. However, doing so without express written permission is considered a violation of intellectual property rights.

Please alert the instructor if you become aware of intellectual property belonging to others (past or present) circulating, either through the student body or online. The intellectual property rights owner deserves to know (and may have already given their consent).

**Academic Integrity:** In order to maintain a culture of academic integrity, members of the University of Waterloo community are expected to promote honesty, trust, fairness, respect, and responsibility. Check [www.uwaterloo.ca/academicintegrity/](http://www.uwaterloo.ca/academicintegrity/) for more information.

**Grievance:** A student who believes that a decision affecting some aspect of their university life has been unfair or unreasonable may have grounds for initiating a grievance. Read the St. Jerome's University Policy on [Student Petitions and Grievances](#). When in doubt, please be certain to contact the St. Jerome's Advising Specialist, Student Affairs Office, who will provide further assistance.

**Discipline:** A student is expected to know what constitutes academic integrity, to avoid committing an academic offence, and to take responsibility for their actions. Check [www.uwaterloo.ca/academicintegrity/](http://www.uwaterloo.ca/academicintegrity/) for more information. A student who is unsure whether an action constitutes an offence, or who needs help in learning how to avoid offences (e.g., plagiarism, cheating) or about "rules" for group work/collaboration should seek guidance from the course instructor, academic advisor, or the Associate Dean. When misconduct has been found to have occurred, disciplinary penalties will be imposed under the St. Jerome's University Policy on [Student Discipline](#). For information on categories of offences and types of penalties, students should refer to University of Waterloo [Policy 71, Student Discipline](#). For typical penalties, check the [Guidelines for the Assessment of Penalties](#).

**Appeals:** A decision made or penalty imposed under the St. Jerome's University Policy on Student Petitions and Grievances (other than a petition) or the St. Jerome's University Policy on Student Discipline may be appealed if there is a ground. A student who believes they have a ground for an appeal should refer to the St. Jerome's University Policy on [Student Appeals](#).

**Note for students with disabilities:** [AccessAbility Services](#), located in Needles Hall (Room 1401) at the University of Waterloo, collaborates with all academic departments to arrange appropriate accommodations for students with disabilities without compromising the academic integrity of the curriculum. If you require academic accommodations to lessen the impact of your disability, please register with AccessAbility Services at the beginning of each academic term.