

Course Outline

COURSE:	LAWS 3804 A – Law of the Family
TERM:	Winter 2025
PREREQUISITE:	LAWS 2201 and LAWS 2202.
CLASS:	Day & Time: Online Asynchronous Room: Please check Carleton Central for current Class Schedule Meetings are in-person synchronous unless otherwise indicated.
INSTRUCTOR:	Rebecca Jaremko Bromwich
CONTACT:	Office: By appointment Hrs: Email: Rebecca.Bromwich@Carleton.ca
BRIGHTSPACE:	https://brightspace.carleton.ca/d2l/home/292721

CALENDAR COURSE DESCRIPTION

Legal framework surrounding the family and family relationships in Canadian society. Topics include marriage and cohabitation, matrimonial support, custody and access, and dissolution of marriage. State interventions through law; law and change in family structures; equality issues; dispute resolution processes.

COURSE DESCRIPTION

This course is online and asynchronous. There are eleven recorded lectures. Students can progress through the course at their own pace over the term.

This course presents an overview of laws about the family, familial relationships and family breakdown in Canada. These laws will be considered in the context of critical, feminist and critical race theory-based legal scholarship through perspectives on themes that include:

- Inquiring into the relationship of law to social change,

- Questioning where state regulation should intersect with family lives,
- Considering socio-economic and cultural implications of family law,
- Exploring domestic violence as a gendered problem, and
- Critiquing the relevance of factors such as gender, sexual orientation, culture, class and race to family law.

Topics include cohabitation, domestic contracts, marriage, and dissolution of marriage, separation, support, custody and access. Further topics addressed include adoption, child protection, and naming and property division. Engagement with alternative possibilities and critical inquiry into the legal framework governing families in Canada is encouraged.

LEARNING OUTCOMES

Family law is a complex area of law that continues to undergo significant change. Accordingly, this course cannot be comprehensive in its treatment of any particular issue within family law or of family law in totality. Instead, this course aims to do the following:

- Explore and critique principles relating to state regulation of families through law;
- Find relevant legislation and case law and to identify current family law issues
- Cultivate an ability to craft family law and policy arguments
- Discuss. Demonstrating they can think and talk about debates that shape and inform family law in Canada and to consider law reform.

REQUIRED TEXTS

The readings for this course are from:

Julien and Marilyn Payne, *Canadian Family Law* (9th Ed) Toronto, Irwin Law, 2022.

The textbook is available online and may be purchased online through the Carleton University bookstore website. Bookstore is offering a variety of ways for students to get their textbooks, including domestic and international shipping, digital options (where available), and in-store pickup. <https://www.bkstr.com/carletonstore/home>

It is sufficient to consult this book in the library. Students are not required to purchase textbooks or other learning materials for this course.

EVALUATION

Weekly Reflection Log:	40%
Term Paper:	30%
Final Take-home Exam:	<u>30%</u>
Total:	100%

Weekly Reflection Log (40%): Every week you are expected to write a 200-250 words summary of a broad topic (the summary must be your own words) that reflects your understanding of the topic.

All reflections are submitted together at the end of term.

Term Paper (30%): A 10-page double spaced research paper on a subject of the student's choosing relating to family law. Topics must be approved by the instructor by week 4. At least 5 scholarly sources must be referenced.

Final Take-home Exam (30%): The final exam will be essay format. You will be asked to answer two to three long questions during the examination period. More information regarding the take-home exam will be posted on Brightspace later.

- Standing in a course is determined by the course instructor, subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.
- All components must be successfully completed in order to get a passing grade.

Students who cannot attend on-campus assessments in person may apply to write their exams remotely, if they meet certain criteria. More information for instructors and students is available at <https://carleton.ca/ses/distance-exams/>.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

The granting of extensions is determined by the instructor, who will confirm whether an extension is granted and the length of the extension. For requests for short-term extensions, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/academic-consideration-coursework-form/>.

Final exam deferrals must be applied for at the Registrar's Office. Please view the following link for more information and how to apply for a deferral: <https://carleton.ca/registrar/deferral/>

For more information regarding academic consideration for short-term incapacitation (illness, injury, or extraordinary circumstances beyond a student's control), please visit the following link: <https://students.carleton.ca/course-outline/#academic-consideration-for-short-term-incapacitation>

Final Grade Approval

Standing in a course is determined by the course instructor subject to the approval of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Dean.

SCHEDULE

1. Introduction: The Family and Family Law

Class Number 1 (Week of Jan 06):

Introduction and Syllabus
Histories, Definitions and Legal Change

Reading: Chapter 1

the public/private divide
Histories: legal and personal - adults, children and communities state, family and the market
religion
questions in the 21st century

Legal Framework

the Constitution Act, 1867 the Charter and family law judicial jurisdiction
First Nations and family law international law

Class Number 2 (Week of Jan 13):

2. Creating the Family

Cohabitation and Contracting a Valid Marriage Customary and Same-Sex Marriage
Reading: Chapter 2 - Marriage

Statutes: Marriage Acts

legal organization of personal relationships formal and essential validity of marriage partnership registration
(European examples) polygamy

customary marriage
same-sex cohabitants and marriage EGALE v. Canada

Class Number 3 (Week of Jan 20):

Having Children: Who is a Parent? Issues in Adoption

Reading: pp. 2, 37, 39, 49-50, 64, 125-26, 467, 556, 562

donor insemination surrogacy
lesbian and gay parenting introduction to adoption legislative framework King v. Low

Re: K
grandparents
race, culture and adoption Racine v. Woods
D.H. v. H.M.
customary adoption consent

Class Number 4 (Week of Jan 27):

Legal Regulation of Family Life

Child Protection
First Nations and Child Protection

Reading: pp. 118- 133

child abuse within the family
religion and family law
section 43 of the Criminal Code
Child, Family and Community Service Act, Ontario familial autonomy, culture and religion

Class Number 5 (Week of Feb 03):

Domestic Violence and Woman Abuse First Nations and Domestic Violence

Reading: Chapter 5

civil law and domestic violence criminal law and domestic violence culture, class and stereotypes

Class Number 6 (Week of Feb 10):

Family Breakdown: Divorce, Separation and Corollary Issues

Family Breakdown
Counselling, Mediation and Family Law

Reading: Chapter 6

consequences of separation and divorce the Charter and family breakdown
the legal framework
divorce in context

Week of Feb 17: Winter Break, No classes

Class Number 7 (Week of Feb 24):

gender equality in the justice system process issues
access to justice
collaborative law

family mediation
Hartshorne v. Hartshorne: marriage contracts

Class number 8 (Week of Mar 03):

Child Custody

Reading: Chapter 10

best interests of the child
Young v. Young
the relevance of conduct, race and lifestyle Van de Perre v. Edwards
joint custody and the primary caregiver

Access, Mobility and Abduction

Reading: pp. 526-563

the access parent grandparents
mobility: Gordon v. Goertz abduction

efforts to amend the Divorce Act
efforts to amend the Family Relations Act

Class Number 9 (Week of Mar 10):

Economic Consequences of Family Breakdown

Matrimonial Property

Reading: Chapter 12

rationales and principles
“feminization of poverty”
Kerr v. Baranow, [2011] SCC 10
Walsh v. Bona
property claims of unmarried cohabitants constructive trusts
family assets
ordinary use for a family purpose hobbies
debts

Class Number 10 (Week of Mar 17):

Spousal Support Contracts and Guidelines

Reading: Chapter 8

rationales and principles
M. v. H.
competing models of support self-sufficiency model compensatory model

Moge v. Moge
Bracklow
separation agreements and variation Miglin v. Miglin
Spousal Support Advisory Guidelines

Class Number 11 (Week of Mar 24):

Child Support Review

Reading: Chapter 9 and pp. 522 – 526

responsibility for child support
defining the parent child relationship introduction to federal child support guidelines application of child support principles
Francis v. Baker
“retroactive” child support
enforcement of child support
Dickie v. Dickie

Class Number 12 (Week of Mar 31): Review and Consolidation of Material – Futures of Family Law

April 26 Take-Home Final Due

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POLICY ON PERMISSIBILITY OF SUBMITTING SAME WORK MORE THAN ONCE, PERMISSIBILITY OF GROUP OR COLLABORATIVE WORK, AND USE OF GENERATIVE ARTIFICIAL INTELLIGENCE

Winter 2025 Sessional Dates and University Closures	
<i>Please find a full list of important academic dates on the calendar website: https://calendar.carleton.ca/academicyear/</i>	
January 6, 2025	Winter term begins.
January 17, 2025	Last day for registration and course changes (including auditing) in winter courses.
January 31, 2025	Last day to withdraw from full winter courses and the winter portion of fall/winter courses with a full fee adjustment.
February 17-21, 2025	Winter break, no classes.
March 15, 2025	Last day for academic withdrawal from winter courses.
March 25, 2025	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in winter term or fall/winter undergraduate courses, before the official April final examination period.
April 8, 2025	Winter term ends.
	Last day of winter and fall/winter classes.
	Last day for final take-home examinations to be assigned.
April 9-10, 2025	No classes or examinations take place.
April 11-26, 2025	Final examinations in winter and fall/winter courses will be held.
April 18, 2025	Statutory holiday. University closed.
April 26, 2025	All final take-home examinations are due on this day, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar.

UNIVERSITY AND DEPARTMENTAL POLICIES

PLAGIARISM

The University Academic Integrity Policy defines plagiarism as “*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.*” This includes reproducing or paraphrasing portions of someone else’s published or unpublished material, regardless of the source, and presenting these as one’s own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another’s data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one’s own; and
- failing to acknowledge sources through the use of proper citations when using another’s work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course’s instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of “F” for the course.

STATEMENT ON STUDENT MENTAL HEALTH

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you. For more information, please consult <https://wellness.carleton.ca/>

Emergency Resources (on and off campus):

- <https://wellness.carleton.ca/get-help-now/>

Carleton Resources:

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources:

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

ACADEMIC ACCOMMODATIONS

Carleton is committed to providing academic accessibility for all individuals. You may need special arrangements to meet your academic obligations during the term. The accommodation request processes, including information about the Academic Consideration Policy for Students in Medical and Other Extenuating Circumstances, are outlined on the Academic Accommodations website (students.carleton.ca/course-outline).

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows.

Pregnancy Obligation and Family-Status Related Accommodations

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details about the accommodation policy, visit the [Equity and Inclusive Communities \(EIC\)](#) website.

Religious Obligation

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>.

Academic Accommodations for Students with Disabilities

The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation.

You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and where survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/equity/sexual-assault-support-services>

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit: <https://students.carleton.ca/services/accommodation/>.

Academic Consideration for Medical and Other Extenuating Circumstances

Due to medical and other extenuating circumstances, students may occasionally be unable to fulfill the academic requirements of their course(s) in a timely manner. The University supports the academic development of students and aims to provide a fair environment for students to succeed academically. Medical and/or other extenuating circumstances are circumstances that are beyond a student's control, have a significant impact on the student's capacity to meet their academic obligations, and could not have reasonably been prevented.

Students must contact the instructor(s) as soon as possible, and normally no later than 24 hours after the submission deadline for course deliverables. If not satisfied with the instructor's decision, students can conduct an "informal appeal" to the Chair of the department within three (3) working days of an instructor's decision. We have created a webform specifically for appeals to the Chair, which can be found here: <https://carleton.ca/law/application-for-review-of-refusal-to-provide-academic-consideration/>. *Note: This form only applies to LAWS courses and is not the same as a formal appeal of grade.* More information about the academic consideration can be found [here](#).

