

Law 212-002| Virginia Family Law | Spring 2025 | 3 credits

Professor(s): Nathan J. Olson & Stephanie J. Smith

Mon. & Wed., 8:10 – 9:35 pm EST | **Final Exam:** Thursday, May 8, 6:00 pm EST

Reading(s): [RECOMMENDED] The current edition (2019 or newer) of Family Law: Theory, Practice, and Forms by Cecka, Diehl, and Cottrell. This book is accessible, electronically, through Westlaw. You are not required to purchase this book.

There are no assigned books or materials for this course. With that said, students should have access to the Virginia Code (with annotations), Rules of Supreme Court of Virginia (with annotations), and Virginia Forms.

Communication(s): Email: nolson@cgglawyers.com / ssmith@cgglawyers.com

Office Hours: There will be no formal office hours as the professors do not maintain an office at the law school. Professors can be available by appointment and by email.

COURSE DESCRIPTION

This course will provide students with a background in family law with a focus on Virginia law. The course is designed to provide insight into the practice of family law and prepare students for family law questions on the Virginia Bar Exam. The adjunct professors for this course are partners at a Fairfax family law firm with a combined 34 years of family law practice.

Class Format

This course will be organized around the three main legal issues that arise in Virginia family law cases: child custody and visitation; spousal and child support; and property division. The format of the class itself will include lectures, and when feasible, group discussions, and some breakout group exercises.

COURSE OBJECTIVES

We design this course so that students obtain the following:

- A general understanding of family law as practiced in Virginia;
- Knowledge on Virginia family law to assist them in taking the Virginia Bar Exam;
- An understanding of how Title 20 of the Virginia Code is used and interpreted by Virginia Courts; and
- Real world examples of how laws affect the everyday person.

GRADING & PARTICIPATION

Substantive grades will be based on two components: one final exam and class participation/professionalism (as detailed below).

Course Component	Description	Total Grade Percentage
Final Exam	Timed multiple choice and essay questions on all course material	80%
N/A	Class Participation/Professionalism	20%

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COURSE SCHEDULE & ASSIGNMENTS*

*This schedule and assigned readings are subject to change throughout the semester.

Date	Description	Readings
	Introduction Section (Olson & Smith)	
1/22/24	Course introduction; course expectations; basics of family law practice; description of Virginia court system (jurisdiction and appeals).	Statutes on JDR procedure and jurisdiction. Va. Code 16.1-226 to 16.1-228 Va. Code 16.1-241 to 16.1-245 Va. Code 16.1-296 to 16.1-297
1/27/24	Divorce procedure: grounds for divorce; jurisdiction, service; and initial pleadings.	Va. Code 20-91 Va. Code 20-94 to 20-97 Va. Code 20-116 to 20-121.02 Va. Code 20-99 to 20-99.2 Va. Code 8.01-261(19) Va. Code 8.01-288 Va. Code 8.01-296 Va. Code 8.01-320 Va. Code 8.01-322 Va. Code 8.01-328.1A(8)-(9) Blackson, 40 VA App 507 (Va. Ct. App. 2003) Petachenko, 232 Va. 296 (1986)
	Custody and Visitation Section (Smith)	
1/29/24	Custody introduction; definitions and overview of relevant statutes; the “best interests” analysis	Chapter 6.1 of Title 20 of Code of Virginia Va. Code 20-124.2 to 20-124.3 Va. Code 20-103 Va. Code 16.1-228 Vissicchio, 27 Va. App. 240 (Va. Ct. App. 1998)

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		Canedo, 2013 Va. App. LEXIS 61 (Va. Ct. App. 2013)
2/3/24	Modification of custody; Parental relocation; UCCJEA and international child custody issues	Va. Code 20-124.2 Va. Code 20-124.5 Keel, 225 Va. 606 (Va. 1983) Carpenter, 220 Va. 299 (Va. 1979) Sullivan v. Knick, 38 Va. App. 773 (Va. 2002) “Sullivan I” Sullivan v. Jones, 42 Va. App. 794 (Va. Ct. App. 2004) “Sullivan II” Chapter 7.1 of Title 20 of Code of Virginia Middleton, 227 Va. 82 (Va. 1984)
2/5/24	Divorce fault and custody; Third party custody	Va. Code 20-124.3 Va. Code 20-124.1 Va. Code 20-124.2(B) Va. Code 16.1-241(A)(7) Brown, 218 Va. 196 (Va. 1977) Brinkley, 1 Va. App. 222 (Va. Ct. App. 1985) Ford, 14 Va. App. 551 (Va. Ct. App. 1992) Bailes, 231 Va. 96 (Va. 1986) Shortridge, 224 Va. 589, 299 S.E.2d 500 (Va. 1983) Patrick, 228 Va. 691 (Va. 1985) Florio, 277 Va. 566 (Va. 2009) Brown, 30 Va. App. 670 (Va. 1999) Denise, 46 Va. App. 372 (Va. 2005)

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		Williams, 256 Va. 19 (Va. 1998) Dotson, 29 Va. App. 635 (Ct. App. 1999) Moore v. Joe, Record No. 0098-22-1 (Ct. App. Jan. 24, 2023)
2/10/24	Child testimony; Role of a Guardian ad litem for children; Abuse and neglect overview & Review of Custody/Visitation Section (Come ready with questions)	Va. Code 20-124.2:1 Va. Code 16.1-266 Va. Sup. Ct. R. 8:6 Va. Code 16.1-228 definition of “Abused or neglected child” Va. Code 16.1-251-253 Va. Code 16.1-278.2 Va. Code 16.1-283 Va. Code 63.2-100 Va. Code 63.2-1509 Haase, 20 Va. App. 671 (Va. Ct. App. 1995) Rhodes, 2015 WL 6690098 (Va. Ct. App. 2015) Review Canedo, 2013 Va. App. LEXIS 61 (Va. Ct. App. 2013) Handout: Standards to Govern the Performance of Guardians Ad Litem for Children
	Spousal and Child Support Section (Olson)	
2/12/24	Support Generally	Va. Code 20-60.1-60.6 Va. Code 20-61 to 20-88.02:1 Va. Code 20-109.1
2/17/24	Spousal Support Part 1 (Pleading, Factors, Amount, and Duration)	Va. Code 20-107.1 Va. Code 20-108.1 Va. Code 20-109.1

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Date	Description	Readings
		Va. Code 20-79 Boyd, 2 Va. App. 16 Ozfidan, 2017 Va. App. Lexis 5 Floyd, 1 Va. App. 42 Lightburn, 2009 Va.App.Lexis 459 Smith, 2008 Va. App. Lexis 62 Johnson, 2011 Va. Cir. Lexis 32 Decamp, 64 Va. App. 137 Wiley, 2017 Va. App. Lexis 33 Lee, 2000 Va. App. Lexis 689 Barnes, 16 Va. App. 98 Jaffe, 1997 Va. App. 399 Bacon, 3 Va. App. 484 Millner, 2004 Va. App. Lexis 338 Mundy, 66 Va. App. 177 Giraldi, 64 Va. App. 676
2/19/24	Spousal Support Part 2 (Modification, Termination, and Enforcement)	Va. Code 20-79.1 to 20.79.3 Va. Code 20-80 Va. Code 20-109 Va. Code 20-99.1:1 Va. Code 20-110 Va. Code 20-113 to 20-114 Miller, 2015 Va. App. Lexis 201 Slye, 2014 Va. App. Lexis 26 Allison, 1996 Va. App. Lexis 271 Antonelli, 242 Va. 152 Driscoll, 59 Va. App 22 Zipf, 8 Va. App. 387 Cid, 2012 Va. App. Lexis 213 LaBrie, 2015 Va. App. Lexis 102 Blair, 2015 Va. App. Lexis 151 Childress, 88 Va. Cir. 403

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Date	Description	Readings
		Smith, 2012 Va. App. Lexis 148
2/24/24	Spousal Support 3 (Modification, Termination, and Enforcement)	Va. Code 20-79.1 to 20.79.3 Va. Code 20-80 Va. Code 20-109 Va. Code 20-99.1:1 Va. Code 20-110 Va. Code 20-113 to 20-114 Miller, 2015 Va. App. Lexis 201 Slye, 2014 Va. App. Lexis 26 Allison, 1996 Va. App. Lexis 271 Antonelli, 242 Va. 152 Driscoll, 59 Va. App 22 Zipf, 8 Va. App. 387 Cid, 2012 Va. App. Lexis 213 LaBrie, 2015 Va. App. Lexis 102 Blair, 2015 Va. App. Lexis 151 Childress, 88 Va. Cir. 403 Smith, 2012 Va. App. Lexis 148
2/26/24	Child Support Part 1 (Pleading, Factors, Duration, Modification, Termination, and Enforcement)	Va. Code 20-79 Va. Code 20-107.2 Va. Code 20-108.1 Va. Code 20-108.2 Va. Code 20-108 Va. Code 20-113 Va. Code 20-114 Va. Code 20-115 Acree, 342 S.E.2d 68 (1986) Jones, 595 S.E.2d 501 (2004) Tidwell, 67 Va. App. 668 (2017)
3/3/24	Child Support Part 2 (Pleading, Factors, Duration, Modification, Termination, and Enforcement)	Va. Code 20-79 Va. Code 20-107.2 Va. Code 20-108.1 Va. Code 20-108.2 Va. Code 20-108 Va. Code 20-113

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		Va. Code 20-114 Va. Code 20-115 Acree, 342 S.E.2d 68 (1986) Jones, 595 S.E.2d 501 (2004) Tidwell, 67 Va. App. 668 (2017)
3/5/24	UIFSA/Military Support Issues	Va. Code 20-88.32 to 20-88.82
	SPRING BREAK 3/10-3/14	
3/17/24	Support Calculation (Warning, math involved!)	Va. Code 20-108.2 (and Virginia Support Guidelines)
3/19/24	Review of Support Section (Come ready with questions)	Review of all previous readings for Support Section
	Property Division Section (Smith)	
3/24/24	Introduction to Equitable Distribution; Overview of statute; pendente lite Orders	Va. Code 20-107.3 Va. Code 20-103 Fox, 61 Va. App. 185 (Va. Ct. App. 2012)
3/26/24	Valuing property; Dissipation; Alternate valuation dates	Va. Code 20-107.3 Wright, 61 Va. App. 432 (2013)
3/31/24	Classifying property (separate, marital, hybrid); transmutation of property; division of property; factors of 20-107.3 (Part 1)	Va. Code 20-107.3
4/2/24	Classifying property (separate, marital, hybrid); transmutation of property; division of property; factors of 20-107.3 (Part 2)	Va. Code 20-107.3
4/7/24	Business interests; Real estate	Howell, 31 Va. App. 332 (Va. Ct. App. 2000) Wright, 61 Va. App. 432 (Va. Ct. App. 2013) Hart, 27 Va. App. 46 (Va. Ct. App. 1998)

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		Brandenburg, 617 S.W.2d 87 (Ky. 1981) Keeling, 47 Va. App. 484 (Va. Ct. App. 2006) Rinaldi, 53 Va. App. 61 (Va. Ct. App. 2008)
4/9/24	Retirement assets; Stock options	Sawyer, 1 Va. App. 75 (Va. Ct. App. 1985) Dietz, 17 Va. App. 203 (Va. Ct. App. 1993) Ranney, 45 Va. App. 17 (Va. Ct. App. 2005) Schuman, 282 Va. 443 (Va. 2011)
4/14/24	Special Topics: Fault and property division; Unique personal property (engagement rings, pets, collectibles) and “Mini” Review of Property Division Section	Aster, 7 Va. App. 1 (Va. Ct. App. 1988) O’Loughlin, 20 Va. App. 522 (Va. Ct. App. 1995) Hicks, 80 Va. Cir. 412 (Va. Cir. Ct. 2010) Conahan-Baltzell, 2004 Va. App. LEXIS 412 (Va. Ct. App. 2013) Arbuckle, 22 Va. App. 362 (Va. Ct. App. 1996)
	Miscellaneous Topic Section	
4/16/24	Domestic Violence/Protective Orders; Testimony by Spouses; Tortious Interference with Parental Rights	Va. Code 16.1-228 definition of “Family abuse” and “Family or household member” Va. Code 16.1-253.1 Va. Code 16.1-253.2 Va. Sup. Ct. R 2:504 Wyatt, 283 Va. 685, S.E.2d 555 (Va. 2012)
4/21/24	Premarital and Marital Settlement Agreements; Collaborative Divorce and Alternative Dispute Resolution (Guest Speakers!)	Va. Code 20-38.1 Va. Code 20-40 Va. Code 20-43 Va. Code 20-45.1

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		Va. Code 20-89.1 Va. Code 20-90 Va. Code 20-147 to 20-155 Va. Code 20-109.1 Va. Code 20-124.4 Chapter 11. of Title 20 of Uniform Code of Virginia Uniform Collaborative Law Act
4/23/24	Final course review (Come ready with questions)	N/A