

Family Law Outline

I. Entering Marriage

A. Binding K: Exchange of mutual promises for mutual consideration and sanctioned by the State

1. State has a vested interest in marriage- propagate human race, welfare, and state must regulate dissolution.
2. La. Covenant Marriage: couples agree to premarital counseling & not to file for no-fault divorce, and only traditional grounds.
3. Marriage license fee reduction for completion of premarital preparation course (FL)
 - i. FL high school students must take a req'd course
 - ii. Engaged couples are encouraged to take 4 hour course for a reduced fee
 - iii. Couples applying for license will be given a handbook
 - iv. Couples with kids who file for divorce must take course.

B. Statutory Requirements

1. Some states req. blood tests- not FL.
2. Marriage license req'd
3. Ceremony to be performed by ordained ministers or elders in communion w/some church, or other ordained clergy, judicial officers, clerks of circuit courts, and notaries, Quakers or another authorized of solemnize a marriage.
4. Age req'ments vary but generally parties must be 18.
 - i. exceptions:
 - a. 16-18 Parental consent req'd of 1 or more parent unless parents are deceased, minor was previously married, is parent of child, or female minor is pregnant.
 - b. Under 16 Judge has discretionary power to issue license to minors who swear they are parents of child or who are expectant mothers
 - c. Non-age=voidable marriage (subject to annulment by minor)
5. Incestuous Marriages Prohibited
 - i. State statutes determine what is an incestuous marriage, usually prohibited by degree of consanguinity
 - ii. Full faith and credit applied unless it would violate the public policy of that state, determined on a case-by-case & state-by state basis.
 - iii. FL allows marriage b/w 1st cousins
 - iv. FL bars by lineal consanguinity
 - v. FL=voidable (majority=void)

Same Sex Marriages