
**AALS FAMILY AND JUVENILE LAW
SECTION NEWSLETTER*
Winter 2017**

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TABLE OF CONTENTS

SECTION LEADERSHIP	1
MESSAGE FROM THE CHAIR	1
MESSAGE FROM THE CHAIR-ELECT	2
UPCOMING EVENTS & CALLS FOR SUBMISSION	8
MEMBER NEWS & RECENT AND FORTHCOMING PUBLICATIONS	15

SECTION LEADERSHIP

Section Officers:

- Chair: Jill Hasday, University of Minnesota Law School, jhasday@umn.edu
- Chair-Elect: Jessica Dixon Weaver, SMU Dedman School of Law, jdweaver@mail.smu.edu
- Secretary-Treasurer: Cynthia Godsoe, Brooklyn Law School, cynthia.godsoe@brooklaw.edu

MESSAGE FROM THE CHAIR

Jill Hasday
Distinguished McKnight University Professor and Centennial Professor of Law
University of Minnesota Law School

—
I look forward to seeing many of you at the 2018 AALS Conference in San Diego.

I also wanted to let you know that the University of Minnesota Law School will be hosting the next North American Regional Conference for the International Society of Family Law. The conference will be held in Minneapolis on April 27 and 28. Proposals to participate in the conference should be sent by **February 1** to June Carbone <jcarbone@umn.edu>. Please click [here](#) for more information about the event.

**This newsletter is a forum for the exchange of ideas. Opinions expressed here are not necessarily those of the Section and do not necessarily represent the position of the Association of American Law Schools.*

It has been a pleasure to serve as this year's section chair. All best wishes for a wonderful new year.

MESSAGE FROM THE CHAIR-ELECT

Jessica Dixon Weaver - Message from the Chair-Elect

I am looking forward to seeing many of you in a couple of weeks at the 2018 AALS Annual Meeting in San Diego, California! We have a great slate of panels that our section is sponsoring and co-sponsoring. I have listed the panels and times below, as well as some other panels that you may be interested in attending as family and juvenile law scholars. There are also some exciting Calls For Papers for spring conferences listed below as well. I encourage you to submit works-in-progress and consider joining a robust set of events for 2018.

Our section will be holding a brief meeting on January 5, 2018 at 12 noon, after our last panel presentation. If you are interested in serving as the section secretary or on the executive committee, please come to the meeting. We will have a brief nomination and voting process for the secretary position. If you are interested in the secretary position and will not be in attendance this year, please email me at jdweaver@smu.edu so that you can be nominated.

2018 AALS Annual Meeting Section Events

FRIDAY - JANUARY 5, 2018

Joint Program with AALS Sections on Family and Juvenile Law, Children and the Law, and Aging and the Law

The composition and structure of the American family has changed significantly in the last 65 years. From the decline of marriage and fertility to the increase in blended families, interracial relationships, and single parenthood, the face of the family is visibly different. The legalization of same sex marriage, the rise in the number of working women and fathers who share in household and childcare responsibilities, and the growing number of aging family members who need daily care has also impacted how families function. In some ways federal and state family laws precipitated these changes and opened the door for the new trends, but in other ways the law has been mired down in tradition, making it more difficult for the modern family to operate. This panel explores the ways in which family law and other related laws lie behind the curve in areas such as reproduction, custody, companionship, and caretaking. Panelists will also examine the various consequences of this gap between law and the realities of families today, as well as consider ideas and current efforts being made to close the divide.

Papers from this program will be published in *Family Law Quarterly*.

Keeping Up with the Changing Face of the American Family

Date: Friday, January 5, 2018
Time: 9 am - 12 noon

Location: Marriott Marquis San Diego Marina, Pacific Ballroom 23
North Tower, Ground Level

Panel 1

New Family Frameworks & Legal Dilemmas

9 am - 10:20 am

Panelists and Working Paper Titles:

Cynthia Bowman (Cornell) - *Living Apart Together as a “Family Form” among Persons of Retirement Age: The Appropriate Family Law Response*

Margaret Brinig (Notre Dame) and Marsha Garrison (Brooklyn Law) - *Multi-Partner Fertility in a Disadvantaged U.S. Population: Results from an Empirical Investigation of Paternity Actions in St. Joseph County, Indiana*

Dov Fox (University of San Diego) - *Offspring Selection: Control or Consequences?*

Courtney Joslin (UC Davis) - *Updating Parentage*

Moderator: Jessica Dixon Weaver (SMU)

Panel 2

Family Separations and Breakdown in the Trump Era

10:35 am - 12 pm

Panelists and Working Paper Titles:

Nancy Polikoff (American) - *Invisible and Ignored: LGBT Parents in the Child Welfare System*

Rose Cuison Villazor (UC Davis) - *DACA Revocation and the Impact on U.S. Citizen Children of DREAMers*

Shani King (University of Florida) - *Who are we, America? Intercountry Adoption, Unaccompanied Minors, and the Politics of Courage*

Naomi Cahn (George Washington) - *The Golden Years and Changing Families*

Suzanne Kim (Rutgers) - *The Process of Relational Migration*

Moderator: Rebecca Aviel (University of Denver)

* The Family and Juvenile Law Section will hold a brief business meeting after the last panel session at noon to elect next year's secretary and add members to the Executive Committee.

SECTION LUNCH @ 12:15 pm

Location: Marriott Marquis San Diego Marina Kitchen Restaurant

Law and Mental Disability Panel with AALS Sections on Disabilities Law, Family and Juvenile Law, and Law, Medicine and Health Care

Legal Capacity at the Crossroads: Mental Disability and Family Law

Date: Friday, January 5, 2018

Time: 1:30 - 3:15 pm

Location: Marriott Marquis San Diego Marina, Pacific Ballroom 23
North Tower, Ground Level

Panelists:

Alexander A Boni-Saenz (Chicago-Kent) - selected from Call for Papers

Natalie Chin (Brooklyn) - selected from Call for Papers

Leslie P. Francis (University of Utah)

Kimberly M. Mutcherson (Rutgers)

Moderator: Jasmine Elwick Harris (UC Davis)

2018 AALS Annual Meeting Family & Juvenile-Related Panels

THURSDAY, JANUARY 4, 2018

Africa

Children's Rights and Responsibilities in Africa

Date: Thursday, January 4, 2018

Time: 10:30 am - 12:15 pm

Location: Marriott Marquis San Diego Marina, Pacific Ballroom 23
North Tower, Ground Level

A look at the drafting history of the world's most widely ratified human rights treaty in the world, the United Nations Convention on the Rights of the Child, indicates that African countries were not proportionally represented in its creation. Although some feared their exclusion would prevent the universal acceptance of the treaty, African nations were strongly represented among early ratifiers. At the same time, African leaders criticized the treaty for failing to consider African cultural values (such as that children have concurrent responsibilities) and issues, such as apartheid, child marriage, child labor, child trafficking, children in armed conflict, and harmful

cultural practices. African nations converted this criticism into the first regional children's treaty, the African Charter on the Rights and Welfare of the Child. Africa also is home to the Republic of South Africa, which was the first country to include many principles of both treaties in the nation's constitution. Despite this leadership, the consequences of colonial occupation has led to a perception that children's rights are not respected in many areas, including gender discrimination, education, economic security, and more. This program will examine both the children's rights legal framework constructed in Africa as well as consider the effectiveness of its implementation.

Panelists:

Wendi Hill Binford, Willamette University College of Law

Lea Mwambene, University of the Western Cape Faculty of Law

Joel H. Samuels, University of South Carolina School of Law

Noah Sanganyi, Department of Children's Services, Ministry of East African Community, Labour and Social Protection

Moderator: Naomi R. Cahn, The George Washington University Law School

**Law, Medicine, and Health Care, Co-Sponsored by Aging and the Law, Biolaw,
and Law and Mental Disability
The Transformation of American Health Care**

The Future of Long-Term Care

Date: Thursday, January 4, 2018

Time: 3:00 pm - 4:15 pm

Location: Marriott Marquis San Diego Marina, Pacific Ballroom 22
North Tower, Ground Level

Historically, more than 20% of Medicaid expenditures have paid for care for older adults, primarily for nursing home or home health care. Proposals from the majority in Congress and the Executive Branch have called for giving States more flexibility in spending Medicaid dollars through block grants, while also reducing federal spending by approximately one trillion dollars over the next decade. How will and should States respond to these proposed changes, and what will be the implications for older adults and others who need long-term care? Will States respond with creative solutions to bundle long-term care spending with other support programs such as housing and transportation? Will decreased federal spending lead to significant gaps in care, or spur innovation in lower-cost care mediated by technology? Will families and local communities have to assume a larger role in caring for older adults? These are some of the issues that will be explored in this panel.

Panelists:

Speaker: Pamela Cacchione, University of Pennsylvania School of Nursing

Speaker: Brian Kaskie, University of Iowa College of Public Health

Moderator and Speaker: Fazal R. Khan, University of Georgia School of Law

FRIDAY JANUARY 5, 2018

1:30 pm - 3:15 pm

Room: Pacific Ballroom Salon 22

Floor: North Tower/Ground Level

In a series of recent cases, the U.S. Supreme Court has significantly narrowed the extent to which juveniles may be subject to extreme sentences. With this line of cases—the *Miller* trilogy—the Court adopted new methods of Eighth Amendment analysis, set in motion significant reform at the state level, and introduced a host of implementation questions. This panel explores the current questions arising from the intersection of three areas at the heart of the *Miller* trilogy—the Eighth Amendment, juvenile justice, and mass incarceration. Some of those questions are of a technical nature. For example, does the Court's categorical approach to proportionality analysis signal further expansion of that doctrine as it applies to other vulnerable individuals? And how should states respond to the Court's mandate that juveniles have a "meaningful opportunity to obtain release"? This panel also seeks to ask some more theoretical and abstract questions prompted by the *Miller* trilogy. For example, what implications might the *Miller* trilogy have for the concept of finality? Finally, the panel will address the implications of the *Miller* trilogy for juvenile defense counsel and best practice standards in juvenile representation.
Business meeting at program conclusion.

Panelists:

Speaker: William W Berry, III, University of Mississippi School of Law

Moderator and Speaker: Cara H. Drinan, The Catholic University of America, Columbus School of Law

Speaker: Cynthia M. Godsoe, Brooklyn Law School

Speaker: Christopher Slobogin, Vanderbilt University Law School

Speaker: India Thusi, California Western School of Law

SATURDAY, JANUARY 6, 2018

Children and the Law

Contemporary Legal and Political Change: A Child-Centered Analysis

Date: Saturday, January 6, 2018
Time: 1:30 - 3:15 pm
Location: Marriott Marquis San Diego Marina, Pacific Ballroom 25
North Tower, Ground Level

Our rapidly evolving political landscape will lead to dramatic change across multiple areas of law and policy, both in this country and abroad. Lawyers, scholars, and policymakers are examining the social impact of this change in a range of domains, including health care, immigration, the environment, education, criminal law, and family law. Yet too often, children's unique interests are obscured by broader discussions around the interests of their parents, or the status of families more generally. In contrast, this panel will focus squarely on the rights and interests of children by engaging in a child-centered analysis of recent legal and political change in the United States. Panelists will consider the impact of law and policy change on children in a variety of contexts including healthcare, immigration, criminal law and policy, and family law.

Panelists

Monica C. Bell, Yale Law School

Nancy E. Dowd, University of Florida Fredric G. Levin College of Law

Kate Leone, Feeding America

Clifford J. Rosky, University of Utah, S. J. Quinney College of Law - selected from Call for Papers

David B. Thronson, Michigan State University College of Law

Moderator: Meredith J. Harbach, The University of Richmond School of Law

* The Children and the Law Section will hold a brief business meeting after the last panel session at noon to elect next year's secretary and add members to the Executive Committee.

Socio- Economics - Access to Social Justice The Socio-Economics of Intimate Relationships

Date: Saturday, January 6, 2018
Time: 1:30 - 3:15 pm
Location: Marriott Marquis San Diego Marina, Balboa
South Tower, 3rd Floor

The panel addresses the relationship between law, commitment and financial ties. In the old days, marriage was seen as necessary to marshal the resources to deal with childrearing given what was thought to be the intrinsic dependence of caretakers and children. Marriage also cemented the relationship between two family lines in thinking about inheritance, succession to estates or the

grandparents' investment in the next generation. How do we think of these issues today? The panel brings together perspectives on same-sex families, the different legacies of slavery in the United States and Jamaica, and the impact of greater financial insecurity on all couples in exploring a socioeconomic perspective of intimate relationships.

Panelists:

Eleanor Brown, The Pennsylvania State University – Penn State Law

Sara Greene, Duke University School of Law

Douglas NeJaime, Yale Law School

Commentator: William K. Black, University of Missouri-Kansas City School of Law

Moderator: June Rose Carbone, University of Minnesota Law School

UPCOMING EVENTS & CALLS FOR SUBMISSION

Annual Family Law Scholars and Teachers Conference [FLST]

We are pleased to announce that the eleventh annual Family Law Scholars and Teachers Conference [FLST] will take place on Tuesday, June 19 and Wednesday, June 20, 2018, in New York City. The conference will begin in the afternoon on June 19, so that participants can fly into NYC that morning. Please save the date!

Benjamin N. Cardozo School of Law kindly agreed to serve as our conference host. We will be reserving a discounted block of hotel rooms near the law school and will have more information about lodging in a future email.

For those of you who are not familiar with the FLST conference, the main purpose of the meeting is to allow family law scholars to receive detailed, constructive feedback on their work in a supportive, collegial environment. In addition, the meeting is a forum to meet others in the field and talk about teaching, service, new developments in the law, and other relevant themes raised by participants. Scholars at all levels of seniority present their work—either in its very initial form (an incubator session) or in its more developed form (a work-in-progress session)—in intimate groups. We have a very strong norm that participants carefully read drafts of the papers in advance of the sessions, and there are no formal presentations. Many of us feel that this has been a very meaningful conference that significantly contributed to our development as scholars and teachers.

To preserve the conference's intimate and supportive character, we can accommodate only 45 participants, selected on a first-come-first-served basis. Additionally, although we will try to fulfill all requests for an incubator or work-in-progress session, if space is limited, we will give some preference to junior scholars. As always, there is no registration fee, and participants only need to pay for their transportation, meals and accommodations.

We will open up the registration and submission in February 2018. You should expect to receive a follow-up e-mail with further information about submissions and registration in early 2018. If you know other scholars who write or teach in family law who would like to be added to our mailing list, or if you have any questions or comments, feel free to contact the planning committee at familylawsatc@gmail.com.

We hope you will be able to join us in New York!



CONTACT: Professor June Carbone, jcarbone@umn.edu, 612-626-3012

University of Minnesota Law School to Sponsor Conference on “Inequality and the Future of Family Law” April 27–28, 2018

Proposals to participate accepted now through February 1, 2018

In a world of greater family diversity, what does it mean to do justice to families who do not necessarily share the same assumptions or cultural norms about their relationships? This question is the focus for a conference sponsored by the University of Minnesota Law School and Center for Equitable Growth April 27–28, 2018.

“Differences in income, education, race and region increasingly are affecting the likelihood of marriage, divorce, unplanned pregnancy, access to fertility clinics, and residential and relationship stability,” said June Carbone, Robina Chair in Law, Science and Technology. “In response, family law has become more willing to recognize families of choice where adults intentionally create a variety of arrangements, but there are profound disagreements on how to treat unplanned families, informal cohabitations, and adults without formal legal ties to a child.”

Professor Carbone is organizing the conference with her colleagues—some of the top family law experts in the country—to address these issues and more. Sessions will include:

- Professor Jill Hasday, author of the forthcoming book *Intimate Lies and the Law*, will conduct an author meets reader discussion of the book.
- Professor Brian Bix, Reporter, Uniform Law Commission, Marital and Premarital Agreements Act, will present a discussion of family law and agreements.
- Professor Jessica Clarke will examine employment and family law.
- National Academies’ Committee on Science, Engineering, Medicine, and Public Policy member Professor Susan Wolf tentatively plans to present research on informing family members of genomic results.
- Professor Fionnuala Ni Aolain, the United Nations Special Rapporteur on the Protection and Promotion of Human Rights while Countering Terrorism, will facilitate a panel on maternal harm in conflict and post-conflict settings.

- An interdisciplinary panel organized by Professor June Carbone will examine the implications of new research on the intersection of economic change and family formation.
- Other sessions will focus on the work of Minnesota Law clinics on cases about juvenile life without parole and cases at the intersection of immigration, refugee and family law.

Call for Conference Presentations, Workshops, and Author Meets Readers Roundtable

The conference theme is intended to be inclusive, extending to both public and private, doctrinal and clinical family law as well as those in the social sciences. International and comparative approaches are strongly encouraged but not required. Participants are welcome to propose additional panels or individual presentations.

The conference also will include a limited number of workshop sessions to provide for discussions of scholarly works in progress. Workshop participants will be asked to circulate a brief summary of their projects (no more than five pages) before the meeting date. In addition, proposals for Author Meets Readers book discussions are welcome. The author will be responsible for making copies of the book available for purchase (if desired) and for suggesting readers for the roundtable.

Proposals to participate in the conference should be sent no later than February 1, 2018, to June Carbone at jcarbone@umn.edu. The proposals should include participant's name, affiliation, indication of whether the proposal is for an individual presentation, panel, workshop or Author Meets Reader roundtable, and abstract describing the content of the proposal. If the proposal is for a panel or roundtable, it should include the name and affiliation of all of the proposed participants. Abstracts should not exceed a single page for each presentation.

About the Conference

Thanks to the support of the University of Minnesota and the Center for Equitable Growth, there is no registration fee for conference speakers, which includes a Friday evening dinner, continental breakfast on Saturday, and coffee and refreshments during the conference. Participants are responsible for their own travel expenses. Hotel and registration information will be available later. If you wish to book on your own, the closest hotel is the Courtyard Minneapolis Downtown.

Call for Papers: Workshop on Frontier Research in Children's Rights and Family Law

The School of Law at University College Cork has recently established a *Centre for Children's Rights and Family Law*, designed to capitalize on the success of the School's LLM in Child and Family Law, Child Law Clinic, Family Law Clinic, and recent hosting of the 7th World Congress on Family Law and Children's Rights 2017. To mark the launch of this new research Centre, the School will host an academic workshop on *Frontier Research in Children's Rights and Family Law* on April 16-17, 2018. A keynote address will be given by Professor John Eekelaar, Emeritus Fellow of Oxford University and Adjunct Professor at University College Cork.

We are seeking paper proposals based on your latest research across the broad areas of either children's rights or family law. Work in progress is preferred to completed pieces. The format will be pre-read; we will circulate papers-in-progress in advance. Oral presentations will be limited to 10 minutes so that the emphasis is on discussion and feedback. Numbers will be strictly limited to ensure that participants have the opportunity to read and engage with all papers.

There will be no registration charge for this event. Lunch and coffee breaks and one evening meal will be provided. Participants will be responsible for the costs of their own travel and accommodation.

Interested parties should submit a 300-word abstract and a brief biography to deirdrekelleher@ucc.ie. **Priority will be given to paper proposals submitted by January 26.** Completed papers must be submitted two weeks in advance of the event to allow for advance circulation.

Queries should be directed to deirdrekelleher@ucc.ie.

About the Centre for Children's Rights and Family Law

Established in 2017, the Centre for Children's Rights and Family Law will serve as a focal point for the wide range of research, teaching and outreach activity taking place in the areas of children's rights and family law at the School of Law at University College Cork. The School is host to one of the only specialist LLM degrees in this area of law in Ireland or the UK, and also hosts the Child Law Clinic and the Family Law Clinic, through which staff and postgraduate students support litigation and engage in advocacy work (notable successes include the case of *O'Keefe v Ireland* before the Grand Chamber of the ECtHR in 2014). In June 2017, the School acted as the local host organisation for the 7th World Congress on Family Law and Children's Rights, which was a four-day event in Dublin that attracted over 600 delegates and over 150 speakers from over 50 countries. Academic staff at the Centre regularly publish their research as journal articles and monographs with leading international publishers and are managing a range of research projects funded by the European Commission and the Irish Research Council, among others. Centre members include Professor Ursula Kil Kelly, Dr Conor O'Mahony, Dr Louise Crowley, Dr Fiona Donson, Dr Aisling Parkes, Dr Catherine O'Sullivan and a number of doctoral and masters researchers.

A Workshop on Autonomy and Vulnerability

February 23-24, 2018

Emory University School of Law

A Vulnerability and the Human Condition Initiative Workshop

"If respect for persons as autonomous agents is a basic ethical principle, then the vulnerability of

the human condition does not make sense. It does not lead to constructive action and intervention."

- Henk ten Have, *Vulnerability: Challenging Bioethics*

This workshop asks participants to consider how the apparent opposition between vulnerability and autonomy may be reframed. Vulnerability and autonomy have long been thought of as oppositional concepts. While vulnerability has generally been referenced as a state of insecurity and dependence, autonomy has most often been prized as a goal for individual wellbeing and self-fulfillment. From the perspective of autonomy as a normative ideal, vulnerability is understood as diminishing autonomy. This polarization is common across a range of disciplines including medicine, politics, philosophy, sociology, economics, and law.

When vulnerability is not understood as a synonym for incapacity or diminished will (for which autonomy is the cure) how might we rethink the primary role of our institutional structures in providing individuals with the prerequisites for the exercise of self-governance (however defined)? The consideration of vulnerability as an inescapable and generative aspect of the human condition, not as a negative or lack, may have helpful consequences for related concepts of dependency, powerlessness, control, agency and consent. Rather than aiming at the goal of individual autonomy, this conceptual shift may allow us to think about the production of resilience - as a set of tools and assets including educational, financial and social capital - both within institutions and through social relationships. This workshop seeks to interrogate the ideas, discourses, and norms of autonomy, in order to better understand the implications for law and policy that may result. This includes questioning, not only the supposed vulnerability/autonomy dyad, but concepts such as "relational autonomy" and "relative autonomy" which have sought to bridge this conceptual divide.

While health is one area that has received much attention in terms of autonomy, these questions are also of relevance to the workplace, to the home, to schools, to prisons, to government, and other institutional locations. Some commentators have argued that a claim for state response in these areas may more easily justify paternalistic and coercive forms of intervention. What problems in the relationship between the individual and the institutional are being flagged by the idea of 'paternalism,' and how might a rethinking of our concept of autonomy help to address some of these issues?

Guiding Questions:

- What is the purpose of autonomy? What benefits flow from the declaration and/or recognition of autonomy? What burdens?
- What does an insistence upon the desirability of autonomy (and the undesirability of vulnerability) reflect about our conceptions of what it means to be human?
- The concept of dignity is viewed as important for the realization of autonomy. Is there also dignity to be found in vulnerability?
- What does the term 'relational autonomy' signify? How does it modify understandings of individual autonomy? Can it account for commercial transactions? Employment relationships? Other social relationships?
- Can children be autonomous? What is the position of the child in relational autonomy?
- How might the social production of autonomy differ from the social production of resilience?

- Does autonomy only refer to individuals? Can we also think about the autonomy of the family, the collective, the workplace?
- How might a focus on the role of institutional relationships shift the conceptualization of autonomy away from the individual?
- What is the relationship between autonomy and state responsibility, liberty and privacy? The relationship between autonomy and agency?
- How does one acquire autonomy? What are we dependent upon for the creation of our autonomy?
- Is it possible to simultaneously pursue policies directed at both our autonomy and our vulnerability? How do these individual forms of recognition also depend on institutional structures and processes?
- What are the problems encompassed by the term paternalism? What relationship issues between the individual and the institution do we seek to identify by referring to paternalism? Is paternalism always a problem?
- How does this reshaping of autonomy also change questions of consent, decision-making and personal integrity?
- How might the introduction of the term 'resilience' help to shift our thinking about autonomy? What is the role of our professions and institutions in producing resilience?

Workshop Contacts:

Martha Albertson Fineman, mlfinem@emory.edu | Stu Marvel, smarvel@emory.edu

Workshop Details:

The Workshop begins Friday at 4PM in Gambrell 575 at Emory Law School. A dinner will follow the panel presentation session on Friday. Panel presentations continue on Saturday from 9:00 AM to 5PM; breakfast and lunch will be provided.

VHC workshops are structured to allow for extended and meaningful participation by non-presenters and are open the public. To attend as a registered guest click

[here](#).

International Survey of Family Law – Call For Submission

Dear Colleagues,

I am the relatively new general editor of the International Survey of Family Law, published each year by the International Society of Family Law. I'm in the process of organizing the 2018 issue, and am searching for a contributor from the United States. I'd especially encourage relatively junior scholars to take this on at least once—10,000 words by the end of February is not onerous, especially if you have something not quite ready for publication in a law review. This is

the route I originally took back in the 1980s to become involved with ISFL, through which I've met wonderful friends and invaluable colleagues from around the world. Please contact me if you'd be interested at mbrinig@nd.edu. Thanks. Peg Brinig.

Writing Competitions

The Maurice A. Deane School of Law at Hofstra University and the Association of Family and Conciliation Courts present the ninth annual Family Law Writing Competition

Hofstra Law and the Association of Family and Conciliation Courts (AFCC) are sponsoring the ninth annual Family Law Writing Competition. The competition is run in cooperation with the editorial staff of the Family Court Review, which is the academic and research journal of AFCC. The Family Court Review is an interdisciplinary and international journal published quarterly by Wiley and in cooperation with the Center for Children, Families, and the Law at Hofstra Law. The Family Court Review contributes to and facilitates discourse among the judicial, legal, mediation, mental health and social services communities.

Topics for Submission

The subject of entries may be within any area of family law, although topics that focus on international or interdisciplinary subjects of family law are especially encouraged. Articles should concentrate on a current legal issue and must have a strong foundation in legal research. Use of interdisciplinary sources may also be appropriate for many topics.

Entries will be judged on the quality of legal analysis, originality, depth of research, timeliness, creativity and format. The Family Court Review's editors and a subcommittee of editorial board members will evaluate all articles.

Authorship

Submissions must be the work of one person. No joint authorships will be accepted, except articles written jointly by a law student and mental health, social science, or other relevant graduate student. Submissions must be originally argued and researched legal papers. Hofstra Law students are ineligible to participate. Law students can be from any country. Advice and input from professors, judges, and professionals in the field is allowed, but the author must research and write the entire article. Entries cannot be more than 25 double-spaced pages in length, including footnotes. Articles must be in Times New Roman, 12-point font, with 1-inch margins. Authors from the United States must comply with The Bluebook: A Uniform System of Citation, 20th Edition. Authors from outside the United States must conform to the relevant legal citation format commonly used in that country and must indicate the citation format used. The submitted article cannot be published or submitted for publication elsewhere.

AWARDS First Prize

- \$500 cash prize courtesy of the Center for Children, Families and the Law at Hofstra Law
- Certificate of recognition as first-place winner
- Consideration for publication of the article in the Family Court Review

- Letter to the dean of the student's law school
- One-year complimentary AFCC student membership, including a one-year subscription to the Family Court Review

OR

- Complimentary conference registration to AFCC's 55th Annual Conference, held June 6-9, 2018, in Washington, DC. (Does not include hotel, transportation and food)

Honorable Mention (Up to two)

- \$250 cash prize courtesy of the Center for Children, Families and the Law at Hofstra Law
- Certificate of recognition as the honorable-mention winner
- Consideration for publication of the article in the Family Court Review
- Letter to the dean of the student's law school

SUBMISSION PROCESS

Applicants must download the Entry Form from law.hofstra.edu/FCR and e-mail the completed form to fcr@hofstra.edu for an anonymous entry number by February 1,

2018. Applicants who do not submit an Entry Form by February 1, 2018 are ineligible. All submissions must be emailed as a Microsoft Word or PDF document to the Family Court Review at fcr@hofstra.edu. Hard copies are not permissible.

DUE DATE

Entry forms must be received by February 1, 2018. Article submissions must be received by February 15, 2018. The winner will be notified no later than March 15, 2018.

CONTACT INFORMATION

If you have questions, please contact the Managing Editor of the Family Court Review at fcr@hofstra.edu.

RELEVANT LINKS

Association of Family and Conciliation Court (AFCC): <http://www.afccnet.org/>

Hofstra Law's Center for Children, Families and the Law: law.hofstra.edu/CenterForChildren

Hofstra Law's L.L.M. Program in Family Law: law.hofstra.edu/LLMFamilyLaw

Family Court Review: law.hofstra.edu/FCR

MEMBER NEWS & RECENT AND FORTHCOMING PUBLICATIONS

Helen Alvare (Scalia Law School at George Mason University) this is a new book releasing next week: <https://www.amazon.com/Putting-Childrens-Interests-Family-Policy/dp/1107176492>.

Barbara Babb & Gloria Danziger (University of Baltimore School of Law Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC)) announce the following:

Nation's First Post-J.D. Certificate in Family Law University of Baltimore (UB) School of Law has launched the nation's first post-J.D. Certificate in Family Law this fall. Associate Professor of Law **Barbara Babb** serves as director of the program, which addresses a growing demand for a family law curriculum that offers a holistic blend of theory and practice. The certificate program is intended both for new attorneys beginning to practice family law and for attorneys seeking to add family law expertise to their practice areas. Students can complete the 16-credit program over 12 months or at their own pace. Faculty include UB law professors, attorneys, and judges, who bring decades of real-world insights and experience to the classroom. For more information about the Post-J.D. Certificate in Family Law, visit the program's website at ubalt.edu/familylawcert. **Family Law Writing Competition** (under Calls for Submission); **Family Law Trainings** CFCC, in collaboration with the Association of Family and Conciliation Courts (AFCC), will convene two trainings for professionals who work with families and children. On December 4-5, Debra Carter, Ph.D., will present "Parenting Coordination: Essential Tools for Conflict Resolution." On December 6-7, David A. Martindale, Ph.D., will present "Advanced Topics for Custody Evaluators: Interviewing, Report Writing and Testifying." For more information, please go to: <http://www.afccnet.org/Conferences-Training/AFCC-Training>. **Study and Report on the Creation of Unified Family Court Model in Nebraska** CFCC has received a grant from the Nebraska Administrative Office of the Courts to examine Nebraska's current court system and offer suggestions for moving forward with a Unified Family Court pilot project in Douglas County, Nebraska. The grant will culminate in recommendations for implementation presented to the Supreme Court Commission on Children in the Courts. Unified Family Courts support children and families by offering a single court system with comprehensive subject-matter jurisdiction, allowing for improved delivery of legal, social, judicial, and administrative services within the family justice system. Professor Barbara Babb, CFCC's Director, has focused her scholarship and advocacy over the last several decades on the creation of therapeutic, holistic Unified Family Courts. For more information, please go to <https://supremecourt.nebraska.gov/unified-family-court-study-funded-douglas-county>

Naomi Cahn (George Washington University Law School) was awarded the Harry Krause Lifetime Achievement in Family Law Award by the University of Illinois College of Law on September 14; Prof. Robin Fretwell Wilson presented the award. She gave a dinner keynote at the Washington & Lee JOURNAL OF CIVIL RIGHTS AND SOCIAL JUSTICE symposium on health care in Nov. Naomi presented a paper on Revocation Upon Divorce at the ACTEC/Iowa Law Review symposium. She also discussed the rights of donor-conceived and surrogate offspring at a Duke Law School/Center for Adoption Policy Conference on *The Rights of the Child in a Globalized World*.

Karen Czapanskiy (University of Maryland Carey School of Law) wrote an article, Structured Settlement Sales and Lead-Poisoned Sellers: Just Say No, which will be published soon in the Virginia Environmental Law Journal.

Anne Dailey (UConn School of Law) has a new book that is not expressly on family law, but does focus primarily on family law issues such as surrogacy contracts, prenuptial agreements, domestic abuse, incest, and children's rights. It is called *Law and the Unconscious: A Psychoanalytic Perspective* (Yale University Press 2017).

Linda D. Elrod (Washburn University School of Law) was the Reporter for the Uniform Family Law Arbitration Act which adopted by the Uniform Law Commission in 2016 and was approved by the American Bar Association in 2017. This summer Hawaii enacted it; this fall Arizona. She finished the 2017-2018 edition of the Kansas Family Law Handbook, a two volume set of Kansas family law with cases, forms, and practical advice. She, along with Tom Oldham, have released the 8th edition of the Krause, Elrod, Oldham, Family Law: Cases, Comments and Questions. It includes new federal and state cases along with updated notes and problems. It is available for use in the spring semester 2018.

Barry C. Feld (University of Minnesota Law School) NYU Press has just published my latest book and swan-song to the field of juvenile justice -- *The Evolution of the Juvenile Court: Race, Politics, and the Criminalizing of Juvenile Justice* (NYU Press 2017) -- <https://nyupress.org/books/9781479895694/>. *Evolution* is a very critical analysis of changes in juvenile justice policy over the history of the juvenile court with a primary focus on the impact of the get tough era and the subsequent recognition that "kids are different." I analyze these changes through the prism of race and politics which Trump has made even more topical. Also published "Competence and Culpability: Delinquents in Juvenile Court; Youth in Criminal Court," 102 Minnesota Law Review 102 (2017).

Robin Fretwell Wilson (University of Illinois College of Law) published two books, DOMESTIC RELATIONS: CASES AND MATERIALS, 8TH EDITION (Walter Wadlington, Raymond C. O'Brien, & Robin Fretwell Wilson, Foundation Press, 2017) AND FAMILY LAW STATUTES: SELECTED UNIFORM LAWS, MODEL LEGISLATION, FEDERAL STATUTES, STATE STATUTES, AND INTERNATIONAL TREATIES, 5TH EDITION (Walter Wadlington, Raymond C. O'Brien, & Robin Fretwell Wilson, Foundation Press, 2017). Her edited collection THE CONTESTED PLACE OF RELIGION IN FAMILY LAW (Robin Fretwell Wilson, ed., Cambridge University Press, 2018) (in press), <https://www.cambridge.org/core/books/contested-place-of-religion-in-family-law/1AE22C76D155AEE6548587F77CE74740>, is forthcoming in March 2018. The Family Law and Policy Program at the University of Illinois College of Law continues to be very active. In September, it presented Professor Naomi R. Cahn, the Harold H. Greene Professor of Law at The George Washington University Law School, its 2017 Lifetime Achievement award in Family Law. Professor Cahn joins past recipients: William Eskridge, the John A. Garver Professor of Jurisprudence at Yale Law; Harry Krause, the Max L. Rowe Professor Emeritus at the University of Illinois College of Law; John Witte, Jr., the Robert Woodruff Professor of Law at Emory Law School. Professor Cahn's address on The New ART of Family: Developments in the Law of Assisted Reproductive Technologies may be viewed here: <https://robinfretwellwilson.com/flpp>.

Marie-Amélie George (Harvard Law School) published the following: The LGBT Disconnect: Politics and Perils of LGBT Legal Movement Formation, 2018 Wis. L. Rev. (forthcoming), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3028221. Bureaucratic Agency:

Administering the Transformation of LGBT Rights, 36 Yale L. & Pol'y Rev. 83 (2017), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2820346. Expressive Ends: Understanding Conversion Therapy Bans, 68 Ala. L. Rev. 793 (2017), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2820343.

Cynthia Godsoe (Brooklyn Law School) has a new publication, *Participatory Defense: Humanizing the Accused & Ceding Control to the Client*, 69 MERCER L. REV. (forthcoming 2018), which is part of a symposium issue on “Disruptive Innovations in Criminal Defense.” She also presented this piece at the SEALS Criminal Justice Workshop (August 2017), as well as presenting another work-in-progress at the SEALS Workshop on Family Law. Cynthia and her new colleague, Kate Mogulescu, also participated in an amicus brief regarding trafficked minors and state Safe Harbor Laws, with The Human Trafficking Pro Bono Legal Center, in a case before the Ohio Supreme Court (Sept. 2017). Cynthia will be participating in a panel discussion of the Criminal Justice Section at the upcoming AALS Annual Meeting, on “Juveniles, Incarceration & the Constitution.”

Michael J. Higdon (University of Tennessee College of Law) piece entitled “Polygamous Marriage, Monogamous Divorce” was recently published in volume 67 of the Duke Law Journal.

Margaret E. Johnson (University of Baltimore School of Law) has a new book, Carolyn Grose & Margaret E. Johnson, *Lawyers, Clients & Narrative: A Framework for Law Students and Practitioners* (Carolina Academic Press 2017). Margaret was awarded University of Baltimore School of Law's Outstanding Teaching by a Full-Time Faculty Member Award (2017).

Sanford N. Katz (Boston College Law School) A paperback version of *Family Law in America* (2d), written by Prof. Sanford N. Katz has been published by Oxford University Press. The paperback version has a new Preface discussing same-sex marriage in America.

Suzanne A. Kim (Rutgers Law School) article *The Process of Relational Migration* will be published in the Family Law Quarterly. She will discuss the paper on the panel Keeping up with the Changing Face of the American Family, Joint Program of AALS Sections on Family and Juvenile Law; Children and the Law; & Aging and the Law in January 2018. She will present on the following panels: *Vulnerability Theory and Resilience: Retrospective/Prospective II*, Law & Society Association Annual Meeting, Toronto (June 2018); Author Meets Reader: *Legalized Families in the Era of Bordered Globalization* (Cambridge University Press 2017) by Daphna Hacker, Ph.D., Tel Aviv University Law Faculty & Women's and Gender Studies Program, Law & Society Association Annual Meeting, Toronto (June 2018). She discussed *Discrimination Impacts of Masterpiece Cakeshop* with the UCLA Williams Institute at University of Pennsylvania Club (November 2017).

Nina A. Kohn (Syracuse University College of Law) has two new articles Nina A. Kohn, *Whom Do You Represent? The Role of Attorneys for Individuals with Surrogate Decision-Makers*, 53 CT. REV. 64 (2017) and Nina A. Kohn, Maria Brown, & Israel A. Doron, *Identifying Connections between Gerontology and Elder Law: Implications and Strategies for Teaching, Research, and Practice*, 25 ELDER L. J. 69 (2017). The first appeared in a special issue of *Court Review* focusing on elder abuse, for which I served as the guest editor. Members may also be interested in an upcoming workshop that I am co-organizing with Dafna Hacker of the Tel Aviv University. It is titled “Elder Law and Its Discontents,” and will be held Cegla Center for Interdisciplinary Research of the Law in Tel Aviv, Israel next June.

Elizabeth MacDowell (University of Nevada, Las Vegas) received a Fulbright Scholar Award to study family law, family courts, and advocacy to stop gender violence in Turkey for the 2017-18 academic year. She is a Senior Researcher at Anadolu University Faculty of Law in Eskisehir, Turkey, for both semesters. Professor MacDowell also has several forthcoming publications examining access to justice and family courts. Her article, *Vulnerability, Access to Justice, and the Fragmented State* will be published in Vol. 23 of the MICHIGAN JOURNAL OF RACE & LAW. Additionally, she will publish *Empowerment Politics and Access to Justice* in THE POLITICIZATION OF SAFETY, (Jane Stoeber ed.) (forthcoming NYU Press 2018).

Kaipo Matsumura (Arizona State University Sandra Day O'Connor College of Law) published *Choosing Marriage*, 50 U.C. Davis L. Rev. 1999 (2017), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2978855.

J T Oldham (The University of Houston law Center) with Linda Elrod has published a new edition (8th) of their family law book with West (with Harry Krause). An update of J T's treatise entitled "Divorce, Separation and the Distribution of Property" has been published. He just published "A Survey of Lawyers' Observations about the Principles Governing the Award of Spousal Support Throughout the United States," 51 Fam. L. Q. 1 (2017). Next month the English journal "Family Law" will publish an article written by J T entitled "The Financial Provision Bill and the American Experience."

Clifford Rosky (The University of Utah, College of Law) I recently published an article on anti-gay curriculum laws—statutes that prohibit or restrict the discussion of homosexuality in K-12 public schools: Anti-Gay Curriculum Laws, 117 Columbia Law Review 1461 (2017), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2931244. Cliff will be presenting the paper at AALS, on panel called "Contemporary Legal and Political Change: A Child-Centered Analysis," which is sponsored by the AALS Section on Children and the Law.

Roberta Rosenthal Kwall (DePaul University College of Law) FUNDAMENTALS OF MODERN PROPERTY LAW, 7th edition, Foundation Press, University Casebook Series, – with E.H. Rabin, J. Kwall & C.A. Arnold (with teacher's manual)(2017). **OpEd**, "Conservative Jewish Leaders are Endangering their Brand," **The Jewish Week** (2017). **OpEd**, "Why the Aversion to Conversion?" **The Jewish Journal** (2017). Featured Panelist, *Boundaries and Opportunities: Reimagining Centrist American Judaism in the 21st Century* (with Rabbi Annie Tucker), The Kaplan Center for Jewish Peoplehood (Chicago, 2017).

Rosemary Salomone (St. John's University School of Law) made a presentation on "Public Single-Sex Schools: Caught in a Web of Law, Politics, and Science," at the Symposium on Gender Equality: Progress & Possibilities hosted by the University of Toledo College of Law in October 2017.

Carol Sanger (Columbia University) would like to announce the publication of her book *About Abortion: Terminating Pregnancy in 21st Century America* (Harvard UP, 2017). Set out in 9 chapters, the book is about "how women confront and decide about unwanted pregnancy within the complicated structures of constraint—personal, cultural, legal—that frame the issue of abortion in modern America." The book has been reviewed in the New Yorker (<https://www.newyorker.com/magazine/2017/04/03/why-its-become-so-hard-to-get-an->

abortion, the New York Review of Books (<http://www.nybooks.com/articles/2017/06/22/the-abortion-battlefield/>), and in Rewire (<https://rewire.news/article/2017/04/13/abortion-unpacks-shame-narrative-end-silence-stigma/>), which has a lovely summary: “Author and law professor Carol Sanger’s latest is the abortion book I didn’t realize I was waiting for.” Chapter titles include, “Abortion Privacy/Abortion Secrecy,” “Fathers and Fetuses: What Would Men Do?”; and “Normalizing Abortion.” Carol states she loves talking about the arguments in the book and only wishes those arguments were not as crucial as they have become since she turned the manuscript in on Monday, November 7, 2016.

Charisa Smith (CUNY School of Law) has accepted a tenure-track position and will transition to a post as Associate Professor at CUNY School of Law this summer.

David Tanenhaus (UNLV School of Law) The University of Kansas Press published a revised edition of David S. Tanenhaus's *The Constitutional Rights of Children: In re Gault and Juvenile Justice* (November, 2017). This new edition upon the fiftieth anniversary of *In re Gault* expands coverage of the Roberts Court's juvenile justice decisions including *Miller v. Alabama*; explains how disregard for children's constitutional rights led to the "Kids for Cash" scandal in Pennsylvania; examines new legal developments in the *Gault* case; and updates the bibliography and chronology.

Tracy Thomas (The University of Akron School of Law) has received the Byers Outstanding Publication Award for her book, *Elizabeth Cady Stanton & the Feminist Foundations of Family Law* (NYU Press 2016). A review of the book by Paula Monopoli can be found at 66 *Journal of Legal Education* 979 (Summer 2017). Tracy Thomas, New Books Network Podcast, *Elizabeth Cady Stanton & the Feminist Foundations of Family Law*, July 2017. Tracy Thomas, *Rewritten Opinion, Sessions v. Morales-Santana*, in *Feminist Judgments: Family Law Opinions Rewritten* (Rachel Rebouche, ed.) (Cambridge Press forthcoming). Tracy Thomas, Gender & the Law Prof Blog (featuring posts on family law and work/life issues).

Jonathan Todres (Georgia State) reports the following recent and in-press publications: *Confronting Child Exploitation: The Optional Protocols and the Role of Children’s Rights Law*, in *Ending Violence against Children: Making Human Rights Real* (Gertrud Lenzer ed., Routledge, forthcoming 2017), and *Children’s Rights and Women’s Rights: Interrelated and Interdependent*, in *Handbook of Children’s Rights: Global and Multidisciplinary Perspectives* (Martin Ruck, Michele Peterson-Badali, and Michael Freeman eds., Routledge, 2017). Jonathan was also appointed to the Board on Children, Youth, and Families of the National Academies of Sciences, Engineering, and Medicine.

Lynn D. Wardle (J. Reuben Clark Law School at Brigham Young University) He completed and submitted “The Rise and Fall of Families and Religion: A Book Review of *The Contested Place of Religion in Family Law*.” It reviews the latest book to be edited by Professor Robin Fretwell Wilson. My review will be published in the *International Journal of the Jurisprudence of the Family*. He co-organized and co-hosted (with Professor Richard Myers of Ave Maria Law School) a *Symposium on Families and Religion* which convened at BYU Law School on Friday, October 13, 2017. Eleven legal scholars presented papers which are slated to be published next summer in the *Ave Maria Law Review* and the *BYU Journal of Public Law*. His article entitled *The Family: The Foundation of Human Rights*, has been published in 7 *Int’l. J. Jurispru. Fam.* 61-

90 (2016). His short article entitled *Balancing Realism and Idealism in American Family Law* has been accepted for publication in *The Natural Family*. It is based on a presentation made at the 2017 World Conference of the International Society of Family Law in Amsterdam in July. His chapter *Developments in Family Law in the USA in 2016* was published in *The International Survey of Family Law*, 2017 Edition at 261-286 (Margaret Brinig ed. 2017). His article *Suffer the Little Children: Elective Abortion as a Sign of Diminished Society. Compassion* was published in XV (1) *Miscellanea Historico-Iuridica* 293-300 (Bialystok 2016). He made a presentation at the J. Reuben Clark Law School about “How to Disagree Without Being Disagreeable” at the Civics, Law and Leadership Youth Camp organized by Dean Gayla Sorenson on 3 August 2017. He attended the annual meeting of the John Jay Advisory Council of Claremont Institute Center for Constitutional Jurisprudence in Newport Beach, CA (12 Aug 2017). His article “Hobby Lobby, Conestoga Wood Specialities, and the future of Roe v. Wade,” was published in XXIV *Life and Learning* at 1-26 (University Faculty for Life 2017). His chapter on *What does it mean to ‘be’ a parent?* was published at pp. 45-58 in “In verbondenheid,” the *liber amicorum* for Professor Paul Vlaardingerbroek of the University of Tilberg, The Netherlands. He presented his paper about *Courts As Instruments of Change in American Families and Family Law: Realities, Benefits, Risks and Limits* at the Annual Symposium of the International Academy for the Study of the Jurisprudence of the Family on July 19-20 at the University of Bialystok in Poland. He present his keynote address on *Changes in Families and Family Law in the United States of America: Towards Realism, Idealism or Confusion?* at the triennial World Conference of the International Society of Family Law on 25-29 July in Amsterdam, The Netherlands.

Jessica Dixon Weaver (Southern Methodist University Dedman School of Law) Out of 800 applications, Jessica Dixon Weaver was selected to give one of eight oral presentations at Howard Law School on September 15, 2017 for a conference honoring Pauli Murray, an unsung civil rights activist, feminist, lawyer, and professor. The presentations were recorded for a forthcoming documentary on Dr. Murray. The title of her talk was “The Ties that Bind: What Pauli Murray Teaches Us about Race, Family, Slavery, and Inequality.” Jessica was selected to rewrite the Supreme Court Opinion, *DeShaney vs. Winnebago County Department of Social Services*, 489 U.S. 189 (1989), for the book *Feminist Judgments: Family Law Opinions Rewritten*. She was also asked to write a book chapter in the *Oxford Handbook of Children's Right Law*. Her chapter will be the Critical Race Theory chapter in the Perspectives and Methods section of the book. Jessica also published an essay, *The Changing Tides of Adoption: Why Marriage, Race, and Family Identity Still Matter*, 70 *SMU L. Rev.* (forthcoming 2018). Jessica is a faculty author for SMU's Cultural Intelligence Initiative, a strategic, on-going program designed to teach SMU University faculty, staff and students how to communicate and collaborate in today's complex cultural environment. Jessica and her new SMU colleague, Professor Lolita Buckner-Inniss, will be hosting the 12th Annual Lutie A. Lytle Black Women Law Faculty Workshop and Writing Retreat at SMU Dedman School of Law from July 11-18, 2018.

Merle H. Weiner (University of Oregon School of Law) published *Legal Counsel for Survivors of Campus Sexual Violence*, 29 *YALE J. L & FEM.* 123 (2017).