April, 2013

Forms, Forms and More Forms-Workshop Presentation

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Forms, Forms and More Forms: Using Forms Effectively to Teach Family Law

Making and Teaching “Real” Family Law:
A Celebration of the Scholarship and Service of Professor Margo Melli
6th Annual Midwest Family Law Consortium Workshop
University of Wisconsin-Madison
April 5-7, 2013
Teaching law students early on to *think* about forms rather than simply *using* them (without reflection) is the type of fundamental analytical skill that we as law professors should incorporate into our courses.

The primary objective of using forms in the classroom is to “think” about the form rather than just mindlessly “filling out” the form. Efficiency in a changing world means lawyers use forms – practitioners use them, the courts use them, and nearly every industry uses them. It’s time we teach with them effectively.
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Why should we use forms?
The primary objective of using forms in the classroom is to “think” about the form rather than just mindlessly “filling out” the form. Efficiency in a changing world means lawyers use forms – practitioners use them, the courts use them, and nearly every industry uses them. It’s time we teach with them effectively.
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Family Court Forms Links

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Total Forms: 4,340
And they come in many different languages

- Cambodian
- Chinese
- Russian
- Spanish
- Vietnamese
- Korean

3. Ngoài trừ nội trong đoạn về việc giám hộ tạm thời ghi trong lệnh này, Bi Đơn bị cấm MOI TIẾP XÚC với Nguyễn Đơn hoặc trực tiếp hay gián tiếp, hay bất kỳ người nào khác được báo về chuỗi lệnh này tại bất cứ nơi nào, bao gồm nhưng không giới hạn ở mọi cách tiếp xúc tại trường học, cơ sở kinh doanh hoặc nơi làm việc của Nguyễn Đơn. Cu thế là Bi Đơn không được phép lui tới các địa điểm sau đây trong thời gian lệnh này có hiệu lực:

12. ESTA ORDEN REEMPLAZA ORDEN PREVIA DE PROTECCIÓN MÁLTRATO OBTENIDA POR EL DEMANDANTE EN CONTRA EL DEMANDADO(A).

13. Todas las estipulaciones de esta orden caducan (Marque uno):

[ ] en ______________________________, el ______________________________ (hasta o meses)
[ ] en tres años, el ______________________________ (fecha)
Teaching law students early on to *think* about forms rather than simply *using* them (without reflection) is the type of fundamental analytical skill that we as law professors should incorporate into our courses.
How can we use Forms?
Topic: Marriage Requirements & Barriers

SAMPLE FORMS
Topic: Marriage Barriers-
- Consanguinity
- Affinity
- Bigamy
- Age
AFFIDAVIT OF COMMON LAW MARRIAGE

NOTICE - YOUR SIGNATURE ON THIS DOCUMENT MAY BE CONSIDERED PROOF OF A COMMON LAW MARRIAGE. A COMMON LAW MARRIAGE CARRIES THE SAME RIGHTS AND RESPONSIBILITIES AS A SOLEMNIZED MARRIAGE. IF YOU HAVE ANY QUESTIONS ABOUT THE EFFECT OF THIS DOCUMENT, YOU SHOULD CONTACT AN ATTORNEY.

We, the undersigned, being of lawful age, attest to the following facts:

1. We have lived together continuously as husband and wife from ___ to the present time. During this period we have professed to be husband and wife and we have held ourselves out to the community as being married.

   That we are 18 years of age or older, or if between the ages of 16 and 18, have obtained written parental or guardian consent. We (do/does not) use the same last name and the children (if any) born in this marriage will use the last name of

2. There is no legal impediment to our marriage, including, but not limited to, a prior marriage of either party that has not been legally terminated by death or divorce.

3. The following children have been born to us and we hereby acknowledge such children to be our lawful children: (List full names and birth dates):

   _____________________________
   _____________________________

NAME OF HUSBAND (PRINTED)     NAME OF WIFE (PRINTED)

Signature of Husband

Signature of Wife

Date

Date

Subscribed and sworn before me this ___ day of ____________, 20___

______________________________
Notary Public for the State of Montana
My Commission expires

Residing at: ____________________________
**Topic-Ideas**

- Common law age requirements
- Constitutional Challenges to state statutes as to age limits
- Parental or judicial consent requirements

---

**Form#4: Permission To Marry**

In re __________________________________ and

__________________________________________________

A female, _____ Years of age

__________________________________________________

A male, _____ Years of age

Comes the above-named Petitioner(s) and move(s) the Court for permission to marry without the consent required by KRS 402.020(1)(f). The petitioner(s) hereby swear(s) or affirm(s) that the above-named female is pregnant and that the parties wish to marry.

__________________________________________________

Date

Signature of Petitioner, Female

__________________________________________________

Signature of Petitioner, Male

ORDER

The Court, having determined that the above-named female is pregnant and that the parties wish to marry, hereby grants the permission to marry.

Upon the granting of this permission, the Court hereby directs the County Clerk to accept an application for a marriage license from the above-named parties. In the event that all other requirements are met other than age, to issue said marriage license.

Entered this __________ day of __________________________, 20__.
Can I marry my first cousin?
### Consanguinity/Affinity

**GROOM (MALE)**
- Residence Address
- City, County
- State or Foreign Country
- Residence Country of Birth
- Date of Birth

**BRIDE (FEMALE)**
- Residence Address
- City, County
- State or Foreign Country
- Residence Country of Birth
- Date of Birth

**Blood Relationship of Groom to Bride**

**When do you plan to be married?**

**Name of Marriage Performer**

---

**Confidential Information - Please Complete**

**Supplementary Data**
- Number of This Marriage
- If Previously Married, Last Marriage Ended
- Date Ended
- Place of Birth
- Education - Specify Highest Grade Completed

**GROOM (MALE)**
- First Name
- Middle Name
- Last Name
- DOB
- Occupation

**BRIDE (FEMALE)**
- First Name
- Middle Name
- Last Name
- DOB
- Occupation

**Certification - Sign Before Marriage Agent**

We, the undersigned, certify that the information given in this application is true and correct to the best of our knowledge and belief. Written consent of court is attached if under jurisdiction of court or under age 18.

---

**MARRIAGE LICENSE APPLICATION**

TO BE FILLED OUT BY COUPLE MAKING APPLICATION

(Please read instructions on reverse side of this form)

**License No.**

---

**Intentional Fabrication is a Crime**
Topics
- Affinity
- Consanguinity
- Adopted children

Relationships by Marriage (Affinity)

A relationship by blood is also referred to as being related by consanguinity. A relationship by marriage is sometimes referred to as being related by affinity.

A husband and wife are related in the first degree by marriage. For other relationships by marriage, the degree of relationship is the same as the degree of underlying relationship by blood. Example: John and Steve are brothers and are therefore second-degree relatives by blood. John’s wife, Linda, is related to Steve in the second degree by marriage.

See Tex. Gov’t Code Section 573.025
Class Exercise-Example
Teams of 2:
#1- Annie & Bob are brother and sister. Annie’s daughter Clara, age 64 wants to marry Bob’s son Darrell, age 68.
#2- Alicia & Ben were married and had daughter Carrie. Alicia & Ben divorced and then Alicia married Don. Carrie, age 17 wants to marry Don’s son, Edward, age 21.
Yes/No
§ 207. [Prohibited Marriages].
(a) The following marriages are prohibited:
   (1) a marriage entered into prior to the dissolution of an earlier marriage of one of the parties;
   (2) a marriage between an ancestor and a descendant, or between a brother and a sister, whether the relationship is by the half or the whole blood, or by adoption;
   (3) a marriage between an uncle and a niece or between an aunt and a nephew, whether the relationship is by the half or the whole blood, except as to marriages permitted by the established customs of aboriginal cultures.
(b) Parties to a marriage prohibited under this section who cohabit after removal of the impediment are lawfully married as of the date of the removal of the impediment.
(c) Children born of a prohibited marriage are legitimate.
The issue in this appeal is res nova: whether a man may enable his wife to participate in his parents’ succession as an heir by adopting her. The trial court answered in the negative, finding that the adoption of his wife by James Robert Plummer was null and void as a derogation of the rights of Plummer’s only son, the issue of his first marriage. We affirm the district court’s judgment for the reasons hereinafter assigned.
Cousins: About half the states allow first cousins to marry. Arizona adds age distinction.

25-101. Void and prohibited marriages
A. Marriage between parents and children, including grandparents and grandchildren of every degree, between brothers and sisters of the one-half as well as the whole blood, and between uncles and nieces, aunts and nephews and between first cousins, is prohibited and void.
B. Notwithstanding subsection A, first cousins may marry if both are sixty-five years of age or older or if one or both first cousins are under sixty-five years of age, upon approval of any superior court judge in the state if proof has been presented to the judge that one of the cousins is unable to reproduce.
C. Marriage between persons of the same sex is void and prohibited.
13-3606. Bigamy; classification; exception
A. A person having a spouse living who knowingly marries any other person is guilty of a class 5 felony.
B. Subsection A of this section does not extend to a person whose spouse by the former marriage has been absent for five successive years without being known to such person within that time to be living, nor to any person whose former marriage has been pronounced void, annulled or dissolved by judgment of a competent court.

13-3607. Marrying spouse of another; classification
A person who knowingly marries the spouse of another, in any case in which such spouse would be guilty of bigamy, is guilty of a class 5 felony.

13-3608. Incest; classification
Persons who are eighteen or more years of age and are within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who knowingly intermarry with each other, or who knowingly commit fornication or adultery with each other are guilty of a class 4 felony.

13-3609. Child bigamy; classification; definitions
A. A person commits child bigamy if the person knowingly does any of the following:
1. Is at least eighteen years of age, has a spouse and marries a child.
2. Is at least eighteen years of age and, either alone or in association with others, directs, causes or controls the marriage of a child to a person who already has a spouse.
3. Is at least eighteen years of age and, either alone or in association with others, directs, causes or controls the marriage of a child if the child already has a spouse.
4. Is at least eighteen years of age and marries a child if the child already has a spouse.
5. Transports or finances the transportation of a child to promote marriage between the child and a person who already has a spouse.
6. Transports or finances the transportation of a child who already has a spouse to promote marriage between the child and another person.
B. This section does not apply if a person who marries a child:
1. Has a spouse who has been absent for at least five successive years without being known to the person within that time to be living.
2. Has a former marriage that has been pronounced void, annulled or dissolved by judgment of a competent court.
C. A violation of this section is a class 3 felony.
D. For the purposes of this section:
1. "Marriage" means the state of joining together as husband and wife through an agreement, promise or ceremony regardless of whether a marriage license has been issued by the appropriate authority.
2. "Marry" means to join together as husband and wife through an agreement, promise or ceremony regardless of whether a marriage license has been issued by the appropriate authority.
3. "Spouses" means two persons living together as husband and wife, including the assumption of those marital rights, duties and obligations that are usually manifested by married people, including but not necessarily dependent on sexual relations.
Forms

OTHER EXAMPLES
Marriage Barriers -

- Consanguinity
- Affinity
- Bigamy
- Age

Form: Marriage License
Commonwealth of Kentucky
Court of Justice  www.courts.ky.gov

PETITION AND ORDER
FOR PERMISSION TO MARRY

IN RE _________________________ and

A female, _______ Years of age

A male, _______ Years of age

Comes the above-named Petitioner(s) and move(s) the Court for permission to marry without the consent required by KRS 402.020(1)(f). The petitioner(s) hereby swear(s) or affirm(s) that the above-named female is pregnant and that the parties wish to marry.

________________________________________
Date

________________________________________
Signature of Petitioner, Female

________________________________________
Signature of Petitioner, Male

ORDER

The Court, having determined that the above-named female □ is □ is not pregnant and that the parties wish to marry, hereby □ grants □ denies permission to marry.

Upon the granting of this permission, the Court hereby directs the County Clerk to accept an application for a marriage license from the above-named parties, and in the event that all other requirements are met other than age, to issue said marriage license.

Entered this ________ day of _________________________, 20__
Forms-50 State Links

4,340 reasons
CLERK OF THE COURT
SUPERIOR COURT OF ARIZONA

State of Arizona  } CONSENT FOR MARRIAGE OF MINOR
County of Maricopa  ) A.R.S. §25-102

I, the undersigned parent or legal guardian, having first duly sworn upon my oath, do affirm and declare:

That I am the Father, Mother, or Legal Guardian:

[ ] Both parents are living together, or one parent is deceased, or
[ ] Parents are living apart, and I have custody of said minor child, or
[ ] I am legal guardian and have custody of said minor child

of ____________________________, a minor who was born on the ____________________ of

_________________________  Day

_________________________  Month  ____________________  Year

In providing consent for marriage of said minor, I further swear that I have custody of said minor.

It is unlawful for any person to falsely represent themselves on this affidavit.

Father’s Name (Please Print) ___________________________  Father’s Signature ___________________________

Mother’s Name (Please Print) ___________________________  Mother’s Signature ___________________________

Legal Guardian (Please Print) ___________________________  Legal Guardian’s Signature ___________________________

Subscribed and sworn before me this ________ of ____________________ , 20________

By ___________________________  Notary Public ___________________________

My commission expires on the

_________________________  Day  ____________________  Month  ____________________  Year

Visit our website: www.arizonacourt.marriage.gov
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Note the numbers of forms on these links are approximate and may not contain all forms within the state as some links are only to specific counties within the state.
IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS

IN RE THE MARRIAGE OF


Present

and

Respondent


STIPULATION WAIVING TWO YEAR STATUTORY PERIOD OF SEPARATION

and

being

first duly sworn on oath state:

1. That we are parties to the above entitled cause of action.

2. That we have lived separate and apart for a continuous period of not less than six (6) months prior to today.

3. That irreconcilable differences have caused the irretrievable breakdown of our marriage and reconciliation is not practicable or in the best interests of the family.

4. That we waive the statutory requirement of living separate and apart continuously for a period of in excess of two (2) years to obtain a Judgment for Dissolution without proof of fault.

Petitioner


Date


Respondent


Date


VERIFICATION BY CERTIFICATION

Under penalties provided by law pursuant to Section 1-109 of the Code of Civil Procedure, each of the undersigned certifies that the statements set forth in this instrument are true and correct.

Petitioner


Date


Respondent


Date


Prepared by:

Attorney’s Name:

Address:

City: State:

Phones: Zip Code:

Fax:

ARDC:

271-268 (R.12-04)
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STATE OF MICHIGAN
JUDICIAL DISTRICT

DEFAULT REQUEST, AFFIDAVIT, AND ENTRY

CASE NO.

Court address

Defendant name(s), addresses, and telephone no(s).

Defendant attorney for hire, address, and telephone no(s).

Party in default:

REQUEST AND AFFIDAVIT

1. I request the clerk to enter the default of the party named above for failure to plead or otherwise defend as provided by law.

2. The defendant is not an infant or incompetent person.

3. [ ] It is unknown whether the defendant is in the military service. [ ] The defendant is not in the military service.

4. This affidavit is made on my personal knowledge and, if sworn as a witness, I can testify competently to the facts in this affidavit.

Sworn to and subscribed before me on ____________________________ County, Michigan.

My commission expires: ____________________________

Notary public, State of Michigan, County of ____________________________

NOTE: Default may be entered by a district court clerk without the request of a party.

DEFAULT ENTRY

The default of the party named above for failure to plead or otherwise defend is entered.

Date

CERTIFICATE OF MAILING

I certify that on this date I served copies of this default on the appropriate parties or their attorneys by first-class mail addressed to their last known addresses as defined by MCR 2.107(C)(3).

Date

IN 87 (RING) DEFAULT REQUEST, AFFIDAVIT, AND ENTRY

MCL 554.47, MCL 600.2441, MCL 600.5759, MCR 2.803, 38 USC 521
Learning Objectives

Students should have an understanding of the following:

- Common law marriage criteria and public policy reasons for its abolition.
- The public policy issues and reasons for regulating the age to marry.
- The concept and basic principles associated with emancipation of a minor.
- An understanding of various state regulations regarding marriage and the public policy reasons for their creation.
- The legal consequences of a party failing to follow various marriage regulations.
- The public policy reasons for requiring medical tests prior to marriage.
- Knowledge of common terms associated with barriers to marriage such as consanguinity and bigamy.
- An understanding of other terms associated with various types of marriages such as covenant and putative marriage.
# Statement of Marital Relationship

**VA** - Department of Veterans Affairs

**Privacy Act Statement**

VA will not disclose information collected on this form to any person, other than what has been authorized under the Privacy Act of 1974 or Title 50, Code of Federal Regulations. 10 CFR for compliance with Federal regulations relating to the privacy of medical information or relevant United States law. The information is necessary for the determination of VA benefits, certification of identity and status, and personnel administration. Any individual not authorized to receive such information may be criminally liable for violation of 18 U.S.C. 206(c)(1). You will receive a notice if such information is to be released.

**Instructions**

This form is to be completed by the veteran (or spouse) and the person who is claiming to be the spouse or surviving spouse. Note: For purposes of this form, the term "surviving spouse" refers to the spouse of a deceased veteran; the term "spouse" refers to the spouse of a living veteran; the term "widow" refers to the widow of a deceased veteran; the term "widower" refers to the widower of a deceased veteran; the term "husband" refers to the husband of a deceased veteran; and the term "wife" refers to the wife of a deceased veteran. (5 U.S.C. 552a, 10 U.S.C. 121a-3, and 7316b, 7316-3, respectively). If the veteran or spouse has been discharged from active duty or active duty for training, the discharge or release from active duty may be required by Federal law or regulation. To the extent that additional information is to be collected, a notice will be included herein.

## Section 1: Information About the Veteran and the Spouse or Surviving Spouse

- **Name of Spouse/Organizer:** [Name]
- **Date of Birth:** [Date]
- **Social Security Number:** [Number]
- **Address:** [Address]
- **Phone Number:** [Number]

## Section 2: Information About the Current Marital Relationship

- **Date You Began Living As Husband:** [Date]
- **Place You Began Living As Husband:** [Location]
- **Date You Began Living As Wife:** [Date]
- **Place You Began Living As Wife:** [Location]

**To be completed by the spouse of surviving spouse**

- **Are You Sure the Relationship Is Enduring?**
- **Are You Sure the Relationship Is Enduring?**

**To be completed by the veteran**

- **To Be Completed by the Veteran:**
- **Do You Agree the Relationship Would Be at the Time You Began Living Together?**
- **Yes**
- **No**

**To Be Completed by the Veteran:**

- **Do You Agree the Relationship Would Be at the Time You Began Living Together?**
- **Yes**
- **No**

**To Be Completed by the Veteran:**

- **Do You Agree the Relationship Would Be at the Time You Began Living Together?**
- **Yes**
- **No**

- **List All Periods of Separation:**
  - **Beginning Date:** [Date]
  - **Ending Date:** [Date]

**ToList All Periods of Separation:**

- **Beginning Date:** [Date]
- **Ending Date:** [Date]

- **List All Places Where You Lived As Husband and Wife:**
  - **Beginning Date:** [Date]
  - **Ending Date:** [Date]

- **List All Places Where You Lived As Husband and Wife:**
  - **Beginning Date:** [Date]
  - **Ending Date:** [Date]
Benjamin Franklin and Deborah Read first met in 1723 when Ben moved into her parents' boarding house. At age 17, Franklin proposed to 15-year old Deborah Reed, but her mother declined his offer. Deborah ended up marrying a man named John Rodgers. Rodgers, being heavily in debt fled to Barbados with Deborah’s dowry and to avoid prosecution. Benjamin and Deborah eventually got back together and established a common-law marriage on September 1, 1730.

In his autobiography Benjamin wrote: "Our mutual affection was revived, but there were now great objections to our union. The match was indeed looked upon an invalid, a preceding wife being said to be living in England; but this could not be easily proved, because of the distance; and though there was a report of his death it was not certain. Then, though it should be true, he had left many debts, which his successor might be called upon to pay. We ventured, however, over all these difficulties, and I took her to wife September 1st, 1730."

Source: Carl Van Doren. *Benjamin Franklin*. 1938. page 37