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## Family Law (May 21, 1970)

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FAMILY LAW  
May 21, 1970  
Mr. Phelps

I.

Husband and wife simply began living together in 1949 as husband and wife, and continued this way until 1964. One child was born to them in 1950 and a second in 1952. No formal marriage ceremony was ever performed. In 1965 the husband was indicted for failure to support the children. The defendant contends the children are illegitimate and he cannot be held for their support since he has never admitted the paternity of the children. Discuss the contention of the defendant and state how you think the court would decide the case.

II.

A trial court on granting a divorce for two years separation ordered a husband to maintain life insurance policies for the benefit of the minor children and his divorced wife, and although both the husband and wife had been at fault, ordered the husband to pay the wife alimony. Discuss the orders of the court.

III.

H entered into a separation agreement with W his wife providing \$125 alimony to her for her life or until she remarried. She filed the contract in her divorce action with her depositions. The decree granted a divorce to W from bed and board on the ground of H's desertion and provided for \$125 alimony without referring specifically to the contract, and ordered the property interests to be determined according to the contract. When this decree was merged into a divorce the court affirmed the settlement agreement and continued it in full force and effect. Two years later H sought to have the alimony provisions of the decree changed because of changed circumstances. The court reduced the amount to \$75, which the husband continued to pay for three months. He died a year after the court reduced the amount of the alimony. W, who has not remarried, now seeks

to have the order reducing the amount of alimony declared void, to recover arrears of alimony unpaid by the husband and to secure an order making future payments a charge against the estate of the husband. How should the court determine the case? Explain.

IV.

Shortly after H and W were married it became apparent that H was insane at the time of the marriage. Before any proceedings for an annulment could be initiated, H died. His child by a previous marriage brought an action to have the marriage of H and W declared void. How will the court decide the case? Explain.

V.

H secured a divorce from W in Ohio, the decree giving the custody of the child of the marriage to H for six months and to W for six months, with a provision that each parent would send the child to the Baptist Sunday School each Sunday. The child was at that time ten years of age. W moved to Virginia and petitioned the court to grant her custody of the child with visitation rights in H during the summer months, so the child's education would not be affected. The husband was served in Ohio, but did not appear. The Virginia court changed the order as requested. H seeks an order of the Federal courts declaring the Virginia decree void for failure to give full faith and credit to the Ohio decree. How will the court decide the case? Explain.