

1. The correct answer is d. there are two elements to a common law marriage, cohabitation and an outwardly visible sign of intent to be married. Choices a and b lack the element of cohabitation; c lacks the element of intent. This question is difficulty level 3, requiring just a bit more than memorizing the elements.

2. This question came from an old exam, before choice d became questionable. The original answer was a, the holding of the Savini case. Coercion backed by present threat is ground for annulment, and so is bigamy- remember that a bigamous marriage is void, not voidable. At the time it was written, d was also a factor that would make the marriage void, now it is not. So if this question was on the final, either a or d would be correct today. We try to avoid having multiple correct answers, but when it is discovered after the exam is taken, credit is given for either correct answer. Abstracting from the erroneous inclusion of d, this is a level 2 difficulty, since it requires accurate recall and application of three different rules.

3. A petition is necessary so a can't be right; b is a jurisdictional prerequisite. Choice c contains a requirement of grounds that was the law years ago but has been repealed in favor of d. Knowing that grounds were abolished is a central theme of the course, so this question should be easy, level 4.

4. Understanding that it is very hard to change an established legal father status is another central proposition. Just biology is clearly not enough, so a is out. Answer b is the holding of the Daniel case, and correct. Choices c and d are no better than a. The best interest standard does not control this question. That last point is a finer distinction that makes the question more difficult than average, level 2.

5. So this one is tricky, level 1. Choices a and b were expressly rejected by cases that we covered if not by name (von Eiff and Beagle and Sapp) all of which

say that proving the parent is detrimental would be required, making c the right answer. What makes this hard is the attractiveness of d, because grandparents could adopt under those circumstances. But then they would be exercising parental rights, not grandparent visitation rights.

6. This is basic level 4 recall of the definition of home state under the UCCJEA. If it was hard, you are not studying enough. Choice d is the statutory definition of home state, which gives the state authority to enter custody orders.

7. This one tests extent of parental rights. We have not yet covered temporary custody, but that is the correct answer. Again the adoption answer looks enticing, but an adoptive parent is a parent for all purposes and hence “without being the child’s parent” disqualifies it. Power of attorney is ineffective to “transfer” custody, as is a lawsuit that just alleges the child’s best interest will be served. Level 2.

8. It is basic that prenuptial agreements cannot control child custody or during-marriage support questions, so a is wrong and b is right. We spent some time on the Casto and Makar cases, that posit special rules for setting aside these kinds of agreements. So c is correct too, and e is therefore most correct. This is level 4 difficulty.

Levels:

4 requires recall but little if any analysis

3 requires multiple recall and one-stage analysis

2 requires multiple recall and complex analysis

1 requires complex recall and analysis and discernment of subtle difference in competing answers.