



Family Law in America

Sanford N. Katz

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For many years family law was viewed as a study of the regulation of clearly defined relationships of husband and wife and parent and child. In the case of husband and wife, it was through formal legal procedures or informal arrangements called marriage. In the case of parent and child it was either through biology or adoption. Equally defined were the stages by which these relationships were established, maintained, and terminated. However, by the close of the twentieth century, basic questions about who should be officially designated a family member and by what procedure were being raised both in the legislature and in litigation. In addition, conventional models that had defined domestic relations such as marriage, divorce, and adoption were either being expanded to include contemporary patterns of living arrangements and the current reality, or new models were being constructed.

In *Family Law in America*, Sanford N. Katz examines the present state of family law in America. Themes include the tension between individual autonomy and governmental regulation in all aspects of family law, the extent to which relationships established before marriage are being regulated, and how marriage is being redefined to take into account equality of the sexes, and the legal recognition of same-sex marriage in some jurisdictions. It demonstrates how the definition of marriage as a partnership in which the individual spouse's rights are recognized has resulted in protection of the vulnerable spouse. It also examines fault and no-fault divorce procedures and the extent to which these procedures reflect social realities. This volume describes state intervention into the parent and child relationship and how this is reflected in the reexamination of the privacy of the family unit. It concludes with a discussion of the conventional model of adoption of children and how new assisted reproductive technologies are having an impact on family formation, particularly adoption, to take into account new family forms. This second edition captures recent developments affecting family law in America, including the transformation of the institution of marriage from being a relationship between a man and a woman to encompassing same-sex marriage. It also features timely material with insights into adoption that take into account developments in assisted reproduction technologies and the discussion of sexual abuse of children by clergy. A newly added Preface focuses mainly on the U.S. Supreme Court's decision in the *Obergefell v. Hodges* case which held in a 5-4 decision that the bans on same-sex marriage in Michigan, Kentucky, Ohio and Tennessee were unconstitutional; the Court held that the right to marry a person of the same sex is protected by the Due Process and Equal Protections Clauses of the Fourteenth Amendment, and therefore may not be denied in any State.

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