

CHAPTER 1
INTRODUCTION TO FAMILY LAW AND PRACTICE

Test Bank Questions

TRUE/FALSE

Indicate whether the statement is true or false.

1. Family law has not changed much because society's definition of a family has not changed.
2. Federal courts can hear divorce cases.
3. Constitutionalization refers to changes in family law due to interpretations of the *U.S. Constitution* by federal courts.
4. All restrictions on sexuality have not been eliminated, but they have been substantially increased when adults are involved.
5. An important development in family law has been a substantial increase in the capacity of parties to enter enforceable contracts that help define their rights and obligations.
6. Family law cases can sometimes raise issues of criminal law, corporate law, bankruptcy law, and tax law.
7. Procedural due process is the constitutional requirement that the government avoid arbitrary and capricious actions that deprive someone of life, liberty, or property.
8. The right to marry is a fundamental right; substantial restrictions on this right are measured by strict scrutiny.
9. The four categories of discrimination are discrimination involving a fundamental right, discrimination involving a suspect class, discrimination involving a quasi-suspect class, and discrimination that is arbitrary or capricious.
10. The Fifth Amendment of the U.S. Constitution covers challenges to actions by the federal government.

MULTIPLE CHOICE

Identify the letter of the choice that best completes the statement or answers the question.

11. What is the equal-protection-of-the-law requirement of the U.S. Constitution?
 - a. the government must provide fair procedures such as adequate notice and an opportunity to be heard whenever it seeks to deprive someone of life, liberty, or property.
 - b. the government must avoid arbitrary and capricious actions that deprive someone of life, liberty, or property.

- c. the government must treat one group or class the same as it treats another group or class in like circumstances.
 - d. the government must not abridge fundamental rights.
12. What has been the effect of digital media on the practice of family law?
- a. it has had little effect because of the inadmissibility of digital evidence.
 - b. it has had substantial effect because of the inadmissibility of digital evidence.
 - c. it has resulted in no new sources of evidence in divorce cases.
 - d. it has resulted in new sources of evidence in divorce cases.
13. A state constitution:
- a. does not apply to family-law rights.
 - b. is created by the federal constitution.
 - c. can offer greater constitutional rights than the federal constitution.
 - d. can never offer greater constitutional rights than the federal constitution.
14. A CASA:
- a. can practice law
 - b. is an advocate.
 - c. must be an attorney.
 - d. cannot be an attorney.

SHORT ANSWER ESSAY

15. What is family law?
16. Briefly mention five developments that have played and will continue to play a major role in family law in the twenty-first century.
17. Name six areas of family law where federal law has had a large impact.
18. What do we mean when we say that marriage is a status?
19. Define common law.
20. Why has there been a change in some of the major family-law terminology?
21. What is substantive due process?
22. What tests does a court use to determine if a restriction of a fundamental right and a nonfundamental right violate substantive due process?

FILL IN THE BLANK

Complete each statement.

23. Because of the unity of person at common law, the legal identity of a wife was _____ into the legal identity of the husband.
24. Constitutionalization occurs because of changes in state law that result from interpretation of the _____ by the U.S. Supreme Court and other federal courts.
25. The constitutional requirement that the government avoid arbitrary and capricious actions that deprive someone of life is called _____.
26. An _____ is a written statement containing facts, claims, or other legal positions given under oath or affirmation.
27. The standard used to determine if a restriction on a fundamental right complies with due process (and is therefore constitutional) is called _____ scrutiny.
28. Federalization consists of changes in _____ law that result from laws written by the federal legislature (Congress) and from interpretations of the U.S. Constitution by federal courts.

MATCHING

Match each numbered entry with the most relevant lettered entry below.

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|-------------------------|--|
| a. conflict of interest | 29. apply laws to a particular legal problem |
| b. judicial review | 30. narrowly tailored to serve a compelling state interest |
| c. instrument | 31. judge-made law |
| d. legal advice | 32. subsumed legal identity |
| e. unity of person | 33. date reminder |
| f. strict scrutiny | 34. strategies for conducting a trial |
| g. common law | 35. determine constitutionality |
| h. tickler | 36. prior decision used as a standard |
| i. trial notebook | 37. formal document that embodies a legal act |
| j. precedent | 38. divided loyalties |