

Annotated Bibliography of Selected Issues in Family Law: Addiction, Advance Healthcare Directives, the Uniform Parentage Act, and Self-Represented Litigants

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This bibliography covers law review articles published since 2009.

Family Law, Addiction, and Substance Abuse	252
Approaches for Courts and Public Services Providers .	252
Child Custody and Parental Rights	254
Opioid Epidemic	254
Prenatal Effects.....	254
Science of Addiction.....	256
Substance Abuse in Aging and Elderly Adults	256
Substance Abuse in Teens	256
Advance Directives and Health Care Proxies	257
General Discussions	257
Advice for Practicing Attorneys	257
Assisted Reproduction.....	258
Dementia	259
International Perspectives	259
Issues in Particular States.....	259
LGBTQ Issues.....	260
Pregnancy.....	260
Orders for Life-Sustaining Treatment.....	260
Psychological Considerations	261
Proposals for Reform	261
Race	262
Religious Beliefs	263
Studies	263
Suicide	264

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Unconventional Forms of Advance Directives	264
Veterans	264
Wrongful Living Claims	264
Uniform Parentage Act of 2017	265
General Discussions	265
Establishing Parentage	265
LGBT-Parent Families	266
Surrogacy Contracts	266
Advocacy with Self-Represented Litigants	267
General Discussions	267
Advice for Attorneys Dealing with Self-Represented Litigants	267
Ethical Issues	268
Reforms and Proposals	268
Studies and Surveys	269
Summits and Conferences	270

Family Law, Addiction, and Substance Abuse

Approaches for Courts and Public Services Providers

Barbara Babb, Gloria Danziger & Judith Moran, *Guest Editors' Introduction to Special Issue on Substance Abuse and Addiction in Family Courts*, 47 FAM. CT. REV. 204 (2009) (describing how juvenile and family court cases frequently involve addiction issues and discussing the need for a broad, multidisciplinary approach to address the problem).

Deborah Chase & Peggy Fulton Hora, *The Best Seat in the House: The Court Assignment and Judicial Satisfaction*, 47 FAM. CT. REV. 209 (2009) (discussing results of a survey of judges that found higher levels of judicial satisfaction in problem-solving courts, such as drug treatment courts and unified family courts, than in traditional family law or criminal courts).

Caroline S. Cooper, *Adolescent Drug Users: The Justice System Is Missing an Important Opportunity*, 47 FAM. CT. REV. 239 (2009) (explaining how many young people who use drugs are not receiving meaningful services through juvenile or adult justice systems, and proposing that courts should develop mechanisms for systematically screening for drug use among young people coming into the system).

Carrie E. Garrow, *Changing Family Courts to Help Heal and Build Resilient Families*, 2018 B.Y.U. L. REV. 1277 (calling for family courts to adopt the collaborative approach used by family drug courts).

Allison E. Korn, *Detoxing the Child Welfare System*, 23 VA. J. SOC. POL'Y & L. 293 (2016) (explaining how the drug policy reform movement should include reconsideration of child welfare laws and policies that address parental drug use).

Hilary Kushins, Julie Butner & Terrence Wilson, *Seven Common Ingredients for Family Treatment Courts*, 36 No. 3 CHILD L. PRAC. 73 (2017) (listing seven elements for healing families impacted by substance use disorders and discussing family treatment courts as one solution to help parents receive quality treatment and reunify with their children).

Matthew B. Lawrence, *Deputizing Family: Loved Ones as a Regulatory Tool in the "Drug War" and Beyond*, 11 NE. U. L. REV. 195 (2019) (assessing risks and benefits of laws that use family members to influence decisions or behavior of their loved ones, such as laws making family members liable for their involvement in their loved ones' drug use or laws empowering family members to use information shared by their loved ones to petition for involuntary treatment).

Robert M. Spataro, Student Note, *Nipping It in the Bud: Adopting a Family Drug Court Approach to Fighting the Cycle of Alcohol Addiction for Children when Parents Are Convicted of DUI*, 49 FAM. CT. REV. 190 (2011) (arguing that drug court programs, which combine drug and alcohol treatment with ongoing judicial supervision, have been very effective in helping offenders break the cycle of addiction and crime, but these programs should be modified to include an alcohol education and counseling program for the benefit of children of alcohol-related offenders).

Janet York et al., *Family Drug Treatment Courts and Social Determinants of Health*, 50 FAM. CT. REV. 137 (2012) (examining family dependency treatment courts as an example of a multi-component intervention addressing some social determinants of health).

Child Custody and Parental Rights

Sarah Collins, Comment, *Unreasonable Seizure: Government Removal of Children from Homes with Drugs but No Evidence of Neglect*, 20 GEO. MASON L. REV. 631 (2013) (questioning the constitutionality of state laws allowing removal of a child based on parental drug use without evidence of harm to the child).

M. Katherine Kerbs, Comment, *Robbing the Cradle: The Use of Mediation in Parental Rights Termination with Evidence of Drug Abuse by the Mother*, 2016 J. DISP. RESOL. 217 (2016) (arguing that mediation provides the right balance of court authority and solves problems creatively to create conditions in which mothers can overcome drug addictions).

Opioid Epidemic

Wendy Bach, Suzanne Weise & Barry Staubus, *Responding to the Impacts of the Opioid Epidemic on Families*, 13 TENN. J. L. & POL'Y 347 (2018) (transcript of a panel discussion about opioid use and families at "Healing Appalachia" symposium).

Jeremiah A. Ho & Alexander O. Rovzar, *Preventing Neonatal Abstinence Syndrome Within the Opioid Epidemic: A Uniform Facilitative Policy*, 54 HARV. J. ON LEGISL. 423 (2017) (explaining a policy designed to reduce opioid misuse during pregnancy in Massachusetts).

Dana Shilling, *Senior Citizens and the Opioid Crisis*, 328 ELDER LAW ADVISORY NL 1 (July 2018) (reporting on recent efforts at the federal and state levels to deal with public health problems arising from opioid use).

Stephanie Tabashneck, *Family Drug Courts: Combatting the Opioid Epidemic*, 52 FAM. L.Q. 183 (2018) (discussing opioid use and its effects on parenting, neonatal abstinence syndrome, medication-assisted treatment, and several models for family drug courts).

Prenatal Effects

Jennifer Anderson, *Protecting Newborns from Parents Who Abuse Drugs or Alcohol*, 28 No. 7 CHILD L. PRAC. 106 (2009)

(discussing trends and controversies in legal and policy approaches to protection of newborns prenatally exposed to alcohol and illegal drugs).

Wendy A. Bach, *Prosecuting Poverty, Criminalizing Care*, 60 WM. & MARY L. REV. 809 (2019) (reporting results of an empirical study of prosecutions under new laws creating crime of fetal assault for situations where a pregnant woman took narcotics without a prescription and caused harm to her child).

Nancy Corsones, *How Should Courts Respond to the Issues of Opiate Dependent Newborns? Finding Manageable Solutions in Agonizing Cases*, VT. B.J., Winter 2016, at 33 (proposing model for juvenile court judges handling cases of opioid-dependent newborns at the temporary care and merits stages of child welfare proceedings).

Alex Gaspari, Student Note, *Inheriting Your Mother's Eyes, Hair, and Drug Addiction: Protecting the Drug-Exposed Newborn by Criminalizing Pregnant Drug Use*, 54 FAM. CT. REV. 96 (2016) (examining the impact of drug use during pregnancy and arguing that states should follow Tennessee's lead in adopting a statute that makes it a crime where a child is harmed by a pregnant mother's drug use but provides a defense for a mother who takes reasonable steps to seek help and stop using drugs).

Maria D. Kroeger, Note, *Too Many Solutions: A Cross-Cultural Perspective of Neonatal Abstinence Syndrome and the Current Legal Approaches in the United States*, 55 U. LOUISVILLE L. REV. 81 (2017) (exploring various legal approaches to combat the incidence of neonatal abstinence syndrome).

Courtney E. Lollar, *Criminalizing Pregnancy*, 92 IND. L.J. 947 (2017) (challenging the scientific bases and exploring other motivations for laws criminalizing prenatal exposure to drugs).

Andrew J. Weisberg & Frank E. Vandervort, *A Liberal Dilemma: Respecting Autonomy While Also Protecting Inchoate Children from Prenatal Substance Abuse*, 24 WM. & MARY BILL RTS. J. 659 (2016) (proposing a combination of treatment options to ensure pregnant women receive needed treatment while also maintaining sufficient enforcement mechanisms to ensure protection of children).

Science of Addiction

Linda C. Fentiman, *Rethinking Addiction: Drugs, Deterrence, and the Neuroscience Revolution*, 14 U. PA. J. L. & SOC. CHANGE 233 (2011) (looking at issues of parental drug use and addiction in light of new research about the brain, gender differences, and effectiveness of judicial and treatment approaches).

Barry Stimmel, *From Addiction to Abstinence: Maximizing the Chances of Success*, 47 FAM. CT. REV. 265 (2009) (reviewing scientific evidence about the effects of dependence on mood-altering drugs and the best approaches for maximizing success in maintaining abstinence after stopping drug use).

Substance Abuse in Aging and Elderly Adults

Susan Abrams, Note, *Inebriated Elders: The Problem of Substance Abuse Among the Elderly*, 9 ELDER L.J. 229 (2001) (describing the need to educate those who have regular contact with the elderly about substance abuse problems).

Janice Pansing Brown, *Opioid Abuse and Elder Justice*, 66 DOJ J. FED. L. & PRAC. 159 (2018) (discussing the growing health problem with opioid abuse among older Americans).

Carol Colleran, *Older Adults and Addiction: Why We Should Care*, 6 MARQ. ELDER'S ADVISOR 125 (2004) (explaining issues raised by late onset addiction and other problems of alcohol and medication dependence among older adults).

Elise R. Friello, *A Growing Concern: Substance Use Disorders, Medication Misuse, and Older Adults*, 11 ALB. GOV'T L. REV. 1 (2017-2018) (proposing responses to the problems of addiction, substance use disorders, and medication misuse in a rapidly aging population).

Substance Abuse in Teens

Howard Davidson, *When It Happens in a Family: Aiding Parents of Substance-Abusing Adolescents*, 47 FAM. CT. REV. 253 (2009) (discussing what attorneys can do to help parents seeking advice about the legal and other implications of dealing with teen use of drugs or alcohol).

Advance Directives and Health Care Proxies

General Discussions

Donna A. Casey & David M. Walker, *The Clinical Realities of Advance Directives*, 17 WIDENER L. REV. 429 (2011) (asserting that based on one of the author's clinical experience, advance directives are not as effective in practice as one would expect them to be).

Vanessa Cavallaro, Comment, *Advance Directive Accessibility: Unlocking the Toolbox Containing Our End-of-Life Decisions*, 31 TOURO L. REV. 555 (2015) (examining factors that prevent advance directives from achieving their full potential for use and effectiveness).

Rebecca C. Morgan, *The New Importance of Advance Directives*, 2 EST. PLAN. & COMMUNITY PROP. L.J. 1 (2009) (examining four cases that illustrate problems arising in end-of-life situations where the patient did not have an advance directive).

Charles P. Sabatino, *Advance Care Planning in a Nutshell*, 35 BIFOCAL 151 (2014) (providing a basic explanation of advance care planning and obstacles to its effectiveness).

Charles P. Sabatino, *Can My Advance Directives Travel Across State Lines?*, 38 BIFOCAL 3 (2016) (assessing the extent to which advance directives apply across state lines and health care systems).

Charles P. Sabatino, *Top Ten Myths and Facts About Health Care Advance Directives*, 37 BIFOCAL 6 (2015) (updating list of commonly-held myths about health care advance directives).

Carolyn Standley & Bryan A. Liang, *Addressing Inappropriate Care Provision at the End-of-Life: A Policy Proposal for Hospitals*, 15 MICH. ST. U. J. MED. & L. 137 (2010) (discussing the use of advance directives as a means of reducing medically futile treatments).

Advice for Practicing Attorneys

Vaughn E. James, *Planning for Incapacity: Helping Clients Prepare for Potential Future Health Crises*, 9 EST. PLAN. & COMMU-

NITY PROP. L.J. 227 (2017) (examining how lawyers, estate planners, and personal financial planners can help clients prepare for potential health crises or accidents that lead to disability or incapacity).

Hugh M. Lee, *Failure or Refusal to Execute Advance Medical Directives: Exploring the “Practical” and “Practice” Implications of State Default Surrogacy Statutes*, ELDER L. ADVISORY, Apr. 2016, at 1 (explaining legal principles behind advance medical planning, discussing practical realities for clients resulting from a failure to plan, and addressing practice reality for lawyers when a client refuses to participate in advance medical planning).

Kate McEvoy, *Furthering Use of Advance Health Care Directives by Individuals Who Lack Resources for Private Counsel*, 23 QUINNIPIAC PROB. L.J. 386 (2010) (explaining what attorneys should know about tools and resources available for people seeking to create advance directives but unable to afford legal help in doing so).

Timothy P. O’Sullivan, *Drafting Health Care Advance Directives in a Rapidly Changing Legal and Sociological Environment*, J. KAN. B.A., Sept. 2017, at 32 (offering practical tips for lawyers drafting advance directives).

Sarah E. Ryan, Note, *Increasing Legal Support for End-of-Life Planning in the United States: How Probate and Family Attorneys Can Contribute to a Culture of Dignified Dying*, 30 QUINNIPIAC PROB. L.J. 335 (2017) (discussing ways for attorneys to contribute to end of life planning).

Charles P. Sabatino, *Into the Matrix of Law and Caregiving*, 37 BIFOCAL 96 (2016) (discussing key legal issues affecting family caregivers, including designating healthcare decision-makers).

Assisted Reproduction

Maddie Schueler, Note, *A Fertile Ground for Legislation: Proposing a Kentucky Statute Requiring Advance Directives for Couples Undergoing In Vitro Fertilization*, 49 U. LOUISVILLE L. REV. 267 (2010) (arguing that advance directives could resolve disputes about preembryo disposition).

Dementia

Judith K. Schwarz, *Alzheimer's Disease and Written Directives to Withhold Oral Feedings: Clinical Challenges in New York State*, 15 SEATTLE J. FOR SOC. JUST. 741 (2017) (discussing how New York law applies to situations where an advance directive instructs caregivers to withhold feedings for advanced dementia patients unable to feed themselves).

International Perspectives

Yue An & Mimi Zou, *An Assessment of Advance Directives in China: The "Coming of Age" for Legal Regulation?*, 20 MARQ. BENEFITS & SOC. WELFARE L. REV. 1 (2018) (considering why China has not developed regulation of advance directives and suggesting that China will do so in the near future).

Issues in Particular States

Wendy Metcalf Anderson, *A Good Death: Increasing the Adoption and Effectiveness of Advance Directives in Arizona*, 8 ARIZ. SUMMIT L. REV. 447 (2015) (proposing statutory changes to increase use of advance directives in Arizona and improve the availability of the documents when needed).

Brooke M. Benzio, *Advance Health Care Directives: Problems and Solutions for the Elder Law and Estate Planning Practitioner*, 26 ST. THOMAS L. REV. 37 (2013) (discussing critiques of advance directives and practical issues relevant to Florida practitioners).

Karen Telschow Johnson, *Death in Texas: The Documents that Control Medical Treatment and End-of-Life Decisions*, 11 EST. PLAN. & COMMUNITY PROP. L.J. 75 (2018) (explaining the crucial documents for advance medical decision making under Texas law).

Allyson R. LaBruzza, Comment, *In Case of Emergency, Please Comply: Louisiana's Outmoded Advance Directive Legislation and the Patient's Need for Reform*, 61 LOY. L. REV. 705 (2015) (proposing legislation to improve Louisiana law on advance directives).

Thaddeus Mason Pope, *Procedural Due Process and Intramural Hospital Dispute Resolution Mechanisms: The Texas Advance Directives Act*, 10 ST. LOUIS U. J. HEALTH L. & POL'Y 93 (2016) (reviewing the purpose, history, and operation of Texas advance directives law).

Samuel W. Wardle, Note & Comment, *The Advance Directive Statute Revisited*, 67 U. MIAMI L. REV. 861 (2013) (discussing Florida's advance directive statute and contending that the Terri Schiavo case exposed its poor drafting).

LGBTQ Issues

Shawna S. Baker, *Where Conscience Meets Desire: Refusal of Health Care Providers to Honor Health Care Proxies for Sexual Minorities*, 31 WOMEN'S RTS. L. REP. 1 (2009) (considering situations where health care providers refuse to honor health care proxies of same-sex couples).

Pregnancy

Wendy Adele Humphrey, *"But I'm Brain-Dead and Pregnant": Advance Directive Pregnancy Exclusions and End-of-Life Wishes*, 21 WM. & MARY J. WOMEN & L. 669 (2015) (proposing that states clarify their laws for situations in which a woman who is brain-dead and pregnant has an advance directive instructing doctors to withdraw or withhold life-sustaining medical treatment).

Orders for Life-Sustaining Treatment

Erin A. O'Neill, Note, *End-of-Life Care in Connecticut: Whose Decision Is It and When Does the Conversation Begin?*, 27 QUINNIPIAC PROB. L.J. 317 (2014) (proposing adoption of the MOLST (Medical Orders for Life-Sustaining Treatment) paradigm and discussing potential barriers to its implementation).

Robert J. Santoro, Note, *Giving POLST a Pink Slip: Why Connecticut Was Right to Reject the National POLST Paradigm*, 28 QUINNIPIAC PROB. L.J. 411 (2015) (proposing modifications necessary to create a POLST (Physicians Orders for Life-Sustaining

Treatment) paradigm that is focused on patient protection while ensuring that medical choices are honored).

Amy Vandenbroucke et al., *POLST: Advance Care Planning for the Seriously Ill*, 36 BIFOCAL 91 (2015) (clarifying the relationship between POLST and advance directives).

Psychological Considerations

Janet L. Dolgin, *Dying Discourse: Contextualizing Advance Care Planning*, 34 QUINNIPIAC L. REV. 235 (2016) (discussing the development of advance-care-planning laws within the context of shifting visions of death and dying in the Western world).

Gregory S.C. Huffman, *The Enigma of End-of-Life Decisions in Advance Directives*, 53 REAL PROP. TR. & EST. L.J. 401 (2018-2019) (discussing the complex, subjective, personal choices that must be made for advance directives).

Barbara A. Noah, *In Denial: The Role of Law in Preparing for Death*, 21 ELDER L.J. 1 (2013) (arguing that while advance directives have rarely been used to resolve end-of-life disputes, the practice of encouraging such directives should be continued and expanded because it benefits individuals by providing a structured context in which they consider their values and preferences throughout life as well as at the end of life).

Proposals for Reform

Kathy L. Cerminara & Joseph R. Kadis, *Give Me Liberty to Choose (a Better) Death: Respecting Autonomy More Fully in Advance Directive Statutes*, 10 ST. LOUIS U. J. HEALTH L. & POL'Y 67 (2016) (arguing that advance directive statutes would better protect patient wishes if they relied on medical ethics terminology instead of physical triggering conditions).

Allison Hughes, *State Advance Directive Registries: A Survey and Assessment*, 31 BIFOCAL 23 (2009) (explaining how some states have created registries where people can store advance directives so that health care providers can access them when needed).

Ruth F. Maron, Note, *Who Has a Will to Live?: Why State Requirements for Advance Directives Should Be Uniform(ly Revised)*, 24 REGENT U. L. REV. 169 (2011-2012) (arguing that

states should adopt uniform standards for advance health care decisions and include the disabled and elderly populations in the legislative process).

Dorothy D. Nachman, *Living Wills: Is It Time to Pull the Plug?*, 18 *ELDER L.J.* 289 (2011) (proposing that reliance on advance directives should be replaced with dialogue that guides the patient's health care agent in making health care choices on behalf of the principal).

Charles Sabatino, *Barriers to Universal Advance Directives*, 46 *J. L. MED. & ETHICS* 978 (2018) (assessing progress toward creation of user-friendly state laws on advance directives, identifying remaining barriers, and arguing for simplification of state laws to provide uniform, uncomplicated requirements).

Charles P. Sabatino & Louraine Arkfeld, *Bridging the Lawyer-Clinician Gap in Advance Care Planning*, 40 *BIFOCAL* 62 (2019) (examining how lawyers and clinicians approach health care advance planning with clients and patients, and describing the ABA Commission on Law and Aging's project to develop a unified set of practice principles for lawyers and clinicians and an advance care planning practice checklist).

Lois Shepherd, *The End of End-of-Life Law*, 92 *N.C. L. REV.* 1693 (2014) (providing a blueprint for reform of law on health care decisionmaking).

Elizabeth Villarreal, *Pregnancy and Living Wills: A Behavioral Economic Analysis*, 128 *YALE L.J. FORUM* 1052 (2019) (explaining how behavioral economics can help legislators draft living will statutes that more accurately capture women's preferences).

Megan S. Wright, *End of Life and Autonomy: The Case for Relational Nudges in End-of-Life Decision-Making Law and Policy*, 77 *MD. L. REV.* 1062 (2018) (arguing that relational "nudges" should be built into end-of-life decision-making law and policy).

Race

Catheryn S. Koss & Tamara A. Baker, *Where There's a Will: The Link Between Estate Planning and Disparities in Advance Care Planning by White and Black Older Adults*, 40 *RESEARCH ON AGING* 281 (2017) (reporting on a study looking at why older

adults who are white are more likely to have advance directives and other advance health care planning).

Rachelle Sico, *End-of-Life Care: The Legal, Cultural, and Interdisciplinary Barriers Hindering the Effective Use of Advance Directives*, 22 ANNALS HEALTH L. ADVANCE DIRECTIVE 44 (2013) (discussing reasons why advance directives have not proven helpful for minority populations).

Religious Beliefs

Naomi Cahn & Amy Zietlow, *Religion and End-of-Life Decision-Making*, 2016 U. ILL. L. REV. 1713 (examining how religion affects surrogates making end-of-life decisions).

Wendy S. Goffe, *Conform Health Care Directive to Client's Religious Views – Part 1*, 39 EST. PLAN. 19 (2012), and Wendy S. Goffe, *Conform Health Care Directive to Client's Religious Views – Part 2*, 39 EST. PLAN. 28 (2012) (discussing how clauses in standard advance health care directives may conflict with a client's religious beliefs).

Richard L. Kaplan, *Religion and Advance Medical Directives: Formulation and Enforcement Implications*, 2016 U. ILL. L. REV. 1737 (2016) (examining the role of religion in the creation and enforcement of advance directives, with a particular focus on the Terri Schiavo case and its continuing significance).

Studies

David Godfrey, *Health Care Decision-Making During a Crisis When Nothing Is in Writing*, 15 NAELA J. 39 (2019) (reporting findings of a research project on health care decision-making in critical care settings when patients lacked capacity and had no advance directive).

Susan P. Shapiro, *Advance Directives: The Elusive Goal of Having the Last Word*, 8 NAELA J. 205 (2012) (critiquing a study's conclusions about the widespread use and effectiveness of advance directives).

Susan P. Shapiro, *The Living Will as Improvisation*, 37 BIFOCAL 49 (2015) (describing a three-year study of medical decision making on behalf of patients in two intensive care units).

Suicide

Casey Frank, *How to Reconcile Advance Care Directives with Attempted Suicide*, COLO. LAW., July 2013, at 97 (considering the ethical and legal dilemmas in situations where a person attempted suicide and has an advance directive declining medical treatment).

Unconventional Forms of Advance Directives

Brian Elzweig, “Do Not Resuscitate” Tattoos: Adequate Evidence of a Patient’s Intent to Die?, 97 OR. L. REV. 277 (2019) (discussing end-of-life intention tattoos and their impact on medical providers and hospital ethics committees).

Richard Sandza, *Video Advance Directives: Your Smartphone Records Your Wishes*, 38 BIFOCAL 79 (2017) (discussing legal issues raised by advance directives recorded in video form).

Veterans

Liliana Kalogjera Barry, *Health Care Decision Making in the Veterans Health Administration: The Legal Significance for Informed Consent and Advance Directives*, 14 MARQ. ELDER’S ADVISOR 269 (2013) (examining how health care decision making may differ at facilities of the Veterans Health Administration).

Charles Sabatino, *Planning for Future Health Care Decisions. . . Your Way*, 32 BIFOCAL 58 (2011) (reviewing a new online workbook for advance care planning issued by Department of Veterans Affairs).

Wrongful Living Claims

Samuel D. Hodge, Jr., *Wrongful Prolongation of Life – A Cause of Action That May Have Finally Moved into the Mainstream*, 37 QUINNIPIAC L. REV. 167 (2019) (claiming that changing attitudes have increased the likelihood of health care providers being held liable for not following advance directives).

Alberto B. Lopez & Frederick E. Vars, *Wrongful Living*, 104 IOWA L. REV. 1921 (2019) (proposing the creation of a nation-

wide registry of advance directives and recognizing liability for failure to comply with directives).

Nicole Marie Saitta & Samuel D. Hodge, Jr., *Wrongful Prolongation of Life – A Cause of Action That Has Not Gained Traction Even Though a Physician Has Disregarded a “Do Not Resuscitate” Order*, 30 TEMP. J. SCI. TECH. & ENVTL. L. 221 (2011) (discussing why courts have been reluctant to impose liability on doctors failing to honor advance directives).

Nadia N. Sawicki, *A New Life for Wrongful Living*, 58 N.Y.L. SCH. L. REV. 279 (2013/2014) (arguing that while courts have generally not recognized a liability claim for disregarding advance directives, the trend may be toward doing so).

The Uniform Parentage Act of 2017

General Discussions

George C. Maha, *UPA 2017: The Science of It All*, FAM. ADVOC., Spring 2018, at 20 (discussing scientific issues considered in the drafting of the Uniform Parentage Act of 2017).

Jamie D. Pedersen, *The New Uniform Parentage Act of 2017*, FAM. ADVOC., Spring 2018, at 16 (summarizing major changes made to the Uniform Parentage Act in 2017 revisions).

Steven H. Snyder & Richard B. Vaughn, *The Modern Family: Why the 2002 UPA Needs Updating*, FAM. ADVOC., Spring 2017, at 32 (discussing social, legal, and medical advances that have created a need to modernize the Uniform Parentage Act).

Establishing Parentage

Jeffrey A. Parness, *Comparable Pursuits of Hold Out and De Facto Parentage: Tweaking the 2017 Uniform Parentage Act*, 31 J. AM. ACAD. MATRIMONIAL LAW. 157 (2018) (analyzing the “holding out” and “de facto” parentage sections of the Uniform Parentage Act of 2017).

Jeffrey A. Parness, *Unnatural Voluntary Parentage Acknowledgments Under the 2017 Uniform Parentage Act*, 50 U. TOL. L. REV. 25 (2018) (arguing that the Uniform Parentage Act of 2017 should be amended so that voluntary parentage acknowledge-

ments would be available only to persons who are naturally related to the children they acknowledge, and there should be different opportunities provided for parentage declarations by those with no natural ties).

LGBT-Parent Families

Courtney G. Joslin, *Nurturing Parenthood Through the UPA (2017)*, 127 *YALE L.J. FORUM* 589 (2018) (discussing how asymmetries and gaps in parentage laws adversely affect LGBT-parent families and recommending the Uniform Parentage Act of 2017 as a means by which states can reform their parentage laws to more evenhandedly protect all parent-child relationships).

Harry L. Tindall & Elizabeth H. Edwards, *The 2017 UPA: Strengthening Protections for Children and Families*, *FAM. ADVOC.*, Spring 2017, at 30 (describing work being done on the drafting of the Uniform Parentage Act of 2017 and how it will provide a framework for same-sex couples as well as heterosexual couples).

Surrogacy Contracts

Daniel Schwartz, *Gestational Surrogacy Contracts: Making a Case for Adoption of the Uniform Parentage Act*, 33 *WIS. J.L. GENDER & SOC'Y* 131 (2018) (arguing that the Uniform Parentage Act of 2017 provides specific, comprehensive, and constitutional provisions governing surrogacy contracts and should be adopted by all states).

Nick Stanley, *Freedom of Family: The Right to Enforceable Family Contracts*, 31 *J. AM. ACAD. MATRIM. LAW.* 223 (2018) (discussing treatment of gestational or genetic surrogacy agreements in the Uniform Parentage Act of 2017).

Sydney H. Willmann, Comment, *Commercial Surrogacy and the Sale of Children Under the Revised Uniform Parentage Act of 2017*, 49 *CUMB. L. REV.* 157 (2018-2019) (examining the issue of commercial surrogacy and the sale of children under the proposed Uniform Parentage Act of 2017).

Advocacy with Self-Represented Litigants

General Discussions

Karen S. Adam & Stacey N. Brady, *Fifty Years of Judging in Family Law: The Cleavers Have Left the Building*, 51 FAM. CT. REV. 28 (2013) (recognizing that the shift to self-represented litigants is one of the major changes observed over the past fifty years of judging).

John M. Greacen, *Self-Represented Litigants, the Courts, and the Legal Profession: Myths and Realities*, 52 FAM. CT. REV. 662 (2014) (arguing that most self-represented litigants have no alternatives, judges following best practices encounter no unusual ethical issues in dealing with self-represented litigants, self-represented litigants are able to obtain fair outcomes when given appropriate accommodations, cases with self-represented litigants actually consume less judicial resources than cases where both sides are represented, and self-represented litigants are a potentially lucrative market for the delivery of limited-scope representation by the private bar).

John Lande, *The Revolution in Family Law Dispute Resolution*, 24 J. AM. ACAD. MATRIM. LAW. 411 (2012) (discussing major shifts in family law dispute resolution, including increasing numbers of self-represented litigants).

Advice for Attorneys Dealing with Self-Represented Litigants

Amy G. Applegate & Connie J.A. Beck, *Self-Represented Parties in Mediation: Fifty Years Later It Remains the Elephant in the Room*, 51 FAM. CT. REV. 87 (2013) (discussing challenges for self-represented litigants and mediators working with them in family law cases).

Joseph W. Booth, *Successfully Negotiating with the Self-Represented Party*, FAM. ADVOC., Winter 2015, at 36 (advising attorneys on leading negotiations between family law litigants while representing only one of the parties).

Amy Calvo MacNamara, *Pro Se Roadblocks: How to Get Around Them*, FAM. ADVOC., Winter 2018, at 12 (providing ad-

vice for attorneys preparing for trials against self-represented parties).

Yolanda F. Sonnier, *Approaching Your Case Against the Pro Se Litigant*, FAM. ADVOC., Fall 2013, at 11 (providing tips for attorneys handling family law matters involving self-represented litigants).

Ethical Issues

Jessica Dixon Weaver, *Overstepping Ethical Boundaries? Limitations on State Efforts to Provide Access to Justice in Family Courts*, 82 FORDHAM L. REV. 2705 (2014) (considering whether state judges and agencies have overstepped ethical boundaries and caused harm by promulgating standard forms, such as divorce pleadings and paternity acknowledgements, to be used by people without lawyers for family law matters).

Victoria White & Thomas G. Wilkinson Jr., *Ethics Digest*, PENN. LAW., Aug. 2016, at 54 (reporting on an ethics opinion about a situation where a family law attorney had a client who insisted on appearing pro se at a custody conference without permitting the attorney to withdraw as counsel of record).

Reforms and Proposals

ABA Standing Committee on the Delivery of Legal Services, *An Analysis of Rules that Enable Lawyers to Serve Pro Se Litigants*, 45 FAM. L.Q. 64 (2011) (discussing ways in which various states are formulating or amending rules of professional conduct, rules of procedure, and other rules and laws to enable lawyers to provide limited scope representation to clients who would otherwise proceed on a pro se basis).

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