The Future of Family Law: An Annotated Bibliography

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This bibliography covers emerging issues in family law that may become increasingly important in the not too distant future. The bibliography primarily focuses on articles published in the past five years, from 2015 to 2020, but reaches back further on several topics for which the amount of recent literature is limited.

- COVID-19 ................................................................. 278
  Impact on Family Law ........................................... 278
  Vaccinations and Child Custody .............................. 279
- Cryptocurrency and Other Digital Assets .............. 280
  Divorce and Property Division ............................... 280
  Inheritance and Estate Planning ............................. 280
- International Child Abduction .............................. 282
  Determining the “Habitual Residence” of a Child .... 282
  Effectiveness and Enforcement .............................. 284
  Exceptions or Defenses ......................................... 285
  General Discussions ............................................. 288
- Immigration Issues .............................................. 289
- Jurisdiction and Procedures ................................. 290
- Preventing Abductions ......................................... 291
- Relations with Other Countries ............................. 292
- Multiple Parents ................................................. 294
- Multiple Spouses ................................................. 296
  Cultural and Social Norms .................................... 296
  Decriminalization ............................................... 297
  Divorce .............................................................. 298
  Estate Planning .................................................... 298
  Family Law Practice ............................................. 298
  Immigration ........................................................ 298
  Marriage Rights ................................................... 299
  Nonmarital Legal Status ...................................... 301
- Post-Mortem Reproduction .................................. 302

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COVID-19

Impact on Family Law

Gia M. Conti, COVID-19: Key Considerations in Divorce and Related Support Obligations, FAM. ADVOC., Aug. 1, 2020, at 36 (reviewing how the COVID-19 crisis and resulting uncertainty affects those contemplating divorce or seeking modifications of child or spousal support).

Joann Feld, Mediation May Be the Best Option for Divorced Families Dealing with the Impacts of COVID-19, N.Y. ST. B.J., June/July 2020, at 34 (recommending mediation as an alternative to litigation because it can be done while maintaining social distancing and regardless of court closures).

Aimee Key & Lindsey Obenhaus, COVID-19 and Family Law – What Every Attorney Needs to Know, 83 TEX. B.J. 310 (2020) (discussing new issues for family law clients and children, includ-
ing how shelter-in-place lockdowns affect parenting, how a parent’s potential exposure to COVID-19 affects co-parenting, the impact of remote learning on parents’ communications and responsibilities, and the impact of unemployment on child support obligations).

Clare McMahon, *Domestic Relations Practice During the COVID-19 Pandemic*, CBA Rec., May/June 2020, at 23 (discussing how the COVID-19 pandemic has affected office and case management for family law attorneys).


Tony Pacione & Hope Mercado, “I Need Help, but I’m Not Ready” – Motivating Clients to Accept Legal Advice in a Time of Uncertainty, Ill. B.J., Sept. 2020, at 50 (discussing how the COVID-19 pandemic has affected many people and their families, and how the heightened anxiety and uncertainty affect interactions between family law attorneys and their clients).

Christopher Vatsaas & Kendal O’Keefe, *Pandemic Family Stress Equals Pandemic Family Law Stress*, Bench & B. Minn., May/June 2020, at 33 (describing how the COVID-19 pandemic put additional stress on families, resulting in an increase in activity in family law systems, including courts and all forms of alternative dispute resolution).

**Vaccinations and Child Custody**


Cryptocurrency and Other Digital Assets

Divorce and Property Division

Julie Colton, *Cryptocurrency: The Naturally Hidden Asset, Law. J. (Allegheny Cty. B. Ass’n)*, Oct. 25, 2019, at 14 (explaining the importance of ensuring that virtual currencies are properly discovered and valued in family law cases).


Caline Hou, *A Bit-ter Divorce: Using Bitcoin to Hide Marital Assets*, 16 N.C. J.L. & Tech. Online 74 (2015) (proposing that Bitcoin should be categorized as a security in order to improve courts’ ability to properly value divorcing parties’ assets and make a fair distribution of marital property).

Inheritance and Estate Planning


Maria Perrone, *What Happens When We Die: Estate Planning of Digital Assets*, 21 CommLaw Conspectus 185 (2012) (arguing that the increasing importance of digital assets creates a need for uniform laws to protect interests in such assets).


Parker F. Taylor et al., *Estate Planning with Cryptocurrency*, Prob. & Prop., July/Aug. 2019, at 22 (advising attorneys about how to create the best estate plans and properly administer the estates of clients holding cryptocurrencies).


**International Child Abduction**

*Determining the “Habitual Residence” of a Child*


Joe Digirolamo & Manal Cheema, *Monasky v. Taglieri: The (International) Case for a “True” Hybrid Approach*, 60 Va. J. Int’l L. Online 1 (2020) (arguing that the Supreme Court should adopt a “true” hybrid approach to determination of “habitual residence” of a child under the Hague Convention, which would mean considering the shared intent or agreement of the parents about where the child would reside, as well as where the child had become acclimatized or accustomed to living, with neither the parental intent nor the child’s acclimatization considerations being presumptively favored as the more important factor).


the determination of a child’s “habitual residence” in the courts of Canada, the United States, and the United Kingdom).

Caroline Holley, Comment, Habitual Residence: Perspectives from the United Kingdom, 30 J. AM. ACAD. MATRIM. LAW. 233 (2017) (reviewing standards for determining the “habitual residence” of children, under the Hague Convention and other laws, used by the Court of Justice of the European Union and the United Kingdom’s Supreme Court).


William C. Johnston, Case Comment, Family Law – Children Alienated from Father: Third Circuit Discounts Hague Convention on Legally Inseparable Caribbean Island – Didon v. Castillo, 838 F.3d 313 (3rd Cir. 2016), 40 Suffolk Transnat’l L. Rev. 413 (2017) (arguing that, contrary to a Third Circuit ruling, a child could have two places of “habitual residence” if living on an island where there are officially two jurisdictions, such as French Saint Martin and Dutch Sint Maarten, but the border between them is virtually imperceptible for all practical purposes and the children’s daily routine transcends the border).

Morgan McDonald, Home Sweet Home? Determining Habitual Residence Within the Meaning of the Hague Convention, 59 B.C. L. Rev. E-Supplement 427 (2018) (discussing the circuit split over how to determine the “habitual residence” of a child and arguing that courts should adopt an approach that focuses on objective, child-centered evidence).

Aimee Weiner, Comment, Home Is Where the Heart Is: Determining the Standard for Habitual Residence Under the Hague Convention Based on a Child-Centric Approach, 11 Seton Hall Circuit Rev. 454 (2015) (arguing for the use of a hybrid subjective and objective reasonableness standard, focused on the child’s perspective and past experience, for determining the loca-
tion of a child’s “habitual residence” for Hague Convention purposes).


Effectiveness and Enforcement

Patricia E. Apy, The Case for Reciprocity, N.J. LAW., Oct. 2016, at 46 (discussing the significance of the International Child Abduction Prevention and Recovery Act for lawyers practicing in international family law, with a focus on the issue of whether lack of treaty reciprocity should prevent the assertion of claims for the return of a child to a country that is not a Hague Convention signatory).

Robert D. Arenstein, How to Prosecute an International Child Abduction Case Under the Hague Convention, 30 J. AM. ACAD. MATRIM. LAW. 1 (2017) (advising family law attorneys handling Hague Convention cases and emphasizing that effective representation of clients in these cases requires attorneys to be prepared to educate judges who are not familiar with the Hague Convention and its provisions).


Andrew A. Zashin et al., *The United States as a Refuge State for Child Abductors: Why the United States*, 28 J. Am. Acad. Matrimonial L. 249 (2015) (asserting that the U.S. system for enforcement of the Hague Convention is systematically inefficient and biased against left-behind parents seeking to have children returned back to other countries).

**Exceptions or Defenses**


Lauren Cleary, *Note, Disaggregating the Two Prongs of Article 13(b) of the Hague Convention to Cover Unsafe and Unstable Situations*, 88 Fordham L. Rev. 2619 (2020) (arguing that Article 13(b) of the Hague Convention establishes two exceptions to the general requirement that a child must be returned to the place of habitual residence, with one exception covering situations where the return would expose the child to a “grave risk” of physical or psychological harm, and the other exception covering situations where the child would be placed in an “intolerable situation” such as going into a zone of war, but courts have improperly conflated these two defenses and thereby reduced the protection that children should receive under Article 13(b)).

Andres R. Cordova, *Case Comment, International Law: Honoring the Letter and Spirit of International Treaties – Lozano v. Montoya Alvarez*, 134 S. Ct. 1224 (2014), 27 Fla. J. Int’l L. 441 (2015) (suggesting that, given the Supreme Court’s decision that bars left-behind parents from relying on equitable tolling in situations where an abducting parent claims that an abducted child is “well-settled” in a new place after having lived there for at least one year and therefore should not be returned to the country from which the child was abducted, the fact that the abducting parent concealed the child’s whereabouts is likely to be treated as an important negative factor weighing against the abducting parent in determinations of whether the child has become “well-settled” in the country where the child is living).


Cassandra Erler, Comment, *Far from Now-Settled: The Supreme Court’s Decision in Lozano v. Montoya Alvarez, 26 Am. U. J. Gender Soc. Pol’y & L. 793 (2018) (arguing that parents’ due process rights are violated by the Supreme Court’s refusal to apply equitable tolling principles to the Hague Convention provisions that allow a court to find that a child who was abducted more than one year ago is “well-settled” in the child’s new home and should not be automatically returned to the country from which the child was abducted).

Lisa R. Havilland, *One Year Isn’t Enough: How the Hague Abduction Convention’s One-Year Limitation Encourages Abductors to Conceal Their Child’s Whereabouts*, 51 Fam. L.Q. 73 (2017) (contending that the Supreme Court was wrong to find that equitable tolling does not apply under the Hague Convention, because it encourages abducting parents to conceal the whereabouts of the child so that one year will pass and the abducting parent can then rely on the defense that the child is “well-settled” in the place where the child is living and should not be automatically returned to the place from which the child was abducted).

Hannah Loo, Comment, *In the Child’s Best Interests: Examining International Child Abduction, Adoption, and Asylum*, 17 Chi. J. Int’l L. 609 (2017) (arguing that the Hague Convention’s defenses, exceptions, and other standards inadequately provide for consideration of the child’s best interests and proposing that re-
forms to address this could include empowering a central authority figure to make a neutral assessment of what is best for the child in the situation, similar to what is done under the Hague Adoption Convention and the U.N. High Commissioner on Refugees Guidelines).

Laura E. Petkovich, Note, Equitable Tolling Denied: Uniform Standards Breaks Abuser's Control Within Domestic Violence, 10 MOD. AM. 39 (2017) (asserting that the Supreme Court was right to find that equitable tolling cannot apply under the Hague Convention, so that if a child has been in the United States for more than one year, the child may be found to be “well-settled” in the United States and not subject to automatic return to another country, even if the parent bringing the Hague Convention action claims the one-year limitations period should have been paused while the parent was pursuing the action).

Kevin Wayne Puckett, Comment, Hague Convention on International Child Abduction: Can Domestic Violence Establish the Grave Risk Defense Under Article 13, 30 J. AM. ACAD. MATRIM. LAW. 259 (2017) (contending that the Hague Convention’s defenses offer inadequate aid to domestic violence victims and their children because so few courts have recognized that domestic violence is a type of “grave risk” under Article 13(b) of the Convention that would justify a court to decline to return a child).


Kyle Simpson, Comment, What Constitutes a “Grave Risk of Harm?”: Lowering the Hague Child Abduction Convention’s Article 13(b) Evidentiary Burden to Protect Domestic Violence Victims, 24 GEO. MASON L. REV. 841 (2017) (arguing that courts are applying an overly demanding standard by requiring a parent to show a “grave risk” of harm, under the Hague Convention’s Article 13(b) defense, to avoid the return of a child to a parent accused of abusive behavior).

**General Discussions**


velopments in international family law over the previous year, including new court decisions in Hague Convention cases).


*Immigration Issues*


Nicole Su, Comment, *The International Custody Battle: Conflict of Law Between the Hague Abduction Convention and U.S. Asy-
lum Law, 39 Hous. J. Int’l L. 433 (2017) (discussing conflicts that can arise between Hague Convention actions and immigration proceedings, such as situations in which a child seeks asylum in order to remain in the United States as a refugee but a parent is simultaneously seeking to remove the child from the United States through a Hague Convention claim).

Jurisdiction and Procedures


Sam F. Halabi, The Hague Convention on the Civil Aspects of International Child Abduction and the Latent Domestic Relations Exception to Federal Question Jurisdiction, 41 N.C. J. Int’l L. 691 (2016) (describing how federal courts have aggressively asserted their jurisdiction over claims seeking the return of a child to a foreign country, but they have largely refrained from exercising their jurisdiction over access claims seeking visitation with a child in the United States, creating a two-track system in which federal courts jealously guard their authority over the remedy of
return but delegate decisions about access to state courts or the State Department).

Sarah J. Kniep, Note, What Do Courts Do Now?: The Effects and Potential Solutions in the Aftermath of Chafin v. Chafin, 133 S. Ct. 1017 (2013), 93 Neb. L. Rev. 750 (2015) (discussing the problem of how to allow for meaningful appellate review while also achieving the Hague Convention’s objective of quick judicial resolution of international child abduction cases, and proposing a plan under which a final decision about return of a child, including an appellate decision, would be made within six weeks).


Keelikolani Lee Ho, Comment, The Need for Concentrated Jurisdiction in Handling Parental Child Abduction Cases in the United States, 14 Santa Clara J. Int’l L. 596 (2016) (explaining that many countries are “shrinking the bench” for Hague Convention cases by concentrating the cases on a limited number of specialized judges and considering the arguments for and against changing jurisdiction in the United States to limit the number of judges handling these cases).


Preventing Abductions

Ashley N. Dowd, International Parental Kidnapping: Combatting Abduction Through Prevention, 8 Creighton Int’l & Comp. L.J. 136 (2017) (contending that given the difficulty of obtaining the return of children abducted to foreign countries, U.S. courts should focus on preventative measures that could reduce the number of international child abductions, such as by imposing
strict travel and visitation safeguards in situations where there are factors that suggest the risk of an abduction is heightened).

Alexandra Galdos, Note, *When a Stranger Isn’t the Danger: International Child Abduction and the Necessity of Mandatory Preventative Measures in the European Union*, 49 Geo. Wash. Int’l L. Rev. 983 (2017) (asserting that all countries should take a proactive approach to preventing international child abductions, as the United Kingdom has done with its system of tipstaff orders and port alerts that enable law enforcement to take preventative actions in situations where there is a high risk for abductions to occur).

Jeanne M. Hannah, *Protecting Children from Parental Abduction*, Fam. Advoc., Spring 2017, at 26 (explaining how family law attorneys can use the Uniform Child Custody Jurisdiction and Enforcement Act and the Uniform Child Abduction Prevent Act to reduce the risks of international child abductions, particularly abductions by parents who are from countries that are not Hague Convention signatories).


*Relations with Other Countries*


Emily C. Dougherty, *International Child Abduction and the Hague Convention: Inconsistencies Between the United States and the United Kingdom – A Call for Amendments*, 24 WILLAMETTE J. INT’L L. & DISPUTE RESOL. 297 (2017) (comparing how the United States and the United Kingdom handle disputes with countries that have not signed the Hague Convention and explaining the need for an amendment to the Hague Convention that would prioritize the child’s welfare in all decision making and lend guidance for situations involving children taken to non-signatory countries).


Peter J. Messitte, *Getting Tough on International Child Abduction*, 58 FAM. CT. REV. 195 (2020) (arguing that the U.S. State Department’s Bureau of Consular Affairs has not made adequate efforts to sanction countries, such as Brazil, that fail to fulfill their responsibilities under the Hague Convention).

Hague Convention cases based on the principle of international comity).


### Multiple Parents


Naomi Cahn & June Carbone, *Custody and Visitation in Families with Three (or More) Parents*, 56 FAM. CT. REV. 399 (2018) (discussing the problems that arise in trying to recognize multiple parents of a child and suggesting solutions that assign rights to parents based on their function with respect to care for the child rather than inflexibly trying to maintain equal standing for each of the multiple parents).


Jason de Jesus, *When It Comes to Parents, Three’s No Longer a Crowd: California’s Answer to In re M.C.*, 49 LOY. L.A. L. REV. 779 (2016) (examining California’s legislation enabling courts to recognize a child as having more than two parents and arguing that recognition of multiple parents can benefit children in financial and emotional ways).

courts should have authority to recognize three people as legal parents of a child).

Daniel Green, Note & Comment, Assessing Parental Rights for Children with Genetic Material from Three Parents, 19 MINN. J.L. SCI. & TECH. 251 (2018) (arguing that courts should adopt a bright-line rule that an individual donating mitochondrial DNA to a child via mitochondrial replacement therapy does not have parental rights).

Tricia Kazinetz, You Can’t Have One Without the Other: Why the Legalization of Same Sex Marriage Created a Need for Courts to Have Discretion in Granting Legal Parentage to More than Two Individuals, 24 WIDENER L. REV. 179 (2018) (contending that given the range of new and evolving family structures, states should follow California’s lead and allow courts to recognize a child as having more than two parents).

Amy B. Leiser, Note, Parentage Disputes in the Age of Mitochondrial Replacement Therapy, 104 GEO. L.J. 413 (2016) (proposing the use of an intent test for resolving parentage disputes in the context of mitochondrial replacement therapy).

Myrisha S. Lewis, Biology, Genetics, Nurture, and the Law: The Expansion of the Legal Definition of Family to Include Three or More Parents, 16 NEV. L.J. 743 (2016) (introducing “parentage in praxi,” a new doctrine of parental recognition based on the idea that one may stand “in the shoes of a parent,” and which would allow a child to have more than two parents if doing so is in the child’s best interests).

Stu Marvel, The Evolution of Plural Parentage: Applying Vulnerability Theory to Polygamy and Same-Sex Marriage, 64 EMORY L.J. 2047 (2015) (discussing how the evolution of the concept of marriage, including the movement toward recognition of the legitimacy of polygamous families, will eventually transform the traditional two-parent model of caring for children).

Tiffany L. Palmer, How Many Parents? – Multiparent Families Are Increasingly Recognized by Law and Society, FAM. ADVOC., Spring 2018, at 36 (discussing how most states will only recognize two individuals as a child’s legal parents even though families to-
day are raising children in diverse and evolving structures that often involve three or more co-parents).

Colleen M. Quinn, *Mom, Mommy & Daddy and Daddy, Dad & Mommy: Assisted Reproductive Technologies & the Evolving Legal Recognition of Tri-Parenting*, 31 J. AM. ACAD. MATRIM. LAW. 175 (2018) (describing how assisted reproductive technology and expanded views about who has a right to marry will inevitably soon raise more multi-parent situations, and arguing that the resulting issues should be approached from a child-centric approach that focuses on the best interests of the child).

Mallory Ullrich, Student Note, *Tri-Parenting on the Rise: Paving the Way for Tri-Parenting Families to Receive Legal Recognition Through Preconception Agreements*, 71 Rutgers U. L. Rev. 909 (2019) (arguing that New Jersey should allow families with more than two parents to gain legal recognition by entering into narrowly tailored preconception agreements that express the intent of all three parties to parent the child).

### Multiple Spouses

#### Cultural and Social Norms

Lisa Fishbayn Joffe, *What's the Harm in Polygamy? Multicultural Toleration and Women's Experience of Plural Marriage*, 31 J.L. & RELIGION 336 (2016) (discussing four recent books about polygamy; looking at the representation of polygamy in literature and popular culture; considering the role of cultural and religious intolerance in opposition to polygamy; assessing the purported harms of polygamy; considering whether there could be forms of polygamy that are not oppressive or exploitative; and suggesting that South Africa's Recognition of Customary Marriages Act might be a model for how to give legal recognition to polygamous relationships while empowering women to resist and alter discriminatory aspects of their marital practices).

Elizabeth S. Scott & Robert E. Scott, *From Contract to Status: Collaboration and the Evolution of Novel Family Relationships*, 115 COLUM. L. REV. 293 (2015) (describing the process that non-traditional family relationships go through in moving toward acceptance and achieving the legal status of families, which
requires demonstrating that these nontraditional family forms can function effectively as long-term commitments to mutual care and interdependence, with polyamorous relationships used as a primary example of this process).

**Decriminalization**

Casey E. Faucon, *Decriminalizing Polygamy*, 2016 *UtaH L. Rev.* 709 (arguing that laws prohibiting polygamy should be struck down as unconstitutional under a combination of substantive due process and free speech grounds, which would result in the decriminalization of informal polygamy even if it did not mean extending the right to marriage to plural or group relationships).

Maura Irene Strassberg, *Can We Still Criminalize Polygamy: Strict Scrutiny of Polygamy Laws Under State Religious Freedom Restoration Acts After Hobby Lobby*, 2016 *U. Ill. L. Rev.* 1605 (arguing that where state religious freedom laws require the application of strict scrutiny to claims about religious freedom to practice polygamy, states will need to show that they have compelling interests in avoiding harms resulting from polygamy and that criminalization of polygamy is the least restrictive way to serve those interests).


Jonathan Turley, *The Loadstone Rock: The Role of Harm in the Criminalization of Plural Unions*, 64 *Emory L.J.* 1905 (2015) (exploring the concept of harm as the basis for enactment of criminal laws, and finding that the criminalization of plural relationships has been based largely on assumptions about harm driven by anecdotal evidence, moral opinions, and a focus on the most extreme forms of polygyny).

McLaurine H. Zentner, Comment, *Keeping “I Do” Between Two: A Post-Obergefell Analysis of Bigamous Marriage and Its Implications for Louisiana’s Matrimonial Regime*, 78 *La. L. Rev.* 335 (2017) (contending that even though the fundamental right to marry should not be extended to bigamous relationships, laws
that criminalize bigamy should be struck down as unconstitutional violations of privacy rights).

**Divorce**

Michael J. Higdon, *Polygamous Marriage, Monogamous Divorce*, 67 Duke L.J. 79 (2017) (arguing that states have a compelling economic interest in limiting marriage to two people because otherwise a person who never intended to truly have more than one spouse at any given time could marry a series of people over time, without ever divorcing any of them or facing a risk of prosecution for bigamy, and take financial advantage of each of the victims of this sequential form of bigamy).

**Estate Planning**

Naomi Cahn & Kim Kamin, *Adapt Old Strategies to Fit New Family Arrangements*, 47 Est. Plan. 30 (2020) (discussing the increasing number of potential complexities in family arrangements, including polyamorous relationships, that should be considered by estate planners).


**Family Law Practice**

Helen Casale, *Does It Take Three to Tango?*, N.J. Law., Dec. 2018, at 22 (advising family law practitioners about issues raised by multi-parent families, including the need to advise clients about the importance of entering into written agreements to spell out relationships and arrangements).

**Immigration**

polygamists would probably be unsuccessful, despite the recent decisions recognizing a right to same-sex marriage).

**Marriage Rights**


Sonu Bedi, *An Illiberal Union*, 26 WM. & MARY BILL RTS J. 1081 (2018) (arguing that the Supreme Court decisions recognizing a right to same-sex marriage may seem to affirm principles of liberalism, but they in fact run counter to principles of liberal neutrality by treating marriage as a spiritual status in violation of separation of church and state, stigmatizing people who choose not to marry, and promoting monogamy over polygamy and other alternative forms of relationships).

Amberly N. Beye, Comment, *The More, the Marry-er? The Future of Polygamous Marriage in the Wake of Obergefell v. Hodges*, 47 SETON HALL L. REV. 197 (2016) (predicting that the outcome for constitutional claims about polygamous marriage will depend on the level of scrutiny that courts apply, and even if the fundamental right to marry applies, laws prohibiting polygamous marriage may nevertheless survive scrutiny because of state interests in protecting women and children from harms arising from polygamous marriages).

Ronald C. Den Otter, *Three May Not Be a Crowd: The Case for a Constitutional Right to Plural Marriage*, 64 Emory L.J. 1977 (2015) (assessing the substantive due process and equal protection arguments for legal recognition of plural marriages and predicting that marriage may become a concept that allows for greater diversity of choices and that does a better job of meeting people’s needs).

Casey E. Faucon, *Polygamy After Windsor: What’s Religion Got to Do with It?*, 9 Harv. L. & Pol’y Rev. 471 (2015) (contending that constitutional arguments for legal recognition of plural marriage practices will be more successful if based on substantive
due process arguments, about equal dignity and intimacy privacy, rather than freedom of religion).


Jonathan A. Porter, Comment, *L’Amour for Four: Polygyny, Polyamory, and the State’s Compelling Economic Interest in Normative Monogamy*, 64 Emory L.J. 2093 (2015) (arguing that states have a compelling interest in prohibiting polyamory because social science research shows that normative monogamy has strengthened societies economically by encouraging long-term investments in relationships and by steering men to direct their resources away from mate-seeking and toward child-rearing, saving, and other productive investments).

Sarah Rogozen, *Prioritizing Diversity and Autonomy in the Polygamy Legalization Debate*, 24 UCLA Women’s L.J. 107 (2017) (contending that a right to polygamous marriage should be recognized, based on the substantive due process interest in people having autonomy in making decisions about personal matters).


Edward Stein, *Plural Marriage, Group Marriage and Immutability in Obergefell v. Hodges and Beyond*, 84 UMKC L. Rev. 871
(2016) (considering the ways in which same-sex marriage and polygamy may be distinguished, so that polygamy would remain prohibited despite the recognition of a constitutional right to same-sex marriage, with a particular focus on whether a distinction can be based on the ground that sexual orientation is immutable but the desire to engage in plural or group relationships is a choice and not an immutable characteristic).

John Witte, Jr., Why Two in One Flesh? The Western Case for Monogamy over Polygamy, 64 EMORY L.J. 1675 (2015) (predicting that polygamy will be a hot topic in family law in the near future, and arguing that there are sound justifications for laws privileging monogamous relationships over polygamous ones because social science evidence shows that polygamy often causes substantial harm to women, children, and communities in which it is practiced and there is little evidence that polygamy is as effective as monogamy at promoting equality and the stability and well-being of families).

B.J. Wray et al., The Most Comprehensive Judicial Record Ever Produced: The Polygamy Reference, 64 EMORY L.J. 1877 (2015) (looking at the litigation over the constitutionality of Canada’s prohibition of polygamy, from the perspective of lawyers who helped to defend the prohibition on behalf of the Attorney General of Canada).

Deborah Zalesne & Adam Dexter, From Marriage to Households: Towards Equal Treatment of Intimate Forms of Life, 66 BUFF. L. REV. 909 (2018) (proposing that law should regard marriage as a matter of contract formation among the members of a household, rather than a unique status to which the government can limit access, and that this shift in approach would open the door to polyamorous relationships being legally recognized as marriages).

Nonmarital Legal Status

Sally F. Goldfarb, Legal Recognition of Plural Unions: Is a Nonmarital Relationship Status the Answer to the Dilemma?, 58 Fam. Ct. Rev. 157 (2020) (arguing that a formal nonmarital legal status, such as a civil union or domestic partnership status, should be afforded to participants in plural unions, which would give
polyamorists the benefits of legal recognition of their relationships but without extending the legal definition of marriage to include situations involving oppressive systemic polygyny).

Edward Stein, How U.S. Family Law Might Deal with Spousal Relationships of Three (or More) People, 51 ARIZ. ST. L.J. 1395 (2019) (suggesting that since practical and political realities make it unlikely that legal recognition will be extended to plural or group marriages in the near future, a beneficial alternative approach would be to give some form of legal recognition to plural or group marriages, such as allowing them to be recognized as civil unions or domestic partnerships rather than marriages).

**Post-Mortem Reproduction**

*Constitutional Interests*


John A. Gibbons, Comment, *Who’s Your Daddy?: A Constitutional Analysis of Post-Mortem Insemination*, 14 J. CONTEMP. HEALTH L. & POL’Y 187 (1997) (arguing that the constitutional right to procreate and to use reproductive technology encompasses the use of post-mortem insemination, but does not encompass a right to have the posthumously conceived child legally declared to be the child of the male donor).


Laurence C. Nolan, *Posthumous Conception: A Private or Public Matter?*, 11 BYU J. PUB. L. 1 (1997) (arguing that there is no fundamental constitutional right to posthumous conception and that states should regulate posthumous reproduction in ways that ensure a minimum quality of life for the potential child).

**Ethical and Moral Concerns**


Katie Christian, “It’s Not My Fault!”: *Inequality Among Posthumously Conceived Children and Why Limiting the Degree of Benefits to Innocent Babies Is a “No-No!”*, 36 MISS. C. L. REV. 194 (2017) (arguing that courts should defer to a gestational parent’s intent and that this is the best approach to reducing inequality among posthumously conceived children).

Sheri Gilbert, Note, *Fatherhood from the Grave: An Analysis of Postmortem Insemination*, 22 HOFSTRA L. REV. 521 (1993) (arguing that postmortem use of a deceased person’s sperm for artificial insemination should be permitted in some circumstances even without the deceased person’s consent).


Carson Strong, *Consent to Sperm Retrieval and Insemination After Death or Persistent Vegetative State*, 14 J.L. & HEALTH 243 (2000) (examining legal and ethical issues posed by retrieval and use of sperm from a person who has died or is in a persistent vegetative state, and proposing legal approaches for handling these situations).

Bruce Wilder, *Posthumous and Post-Incompetency Reproduction: Legal Ramifications for Family Law and for the Law of Probate*, 13 DIVORCE LITIG. 57 (2001) (drawing parallels between the legal issues arising in situations involving reproduction after a person’s death and reproduction after a person has been rendered incompetent by a severe injury).

Bruce L. Wilder, *Test-Tube Parents: Cryopreservation and the Fertile Corpse*, FAM. ADVOC., Spring 2018, at 40 (arguing that legal analysis of posthumous reproduction requires a pragmatic consideration of how the child will grow up, who will be the child’s parent, and how parentage of the child may affect other beneficiaries of an estate).

Hilary Young, *The Right to Posthumous Bodily Integrity and Implications of Whose Right It Is*, 14 MARQ. ELDER’S ADVISOR 197 (2013) (considering reasons for protecting bodily integrity after death, with a section on how requiring consent for postmortem reproduction protects interests in posthumous bodily integrity).

**Grandparenthood**

reproduction technology by bereaved parents, or would-be grandparents, who wish to produce a grandchild following the death of an adult son).

Inheritance and Other Benefits

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Andrea Corvalan, Comment, *Fatherhood After Death: A Legal and Ethical Analysis of Posthumous Reproduction*, 7 Alb. L.J. Sci. & Tech. 335 (1997) (arguing that posthumously conceived children should be recognized as heirs where the deceased parent clearly consented to the practice of posthumous reproduction, but that post-mortem reproduction should not be allowed in situations where the intent is unclear, such as in situations where sperm is harvested from a deceased person who did not indicate consent or intent).

William H. Danne, Jr., *Legal Status of Posthumously Conceived Child of Decedent*, 17 A.L.R.6th 593 (2006) (discussing court decisions about whether posthumously conceived children have a right to inherit from the estate of the deceased parent or a right to receive Social Security benefits on account of the deceased parent).

Barry Dunn, Note, *Created After Death: Kentucky Law and Posthumously Conceived Children*, 48 U. Louisville L. Rev. 167 (2009) (arguing that Kentucky’s legislature should pass legislation allowing posthumously conceived children to inherit from the deceased parent only if provided for by will).

Ellen J. Garside, Comment, *Posthumous Progeny: A Proposed Resolution to the Dilemma of the Posthumously Conceived Child,*
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Joshua Greenfield, Note, *Dad Was Born a Thousand Years Ago? An Examination of Post-Mortem Conception and Inheritance, with a Focus on the Rule Against Perpetuities*, 8 MINN. J.L. SCI. & TECH. 277 (2007) (arguing for the creation of hard deadlines cutting off inheritance rights of posthumously conceived children who were not in gestation at the time of the fathers’ death).


Kristine S. Knaplund, *Equal Protection, Postmortem Conception, and Intestacy*, 53 U. KAN. L. REV. 627 (2005) (suggesting that state legislatures limit inheritance claims by posthumously conceived children, allowing them to inherit only if specifically provided for by the decedent’s will or trust).

conceived children generally will not be able to inherit under their father’s will, unless there is clear extrinsic evidence of a testator’s intention to provide for inheritance by such children).


Jamie Rowsell, Note, *Stayin’ Alive*, 41 *Fam. Ct. Rev.* 400 (2003) (discussing scientific developments that have increased the likelihood of posthumous reproduction, arguing that posthumous use of cryopreserved sperm and eggs should be permitted only with clear and convincing evidence of the deceased person’s consent, and considering when a posthumously conceived child should be permitted to inherit from the deceased person’s estate).

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Melissa B. Vegter, Note, *The “ART” of Inheritance: A Proposal for Legislation Requiring Proof of Parental Intent Before Posthumously Conceived Children Can Inherit from a Deceased Parent’s Estate*, 38 *Val. U. L. Rev.* 267 (2003) (proposing legislation that would establish requirements for claims on behalf of a posthumously conceived child seeking to inherit from the deceased parent, including the need to prove that the parent knowingly agreed to the conception of the child and the need to bring the claim within a specified limitations period).
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Issues and Advice for Attorneys


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Cynthia E. Fruchtman, Tales from the Crib: Posthumous Reproduction and ART, 33 WHITTIER L. REV. 311 (2012) (advising lawyers about the importance of exploring and documenting the wishes of their clients regarding posthumous reproduction).


Charles P. Kindregan, Jr. & Maureen McBrien, Posthumous Reproduction, 39 FAM. L.Q. 579 (2005) (exploring the evolving issues created by use of cryopreserved gametes and embryos after the death of one or both of the gamete providers).

Kathryn Venturatos Lorio, *Conceiving the Inconceivable: Legal Recognition of the Posthumously Conceived Child*, 34 ACTEC J. 154 (2008) (providing advice on how estate planners can address the possibility of posthumously conceived children).

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Jenna M. F. Suppon, Note, Life After Death: The Need to Address the Legal Status of Posthumously Conceived Children, 48 Fam. Ct. Rev. 228 (2010) (proposing a model statute that would enable posthumously conceived children to be treated equally with naturally conceived children).

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Maria Doucett-Perry, To Be Continued: A Look at Posthumous Reproduction as It Relates to Today's Military, Army L., May 2008, at 1 (discussing posthumous reproduction issues related to military service members).

David Teitelbaum, Note, Be Fruitful and Multiply After Death, but at Whose Expense?” Survivor Benefits for the Posthumously Conceived Children of Fallen Soldiers, 14 Cardozo Pub. L. Pol’y & Ethics J. 425 (2016) (discussing posthumous conception in the military setting and regulations determining whether posthumously conceived children of soldiers can receive survivor benefits, including a look at the issue in Israel).

Self-Represented Litigants

Effect on Legal Outcomes


Ryan Fortson & Troy C. Payne, Lawyering Up: The Effects of Legal Counsel on Outcomes of Custody Determinations, 22 U.C. Davis J. Juv. L. & Pol’y 1 (2018) (reporting results of an empirical study of Alaska custody outcomes, finding that a parent has a substantially better chance of achieving the desired outcome in a
custody proceeding if the parent is represented by an attorney and the opposing parent is not).


Kathryn M. Kroeper, *Underestimating the Unrepresented: Cognitive Biases Disadvantage Pro Se Litigants in Family Law Cases*, 26 Psychol. Pub. Pol’y & L. 198 (2020) (providing results of randomized experiments with civil court judges and attorney-mediators which found that legal officials devalue the merits of pro se litigants’ cases relative to otherwise identical litigants represented by counsel).

Emily S. Taylor Poppe & Jeffrey J. Rachlinski, *Do Lawyers Matter? The Effect of Legal Representation in Civil Disputes*, 43 Pepp. L. Rev. 881 (2016) (reviewing empirical research on how having legal representation affects the outcomes for a party in civil disputes, and finding that in almost all areas of law, including family law, having professional legal representation is associated with better outcomes).

**Impact on Lawyers**

Anne C. Adams, *Tips for Providing Limited-Scope Representation in Family Law Cases*, GPSolo, July/Aug. 2015, at 26 (offering practical advice to attorneys about how to start providing limited-scope services for self-represented parties in divorce, child custody, and other family law matters).

Joni Berner et al., *Unbundled Legal Services*, 90 Pa. B.A. Q. 96 (Apr. 2019) (discussing how lawyers can unpackage or unbundle legal services, doing segmented tasks for clients rather than providing full-service representation, and suggesting that lawyers who are not unbundling services are missing opportunities to increase their revenue and increase access to justice for self-represented parties).
Amy Calvo MacNamara, *Pro Se Roadblocks: How to Get Around Them*, GPSolo, Jan./Feb. 2020, at 57 (recommending ways that family law attorneys can proactively work with pro se litigants to avoid or resolve the roadblocks that can get in the way of efficient trials and fair settlements).


**Innovative Programs and Reforms**

Julian Aprile, *Limited License Legal Technicians: Non-Lawyers Get Access to the Legal Profession, but Clients Won’t Get Access to Justice*, 40 Seattle U. L. Rev. 217 (2016) (arguing that Washington State’s creation of Limited License Legal Technicians was a poor solution to the problem of people lacking representation in family law cases, because people need lawyers rather than non-lawyers able to provide only limited services).

Rebecca Aviel, *Family Law and the New Access to Justice*, 86 Fordham L. Rev. 2279 (2018) (observing that family law is the area that has had the most significant reforms promoting access to justice, particularly for self-represented litigants, and considering whether that experience can be a model for reform in other areas of law or whether instead family law is simply too exceptional to serve as a pattern for other legal fields).


Stacy Brustin & Lisa Martin, *Bridging the Justice Gap in Family Law: Repurposing Federal IV-D Funding to Expand Community Based Legal and Social Services for Parents*, 67 Hastings L.J. 1265 (2016) (arguing that federal funding relating to child sup-
port proceedings should be redirected, so that rather than having large numbers of government attorneys involved in child support cases representing the state’s interest in securing support so that children will not be dependent on welfare assistance, the government should instead be using its resources to more broadly and holistically address the needs of low-income families and improve access to justice for parents representing themselves in child support cases).

Dean Christoffel, *People Who Self-Represent – A Judicial Review*, FAM. ADVOC., Summer 2020, at 6 (discussing, from a judge’s point of view, how a focus on the status of self-represented people leads to differential treatment by the court system and suggesting some potential measures such as unbundled legal services that could enhance access to justice for self-represented people).

Andrew H. Cohn, *Reducing the Civil “Justice Gap” by Enhancing the Delivery of Pro Bono Legal Assistance to Indigent Pro Se Litigants: A “Field” Assessment and Recommendations*, 28 U. FLA. J.L. & PUB. POL’Y 101 (2017) (analyzing several possible ways to improve legal assistance for indigent pro se litigants, including the use of “hotline” telephone advising, online legal advising, and “Lawyer-for-a-Day” programs in which attorneys consult on a pro bono basis but with a very limited and specific time commitment).

Lauren Cook, Comment, *Paralegal Assistance and Limited Representation as Alternatives to Self-Representation*, 32 J. AM. ACAD. MARRI. LAW. 193 (2019) (explaining the reasons for the rise in self-representation in family cases and discussing the potential risks and benefits of addressing the problem by offering self-represented litigants the opportunity to get help from a paralegal or from an attorney on a limited representation basis).

Rebecca M. Donaldson, *Law by Non-Lawyers: The Limit to Limited License Legal Technicians Increasing Access to Justice*, 42 SEATTLE U. L. REV. 1 (2018) (discussing Washington state’s new rule that created the nation’s first paraprofessional licensing scheme that allows non-lawyers to give legal advice, and how the first cohorts licensed through the program will be in the family law field because of the substantial unmet need for legal assis-
tance and the growing number of pro se litigants in family law matters).

Melody Finnemore, *A Modern Reality – Recession’s Ripple Effect Fuels Self-Representation*, Or. St. B. Bull., Apr. 2015, at 26 (describing measures implemented in Oregon to provide more resources to self-represented parties in family law cases, including requiring the use of simplified forms and procedures, educating judges and staff about how to interact with self-represented parties, expanding facilitation programs, and supporting attorney involvement in pro bono, reduced-fee, and unbundled legal work for self-represented litigants).

Mark G. Harmon et al., *Remaking the Public Law Library into a Twenty-First Century Legal Resource Center*, 110 Law Libr. J. 115 (2018) (discussing how a public law library can be a legal resource and self-help center for people who have legal issues but are not represented by a lawyer).

William J. Howe III & Jeffrey E. Hall, *Oregon’s Informal Domestic Relations Trial: A New Tool to Efficiently and Fairly Manage Family Court Trials*, 55 Fam. Ct. Rev. 70 (2017) (describing the success of a pilot program in Deschutes County, Oregon, where parties in family cases can choose to have an informal trial in which parties speak under oath directly to the judge with no direct or cross-examination, experts are the only permissible non-party witnesses, and any exhibits offered by the parties are automatically admitted).

Elizabeth L. MacDowell, *Domestic Violence and the Politics of Self-Help*, 22 Wm. & Mary J. Women & L. 203 (2016) (reporting the problems found with staff members in a study of courthouse self-help programs assisting unrepresented litigants applying for domestic violence protection orders, including lack of neutrality, stereotyping of domestic violence victims, and failure to provide adequate assistance with safety planning and important economic remedies).

Marsha M. Mansfield, *Litigants Without Lawyers: Measuring Success in Family Court*, 67 Hastings L.J. 1389 (2016) (reviewing the results of a study of self-represented family law litigants in Dane County, Wisconsin, which compared cases where neither party was represented by counsel with cases where self-repre-
presented litigants received limited scope representation and assistance from students at the University of Wisconsin Law School’s Family Court clinic, and which concluded that the clinical program helped litigants understand how to handle the next steps needed in their cases, improved their chances of success in completing the matter successfully, and enhanced their satisfaction with the legal process).

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Lynda B. Munro et al., *Administrative Divorce Trends and Implications*, 50 FAM. L.Q. 427 (2016) (discussing how several states have responded to the dramatic increase in self-represented litigants by creating simplified, faster, more efficient processes for obtaining divorces).


Linda F. Smith, *Drinking from a Firehose: Conversation Analysis of Consultations in a Brief Advice Clinic*, 43 OHIO N.U. L. REV. 63 (2017) (assessing the effectiveness of a brief advice family law clinic, using detailed analysis of communications between volun-
teer consulting attorneys and self-represented parties, and suggesting ten best practices for a brief advice clinic to follow).

Susan Drisko Zago, *Riding Circuit: Bringing the Law to Those Who Need It*, 12 Fl. A&M U. L. Rev. 1 (2016) (reviewing various attempts to improve self-represented litigants’ ability to access the legal system, with a focus on law librarians and how they should have a role in the state commissions and outreach programs aimed at the problem).

Evan G. Zuckerman, Note, *JusticeCorps: Helping Pro Se Litigants Bridge a Divide*, 49 Colum. J.L. & Soc. Prob. 551 (2016) (discussing JusticeCorps, a family law self-help center in Los Angeles that provides legal information to pro se litigants but does not establish an attorney-client relationship with them, and noting some aspects of the program in need of improvement, but ultimately endorsing the expansion of the program).

**Social Justice**

Dale Margolin Cecka, *Inequity in Private Child Custody Litigation*, 20 CUNY L. Rev. 203 (2016) (examining the multiple forms of inequality that exist in the administration of family law, including the high proportion of people who do not have attorneys, and how these inequalities have a disparate impact on poor people of color).

Elizabeth L. MacDowell, *Reimagining Access to Justice in the Poor People’s Courts*, 22 Geo. J. on Poverty L. & Pol’y 473 (2015) (arguing that a social justice approach requires connecting issues about access to justice in “poor people’s courts” to discourses about subordination, the operation of state power, and progressive law practice, using family courts as the quintessential example of courts where poor people litigate against one another without attorneys).

Jessica K. Steinberg, *Demand Side Reform in the Poor People’s Court*, 47 CONN. L. REV. 741 (2015) (arguing that the problems created by rising numbers of cases with self-represented litigants, particularly in family law matters, cannot be adequately solved by supply-side reforms trying to make more legal help available to unrepresented people, and could be better addressed by demand-side reforms focused on dismantling procedural, evidentiary, and other barriers that prevent self-represented people from being able to function effectively in legal proceedings).

*Technology*

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Danielle Linneman, Comment, *Online Dispute Resolution for Divorce Cases in Missouri: A Remedy for the Justice Gap*, 2018 J. DISP. RESOL. 281 (analyzing the benefits of online dispute resolution for self-represented parties in divorce cases in Missouri).

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mation intake in divorce cases for clients of legal services organizations and private sector low-bono legal service providers).


Amy J. Schmitz, *Expanding Access to Remedies Through E-Court Initiatives*, 67 BUFF. L. REV. 89 (2019) (considering how the handling of family law issues and other disputes can be radically changed by the development of virtual courthouses and the use of artificial intelligence and algorithms).


Lonni Summers et al., *Perceptions of Remote and Walk-In Service Delivery in Family Law Cases*, 57 FAM. CT. REV. 501 (2019) (reporting the results of a study of several modes of providing assistance to self-represented litigants in family law cases, and finding that all of the service delivery methods achieved high satisfaction rates, but services provided through a live online chat were less effective than those provided through phone conversations or those provided in person at walk-in self-help centers).

Social Media

Clients’ Use of Social Media

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Simon R. Goodfellow, *Social Media as Evidence: Navigating the Limits of Privacy*, Fam. Advoc., Spring 2015, at 32 (arguing that social media evidence does not really pose new issues, but instead simply involves the application of basic discovery and evidentiary principles to a new type of information).


Brian M. Karpf & Maxwell J. Dauerman, *How Not to Sabotage Your Case*, Fam. Advoc., Summer 2018, at 20 (explaining what clients in divorce cases need to know to avoid damaging their cases through ill-advised use of social media).


Daniel J. Siegel & Thomas G. Wilkinson, *Tech Ethics Challenges for Family Lawyers Abound*, FAM. ADVOC., Winter 2019, at 22 (warning family law attorneys about the need to advise clients about the use of social media and about the obligation to obtain and preserve social media data).

Gene Brentley Tanner, *Navigating the Social Media Minefield*, FAM. ADVOC., Summer 2019, at 35 (considering ways in which social media can affect legal matters relating to divorce and separation).


**Lawyers’ and Judges’ Use of Social Media**

Stephen Fairley, *7 Rules for Social Media Rainmakers*, FAM. ADVOC., Spring 2015, at 36 (advising family law attorneys about how to use social media for marketing and client development).


**Transgender Issues in Family Law**

**Transgender Children**

Katherine A. Kuvalanka et al., *An Exploratory Study of Custody Challenges Experienced by Affirming Mothers of Transgender*
and Gender-Nonconforming Children, 57 Fam. Ct. Rev. 54 (2019) (reporting the results of an exploratory, qualitative study of ten affirming mothers of transgender or gender-nonconforming children who faced challenges over child custody, and explaining how the study’s findings demonstrate the need for better-educated family court professionals and socioemotional, financial, and legal support for such parents).

Jaime B. Margolis, Two Divorced Parents, One Transgender Child, Many Voices, 15 Whittier J. Child & Fam. Advoc. 125 (2016) (discussing the importance of properly selecting and utilizing expert witnesses in custody cases involving transgender children and offering potential guidelines for selecting experts who can address the “best interest of the child” standard and recommend primary custody for the parent who supports the child’s gender dysphoria diagnosis and treatment).


Transgender Parents

Rachel H. Farr & Abbie E. Goldberg, Sexual Orientation, Gender Identity, and Adoption Law, 56 Fam. Ct. Rev. 374 (2018) (discussing the challenges that may arise for transgender and other LGBTQ people seeking to adopt).


Marika E. Kitamura, Note, Once a Woman, Always a Man? What Happens to the Children of Transsexual Marriages and Divorces? The Effects of a Transsexual Marriage on Child Custody and Support, 5 Whittier J. Child & Fam. Advoc. 227 (2005) (arguing that transgender people should be recognized as parents for all purposes in family law proceedings, including issues of child support and custody).

Shannon Price Minter, *Transgender Family Law*, 56 FAM. CT. REV. 410 (2018) (analyzing the main legal issues facing transgender parents and suggesting ways to ensure that transgender people are able to protect their families and their parental rights).


Shannon Shafron Perez, *Is It a Boy or a Girl? Not the Baby, the Parent: Transgender Parties in Custody Battles and the Benefit of Promoting a Truer Understanding of Gender*, 9 WHITTIER J. CHILD & FAM. ADVOC. 367 (2010) (discussing the custody issues that can arise for transgender persons who become parents, reviewing “pro-trans” and “anti-trans” case law, and arguing that courts’ misunderstanding of gender leads them to misapply the “best interests of the child” standard and deprive children and parents of their fundamental rights to parent/child relationships).

Jake Pyne et al., *Transphobia and Other Stressors Impacting Trans Parents*, 11 J. GLBT FAM. STUD. 107 (2015) (providing the first published profile of transgender parents and reviewing the challenges they face, including losing legal access to their child or losing custody or having reduced custody).

Marcus C. Tye, *Lesbian, Gay, Bisexual, and Transgender Parents – Special Considerations for the Custody and Adoption Evaluator*, 41 FAM. CT. REV. 92 (2003) (providing recommendations for evaluators making assessments about custody, adoption, or fitness to parent in cases involving transgender or other LGBT people).
Virtual Communication Technology

Virtual Adultery


Christina Tavella Hall, Sex Online: Is This Adultery?, 20 HASTINGS COMM. & ENT. L.J. 201 (1997) (looking at non-traditional adultery cases, such as those involving love letters, for clues to how courts might treat virtual extramarital affairs and concluding that online affairs should not be considered “adultery” for legal purposes).

Kathryn Pfeiffer, Comment, Virtual Adultery: No Physical Harm, No Foul?, 46 U. RICH. L. REV. 667 (2012) (proposing that the traditional definition of adultery should be expanded to include virtual adultery as a fault-based ground for divorce).

Sandi S. Varnado, Avatars, Scarlet “A”s, and Adultery in the Technological Age, 55 ARIZ. L. REV. 371 (2013) (arguing that the legal definition of adultery should be expanded to include some forms of online infidelity).

Virtual Visitation


Christina S. Glenn & Denise Hallmark, When You Can’t Be There in Person – Virtual Visitation Can Open a Door into Your Child’s World, FAM. ADVOC., Summer 2015, at 18 (providing practical advice about virtual solutions to the problem of long-distance parenting).

Sarah L. Gottfried, Note, Virtual Visitation: The New Wave of Communication Between Children and Non-Custodial Parents in Relocation Cases, 9 CARDozo WOMEN’S L.J. 567 (2003) (discussing how virtual visitation can ease dilemmas that restrictive relo-
cation laws pose for women seeking to pursue educational or career opportunities).

Andrea Himel et al., *1-800-Skype-Me*, 54 Fam. Ct. Rev. 457 (2016) (describing how forward thinking family law professionals can provide creative solutions that will enable parents and children to achieve better outcomes).

Jason LaMarca, Note, *Virtually Possible – Using the Internet to Facilitate Custody and Parenting Beyond Relocation*, 38 Rutgers Computer & Tech. L.J. 146 (2012) (endorsing the expanded use of online tools to maximize the interests of children and parents).


Jenna Charlotte Spatz, Note, *Scheduled Skyping with Mom or Dad: Communicative Technology's Impact on California Family Law*, 31 Loy. L.A. Ent. L. Rev. 143 (2011) (analyzing the national trend toward virtual visitation and arguing that it is a useful tool in custody decision making and should be recognized and utilized in California).