

The ISFL Family Letter
Fall, 2008

Published by the International Society of Family Law by Prof. Margaret F. Brinig, Editor, the Family Letter: Newsletter of the ISFL, Notre Dame Law School, Notre Dame Indiana 46556 (574) 631-2303 FAX (574) 631-3595 E-mail mbrinig@nd.edu

MESSAGE OF THE PRESIDENT:

Dear colleagues, dear (ISFL)Family Members,

After more than three years I have completed my term as President. We had a wonderful farewell evening with many participants from the great and very well organized conference in Vienna. Our convener, Prof. Bea Verschraegen did – together with her assistants – a wonderful job. Those who attended the Vienna conference will admit that this could not have been better organized. Perhaps the weather could have been better, but the weather was not in the hands of Prof. Bea Verschraegen. Those who were not at the conference have missed quite a lot: a lovely venue (the Justice Palace from the Ministry of Justice) and a very tight schedule with good to excellent lectures from those who presented their papers or posters in 20, 15 or 5 minutes. I also enjoyed the possibility of having at least some time for discussion after each series of lectures. So, we had good and interesting debates about the theme of the conference: Family & Finances.

Besides a good scientific program we also enjoyed the opening reception, the evening with the “Heuriger” (winegrowers), the banquet in the Town Hall and the great food during the conference. Beginning on Tuesday afternoon, we finished the conference at Saturday in the early afternoon and I felt that most participants enjoyed every minute of the program. We owe Bea Verschraegen a lot for organizing this great event. I know that she had to do a lot of work for this conference and that she had to overcome some reversals (another conference of lawyers in July, lacking finances, etc.), but in the end all was well. This conference was a good ending of my term as President., so I will give a short retrospect (for more you can look in the Family Letters from last years).

I look back to a very intensive, but great, period. We owe thanks to the help and support of my colleagues

in the council, the good cooperation with the officers, Marsha Garrison (secretary-general), Bill Atkin (editor of the Survey) and Adriaan van der Linden (treasurer), the editor of the Family Letter, Peg Brinig, andnot to forget the vice-presidents and the immediate past presidents (Marie-Thérèse Meulders-Klein, Lynn Wardle, Peter Lodrup, Rainer Frank and also Petar Sarcevic who died at a too young age). Thanks to all these good colleagues I have managed to serve ISFL in these past three years.

After a very well organised international conference in a very warm Salt lake City in July 2005, convened by Prof. Lynn Wardle, we had several regional conferences in the last three years. I wish to thank the conveners of the regional conferences that have been organized. I mentioned them as they occurred in my previous messages in this Family Letter:

- the conference in Amsterdam on *One Hundred Years of Child Protection* in November 2005 (Jaap Doek, Masha Antokolskaya, Stan Meuwese and myself);

- the conference in Vancouver from 18-20th June 2007. The topic was: *Making Family Law: Facts, Values, and Practicalities*, for which Marsha Garrison, Susan Boyd, Leslie Harris, Marygold Melli and Lynn Wardle were the planning committee; and

- the conference, held in Chester from July 17th to 21st 2007 on the theme: *Family Justice: for Whom and How?* The convenors were Martha Sampson and Roger Kay.

Besides this we had council meetings in Modena (2006), organized by Prof. Maria Donata Panforti, a council meeting and mini-conference in Gerona (the convenors were: Prof. Miquel Martin-Casals and Dr. Jordi Ribot) and a council meeting in March, 2008 in Lyon, organised by Prof. Hugues Fulchiron.

In October 2005 I was invited by Lynn Wardle to speak at a one-day-conference in Tampa (Florida)

about the European trends on adoption by two persons of the same sex. This conference was held as a reaction on the *Lofton* case. In December, 2005, Prof. Olga Dyuzheva invited several colleagues to attend a conference in Moscow on the topic *Ten Years of the New Family Code in Russia*. I also attended two conferences from the Kapaonik School of Natural Law (in 2005 and 2007) in Kapaonik, Serbia, where we also had working groups, organized by our colleague Olga Cvejic-Jancic. Besides these visits, I had a lot of contacts with many members on different subjects. I enjoyed it.

As said before, I can look back with great pleasure to my presidency in the past three years. I hope that my successor, Prof. Bea Verschraegen, will have a good three years period too, and I wish her a lot of success and pleasure with this job.

Finally, I wish to thank you all for your support and confidence.

Take good care of yourself. I wish you a lot of pleasure in your work and as member of ISFL. I also wish you and your family all the best in good health. I look forward to meeting you at our next meetings and conferences.

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REPORT OF THE SECRETARY-GENERAL:

I am pleased to announce that the following officers and Council members were elected at the 13th World Conference in Vienna:

President

Bea Verschraegen (Austria)

Vice Presidents

Olga Dyuzheva (Russia)
Giselle Groeninga (Brazil)
Hugues Fulchiron (France)
Satoshi Minamikata (Japan)
Dominique Goubau (Canada)
June Sinclair (South Africa)

Secretary-General

Marsha Garrison (U.S.A.)

Treasurer

Adriaan van der Linden (Netherlands)

Immediate Past President

Paul Vlaardingerbroek (Netherlands)

Survey Editor

Bill Atkin (Australia)

Newsletter Editor

Margaret Brinig (U.S.A.)

Executive Council

Penelope Agallopoulou (Greece)
Marie-Therese Meulders (Belgium)
Masha Antokolskaia (Netherlands)
Linda Nielsen (Denmark)
Noor Aziah (Malaysia)
Maria Donata Panforti (Italy)
David Bradley (U.K.)
Patrick Parkinson (Australia)
Ruth Deech (U.K.)
Robbie Robinson (S. Africa)
Nina Dethloff (Germany)
Anna Singer (Sweden)
Sanford Kats (U.S.A.)
Tone Sverdrup (Norway)
Olga Khazova (Russia)
Lynn Wardle (U.S.A.)
Nigel Lowe (U.K.)
Barbara Bennett Woodhouse (U.S.A.)
Miquel Martin-Casals (Spain)
Xia Yinlan (China)

At its first meeting, the new Executive Council appointed subcommittees to study bylaw revision and to draft procedures on non-elective membership in the Executive Council. The Executive Council also approved a proposal for one or more book awards, to be presented at each World Conference, to honor the best new work in family law during the relevant time period. The first of these awards will be presented at the 14th World Conference in 2011. As you read new family law scholarship over the next three years, look for nominees!

Executive Council Seeks Proposals for 14th World Conference Venue

No sooner has the Society completed one successful World Conference than it is time to plan another. The Executive Council invites proposals for the 14th World Conference of the Society, to be held during the summer of 2011. At a minimum, proposals should describe the dates, funding sources, location, meeting facilities, and theme of the proposed

conference. **All proposals should be sent to the Secretary-General, Marsha Garrison, at marsha.garrison@brooklaw.edu by January 31, 2009.** The Executive Council will consider these proposals at its annual meeting on February 21, 2009. If you are thinking about making a proposal and want additional information, please contact Marsha Garrison or President Bea Verschraegen.

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MESSAGE FROM CONFERENCE CONVENER AND NEW PRESIDENT BEA VERSHRAEGGEN:

The Vienna conference was a great success, as was reported at length (in German) in the Austrian paper *Die Press* in the issue of September 23, 2008, beginning at page 12. For those who wish electronic versions of the article, please contact me or Peg Brinig (mbrinig@nd.edu).

Ms. Schantl (from the Vienna Medical Academy) sent out an email to all presenters at the conference regarding their contribution (time schedule, layout, length etc). Please respect her deadline (December 15, 2008). If somebody did not receive the email of Ms. Schantl, that person should either contact Ms. Schantl (claudia.schantl@medacad.org) or my assistant Ilse Koza (ilse.koza@univie.ac.at) and ask for the details.

In addition, you are invited to submit a proposal for the next world conference. These proposals will be discussed at our next Executive Council meeting.

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REPORT OF THE TREASURER:

Dear colleagues,

Please will you check the status of your payment in behalf of your subscription, to be sure that you are still a member of the Society. If you don't have a survey please ask me by mail (a.vanderlinden@uu.nl). In case you still have to pay for this year (and some members owe for last year as well), wire the money as soon as possible.

If you wish to be deleted as a member, which I hope you don't, send me a letter before the end of November 2008. Otherwise you have to pay your membership dues for the year 2009.

Unfortunately again there are members who have moved without sending their new address. This takes me a lot of unnecessary time and results in extra costs for the ISFL. Please send me your full new address and preferably also your fax number and e-mail address. We try to keep the membership list updated and with your help we can succeed in that. If you change your address or if you want to be deleted as member, please send me a message as soon as possible, but before the end of November 2008. In the case you know interested persons who want to become members, I can send you or the interested persons (after you informed them) the application/subscription form, either in English or in French.

We do have the possibility to pay for 5 years. Many members choose this opportunity, which will save you and the ISFL costs.

In the last meeting in Vienna we have changed the amounts of subscription. From now on you have to pay for one year € 50,-; for three years € 120 and for five years € 180,-.

After I paid the Annual Survey of Family Law 2008 Edition, our minimum reserve amount for 'dark' years has been increased from € 27.000,- to € 30.000,-. I hope the Society will be able to regain the amount of € 35000,- which was our reserve in 2006. You can help me in this respect by paying your subscription as soon as possible.

Whenever you write me, please do it by using your computer or typewriter. In many cases I can't read your handwriting and especially to your Banks or credit card agencies, this gives me a lot of trouble.

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REPORT ON THE INTERNATIONAL SURVEY OF FAMILY LAW

The 2008 Survey has been published with 28 chapters. Bill Atkin, the General Editor, has a number of authors committed for the 2009 edition but is always happy to consider other contributions, especially from countries that have not recently appeared in the Survey. His e-mail address is bill.atkin@vuw.ac.nz.

Bill Atkin
Professor of Law
Victoria University of Wellington
March 2008

REPORT OF THE NEWSLETTER EDITOR:

Last issue, we were pleased to include a paper submitted by one of our members on Portuguese family law. For this issue, I did not receive any pieces for inclusion in the Newsletter describing developments in their countries. I hope you enjoyed the piece last time and found it thought provoking, and encourage you to send me your short papers. Short pieces describing interesting developments in various countries will enhance the knowledge of all the membership, will supplement the excellent Annual Survey in a timely way, and in addition may serve as a publication for more junior members. I am accordingly pleased to again solicit short articles (less than 1000 words) on developments in various countries, and will endeavor to publish at least one each issue, depending upon the number of submissions and their lengths. The Council would be particularly pleased to receive submissions from outside Europe and North America.

Many of you kindly send me updates of changes to your email addresses. This is very important, since otherwise not only will you miss the Family Letter, but also other notices that the Board asks me to send out from time to time. The most important place to send changes of address is to Adriaan van der Linden, our Treasurer, though I will forward your notes to this effect that are sent to me.

Margaret F. Brinig, Editor, *The Family Letter*
mbrinig@nd.edu

Website Updates:

Notes About the The ISFL Website

The ISFL website at <http://www.law2.byu.edu/isfl/index.php> has been updated and revised in the following ways:

First, we have activated the *award plaque* and entitled it *In Appreciation for Exceptional Service to the International Society for Family Law* and put a link for it on the ISFL homepage. The first five recipients are now listed on the digital award plaque.

Second, we have activated the *ISFL Developments & Comments Forum* where members may post information about or links to significant developments in family law in their own or other nations, and other members may also post *blog* comments about those developments. We have also put a link for it on the ISFL homepage. We encourage you to try out the *forum* by posting some news or links about family law development, ISFL business, etc.

Third, at the *conferences* link (at <http://www.law2.byu.edu/isfl/conferences.php>) we have moved the *2008 ISFL World Conference in Vienna* from *Coming ISFL Conferences* to the *Past ISFL Conferences* category and we have added below that link a new link entitled *Photos taken at ISFL 13th World Conference in Vienna* and have attached some photos there. If other persons who attended the Vienna World Conference took pictures they would like to add, just send them to me at lynn_wardle@byu.edu and I will post as many as we can accommodate.

Fourth, also at the *conferences* link, under *Coming ISFL Conferences* we have activated the link for the coming (June 2009) Israel Regional Conference website including the online registration feature.

The new Executive Council contact information has also been posted there.

I invite you to check out these website changes, and to let me know of any significant corrections that need to be made.

Lynn D. Wardle
ISFL Website Editor

The American Association of Law School, Family Law Section Website is now available at <http://www.nd.edu/~ndlaw/faculty/brinig/aals/>.

Section members have provided material, but more

suggestions would be welcome, including links, class materials, exams you don't mind being generally available, or anything else you'd like to supply. You may write her at mbrinig@nd.edu, and may attach electronic versions of any submissions.

REPORTS ON CONFERENCES:

New Family Maintenance Convention Approved in The Hague

At its Twenty-first Diplomatic Session, the Hague Conference on Private International Law approved the new *Convention on the International Recovery of Child Support and Other Forms of Family Maintenance*. The Final Act containing both the new Convention and a *Protocol on the Law Applicable to Maintenance Obligations* was signed on November 23, 2007, by delegates from 68 states and the European Community. At the conclusion of the Diplomatic Session, the Convention was signed by the United States, indicating its intention to proceed toward ratification.

The Convention and Protocol were the product of prolonged and complex negotiations that began in 2003. Building on several previous Hague conventions and the 1956 New York Convention on the Recovery Abroad of Maintenance, the new Convention is intended to provide a more prompt, accessible and cost-effective system for support enforcement across international borders. It mandates that all contracting States provide effective access to procedures, including legal assistance where necessary to achieve recognition and enforcement of a foreign child support orders. Various Working Groups and subcommittees devoted many hours to developing procedures to simplify the international enforcement process and facilitate cooperation between contracting States, including standard forms, an electronic system of country profiles, and timelines for case processing.

Many ISFL members participated in the work of developing the new Convention over more than five years. At the final sessions, Linda Elrod and I were also present as Observers on behalf of the ISFL. The text of the Maintenance Convention and the Protocol are available on the web site of the Hague conference at www.hcch.net.

-- Ann Laquer Estin,
University of Iowa College of Law, USA

UPCOMING CONFERENCES AND CALLS FOR PAPERS

The Council has not yet selected a site for the next world Congress (2011). Now is the time to suggest

sites to us and to indicate that you are willing to convene a World Congress. The Council would be particularly happy to receive suggestions for a Congress in Asia since the last three have been in Europe and North America.

Notice and Call for Papers for the ISFL REGIONAL CONFERENCE IN ISRAEL June 7-9, 2009

Conference Website and Registration Site:
<http://www.law2.byu.edu/isfl/israelcon2009/>

Theme: **Family Law in a Multicultural
Environment: Civil and Religious Law in Family
Matters**

This conference will consider various cultural influences, institutions and interactions relating to family law including (but not limited to) the interaction of religious laws and processes with and upon family law in particular states and communities. This theme includes matters of parent-child as well and spousal relations, formation as well as continuation and dissolution of family relations, financial as well and relational dimensions of family law, matters relating to extended families as well as nuclear families, alternative families as well as traditional families, spiritual, moral and emotional as well as legal considerations, and religious, customary, and tribal laws as well as state-run civil law.

Location: **Israel** (near Tel-Aviv). The interaction of religious and civil law, and the centrality of issues pertaining to multiculturalism have always characterized Israeli family law. Nowadays almost every legal system around the globe faces the dilemmas posed by the existence of religious and other cultural communities within a civil state, and almost everywhere family law issues seem to be the focal point of such dilemmas. Having the long and extensive experience with these issues, Israel is the most appropriate location to discuss matters concerning religious laws, multiculturalism, and civil law in family issues. In addition, the ISFL has a special connection to Israel since the initiating figure behind the establishment of the ISFL was an Israeli Professor, the late Ze'ev Falk

Dates: **7-9 June 2009.** June 7 afternoon/evening (registration and reception or dinner) at hotel near Tel Aviv; June 8 sessions at Bar-Illan University Law School (Ramat-Gan, Israel); June 9 (sessions at Centre for the Rights of the Child and the Family at Sha'arei Mishpat Law College (Had Hasharon, Israel) (the two schools are 30 minutes apart).

Co-conveners: **Dr. Shahar Lifshitz** (Bar-Illan University School of Law), **Rhona Schuz** (Senior Lecturer and Joint Director of the Centre for the Rights of the Child and the Family, Sha'arei Mishpat Law College), and **Professor Lynn Wardle** (Bruce C. Hafen Professor of Law, Brigham Young University School of Law).

Housing: The Conference Hotel is **Kfar Macabiah Hotel** a resort hotel near Bar-Illan University in Ramat-Gan, Israel, a suburb or Tel-Aviv, located about 15-minutes drive from the beaches of Tel-Aviv. For information about the hotel see <http://www.inisrael.com/maccabiah/>.

Invitees: **All members of the ISFL** are invited to attend, participate and make proposals to present papers. We also will welcome other Israeli academics, professionals and government officials interested in family law, as well as Egyptian, Jordanian, Turkish or Christian Orthodox (e.g. Greek, Russian, Serbian, etc.) family law scholars, professionals and judges from the region, as well as from other parts of the world.

Publication of Papers: The conveners are planning to arrange for joint-publication of selected papers -in the "Family in Law Journal" published by the Centre for the Rights of the Child and the Family, and in the Journal of Law and Family Studies in America (University of Utah College of Law).

Submission of Paper Proposals: Persons wishing to present a paper at this conference should submit a one-page abstract/proposal containing the following information: Working Title of the Paper, Author's Name, Academic or Professional Title, Institutional Affiliation, Mailing Address, Phone, and Email Address, and a one-or two paragraph description or outline of the issues, ideas and points they intend to discuss in their paper. Send proposals from Israel, Africa, and the Middle East as an email attachment to Rhona Shuz at schuz@mishpat.ac.il, send all other proposals (from Europe, Americas, Asia, Africa, Pacific,) to Lynn Wardle at wardle@law.byu.edu. Deadline for submission: February 20, 2009 (earlier submissions preferred; rolling acceptances).

Registration: Registration is online at <http://www.law2.byu.edu/isfl/israelcon2009/>.

Further information may may be found at the ISFL website <http://www.law2.byu.edu/isfl/israelcon2009/> or contact from any of the conveners at

schuz@mishpat.ac.il, or Lifshis@mail.biu.ac.il, or wardle@law.byu.edu.

Scientific Committee: Rhona Shuz (Sha'arei Mishpat), Shahar Lifshitz (Bar-Ilan), Lynn Wardle (Brigham Young), Ayalet Blecher (Sha'arei Mishpat), Ruth Halperin (Bar Ilan), Benjamin Shmueli, Anna Singer (Uppsala University).

Special Issue of Family Court Review Featuring Domestic Violence and Family Courts Available Online

The July 2008 issue of *Family Court Review* featuring outcomes from the AFCC and NCJFCJ Domestic Violence and Family Courts Project is available for free online for a limited period of time at <http://www3.interscience.wiley.com/journal/118499535/home>.

The highly anticipated special issue features articles co-authored by interdisciplinary experts from the domestic violence advocacy and family courts community. The issue addresses topics including terminology, differentiated approaches to parenting plans, screening and cultural issues. Guest edited by Professors Nancy Ver Steegh and Kelly Browe Olson, the issue also includes the Report on Wingspread Conference on Domestic Violence and Family Courts. The Report addresses critical tensions raised by the growing awareness that not all uses of violence in intimate relations are the same.

AFCC will host a several conference sessions on domestic violence and differentiation at its *Eighth International Symposium on Child Custody Evaluations*, September 25-27, 2008 and *Eighth International Congress on Parent Education and Access Programs*, September 26-27, 2008 in Albuquerque, New Mexico. For more information, please view www.afccnet.org/conferences/afcc_conferences.asp.

The *Family Court Review* is the academic and research journal of the Association of Family and Conciliation Courts, published by Wiley-Blackwell in cooperation with Hofstra Law School's Center for Children, Families and the Law. For more information on AFCC, please view www.afccnet.org or contact AFCC at afcc@afccnet.org or (608) 664-3750.

RECENT PUBLICATIONS OF NOTE BY ISFL MEMBERS:

(Compiled by Associate Editor Laurence C. Nolan, Professor of Law, Howard University School of Law, 2900 Van Ness St., N.W., Washington, D.C. 20008, tel. (202)806-8064, fax – 8428 lnolan@law.howard.edu)

1. Family Law in General: History; Theories; Overviews

Jane Adophe, “The Holy See and the Universal Declaration of Human Rights: Working Toward a Legal Anthropology of Human Rights and the Family,” 4 Ave Maria Law Review 343 (2006).
Masha Antokolskaia, “Family Law and National Culture,” in Utrecht Law Review Volume 4, Issue 2, June 2008.

Brian Bix, “Domestic Agreements,” 35 Hofstra Law Review 1753 (2007).

Margaret F. Brinig, “From Family to Individual and Back Again,” 51 Howard Law Journal 1 (2007).

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June Carbone, “Age Matters: Class, Family Formation, and Inequality,” 48 Santa Clara Law Review 901 (2008).

Janet L. Dolgin, “Biological Evaluations: Blood, Genes, and Family,” 41 Akron Law Review 347 (2008).

William C. Duncan, “Does the Family Have a Future?,” 83 North Dakota Law Review 1273 (2007).

John Eekelaar, “Why People Marry: The Many Faces of an Institution,” 41 Family Law Quarterly 413 (2007).

Marsha Garrison, “The Decline of Formal Marriage: Inevitable or Reversible?,” 41 Family Law Quarterly 491 (2007).

Sally F. Goldfarb, “Reconceiving Civil Protection Orders For Domestic Violence: Can Law Help End the Abuse Without Ending the Relationship?,” 29 Cardozo Law Review 1487 (2008).

Olga Cvejic Jancic, Право на поштовање приватног и породичног живота у пракси Европског суда за права човека - Водич кроз одабрану судску праксу, Архив за правне и

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Olga Cvejic Jancic, Породично право, у публикацији "Рад на изради Грађанског законика Републике Србије", Извештај Комисије са отвореним питањима, Београд, новембра 2007. г. стр. 93-94 и 102-132 (Family Law, in Work on Drafting of the Civil Code of the Republic of Serbia, Report of the Commission With the Open Questions, Belgrade, November 2007, pp. 93-94 and 102-132).

Olga Cvejic Jancic, Specifics of New Serbian Family Law - Congruence and Discrepancies with European Family Law, in Legal Transitions - Development of Law in Formerly Socialist States and the Challenges of the European Union, Polay Elemer Alapitvany, Szeged, 2007, pp. 345-363.

Elizabeth Jollimore, “Children,” in CANADIAN FAMILY LAW GUIDE (CCH in press) (this chapter canvasses Nova Scotian law relating to custody, access, guardianship, the status of the child, adoption, and child protection.).

Elizabeth Jollimore, BEST PRACTICES IN DIVORCELAW: A HANDBOOK FOR LAWYERS, (editor)(published by Family, Children and Youth Section, Justice Canada, forthcoming 2007).

Robert F. Kelly and Sarah H. Ramsey, “Assessing and Communicating Social Science Information in Family and Child Judicial Settings: Standards for Judges and Allied Professionals,” 45 Family Court Review 22 (2007).

Lynne Marie Kohm, Family and Juvenile Law, 42 University of Richmond Law Review 417 (2007).
Nancy D. Polikoff, “Valuing All Families: An Introduction to the 2008 Clara Law Review Symposium,” 48 Santa Clara Law Review 741 (2008).

Rebecca Probert, FAMILY LIFE and the LAW: UNDER ONE ROOF, (editor)(publishers: Aldershot: Ashgate)(2007).

Sarah H. Ramsey and Robert F. Kelly, “Assessing Social Science Studies: Eleven Tips for Judges and Lawyers,” 40 Family Law Quarterly 367 (2006).

Sarah H. Ramsey and Robert F. Kelly, “Law Making

Through the Adversarial Process: The Need for Standards for Social Science Briefs in Family Law Cases,” in *FAMILY LAW: BALANCING INTERESTS AND PURSUING PRIORITIES* (Wardle and Williams, eds. Wm. S. Hein & Co. 2007).

Julia Sloth-Nielsen, CHILDREN’S RIGHTS IN AFRICA, (editor)(publishers: Ashgate)(2008).
Barbara Stark, “When Globalization Hits Home: International Family Law Comes of Age,” 39 *Vanderbilt Journal of Transnational Law* 1551 (2006).

Elaine E. Sutherland, CHILD AND FAMILY LAW (2nd ed., W. Green/Thomson (2008)).

2. Before/Creation of Spousal or Quasi-Spousal Relations

Matteo Bonini Baraldi, “Family vs. Solidarity: Recent Epiphanies of the Italian Reductionist Anomaly in the Debate on De Facto Couples,” in *Utrecht Law Review* Volume 4, Issue 2, June 2008.

Ian Curry-Sumner & Scott Curry-Sumner, “Is the Union Civil?: Same-sex Marriages, Civil Unions, Domestic Partnerships and Reciprocal Benefits in the USA,” in *Utrecht Law Review* Volume 4, Issue 2, June 2008.

Pierre de Vos, “A Judicial Revolution?: The Court-Led Achievement of Same-Sex Marriage in South Africa,” in *Utrecht Law Review* Volume 4, Issue 2, June 2008.

William C. Duncan, “Portrait of an Institution: How Recent Cases Distort Our Understanding of Marriage,” 50 *Howard Law Journal* 95 (2006).

Talia Einhorn, “Same-sex Family Unions in Israeli Law,” in *Utrecht Law Review* Volume 4, Issue 2, June 2008.

John DeWitt Gregory and Joanna L. Grossman, “The Legacy of Loving,” 51 *Howard Law Journal* 15 (2007).

Rosa Martins, “Same-sex partnerships in Portugal: From *de facto* to *de jure*,” in *Utrecht Law Review* Volume 4, Issue 2, June 2008.

Rebecca Probert, “*Hyde v. Hyde*: Defining or Defending Marriage?,” 19 *Child and Family Law Quarterly* 322 (2007).

Rebecca Probert, “Common Law Marriage: Myths

and Misunderstandings,” 20 *Child and Family Law Quarterly* 1 (2008).

Mark Strasser, “State Marriage Amendments and Overreaching: On Plain Meaning, Good Public Policy, and Constitutional Limitations,” 25 *Law & Inequality* 59 (2007).

Mark Strasser, “Loving Revisionism: On Restricting Marriage and Subverting the Constitution,” 51 *Howard Law Journal* 75 (2007).

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Lynn D. Wardle, “Form and Substance in Committed Relationships in American Law,” in *COMMITTED RELATIONSHIPS AND THE LAW* 61-65 (Oran Doyle & William Binchy, eds. Four Courts Press, 2007).

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Lynn D. Wardle & Lincoln C. Oliphant, “In Praise of Loving: Reflections on the ‘Loving Analogy’ for Same-Sex Marriage,” 51 *Howard Law Journal* 1117 (2007).

Lynn D. Wardle, “The Attack on Marriage as the Union of a Man and a Woman,” 83 *North Dakota Law Review* 1393 (2007).

3. Before/Creation of Parent-Child or Similar Relations

Barbara Atwood, “The Voice of the Indian Child: Strengthening the Indian Child Welfare Act Through Children’s Participation,” 50 *Arizona Law Review* 127 (2008).

Richard J. Blauwhoff, “Tracing Down the Historical Development of the Legal Concept of the Right to Know One’s Origins: Has ‘to Know or Not to Know’ Ever Been the Legal Question?,” in *Utrecht Law Review* Volume 4, Issue 2, June 2008.

Margaret F. Brinig, “Legal Status and Effects on Children,” 5 *St. Thomas L.J.* 548 (2008).

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4. Spousal Relations in the Ongoing Family or Similar Relations

5. Parent-Child Relations in the Ongoing Family or Similar Relations

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6. Termination/Post-Relations of Spouses & Quasi-Spouses

Ira Mark Ellman, “O’Brien v. O’Brien: A Failed Reform, Unlikely Reformers,” 27 Pace Law Review 949 (2007).

Marsha Garrison, “Reforming Divorce: What’s Needed and What’s Not,” 27 Pace Law Review 921 (2007).

Elizabeth Jollimore, “The Taxing Issue of an Undivided Foreign Pension,” Canadian Family Law Matters, April 2007, No. 305.

Elizabeth Jollimore, “Section 56.1 of the INCOME TAX ACT: Who Can Benefit from Third Party Support Payments?,” Canadian Family Law Matters, June 2007, No. 306.

7. Termination/Post-Relations of Parents and Children

Margaret F. Brinig, “Are All Contracts Alike?,” 43 Wake Forest Law Review 559 (2008).

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Elizabeth Jollimore, “Section 7 Claims: Extraordinary Extracurricular Activities or Child-Care Expenses?,” Canadian Family Law Matters, Feb. 2007, No. 304.

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Margaret M. Mahoney, “The Enforcement of Child Custody Orders by Contempt Remedies,” 68 University of Pittsburg Law Review 835 (2007).

Solangel Maldonado, “Cultivating Forgiveness: Reducing Hostility and Conflict After Divorce,” 43 Wake Forest Law Review 505 (2008).

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Merle H. Weiner, "Half-truths, Mistakes, and Embarrassments: The United States Goes to the Fifth Meeting of the Special Commission to Review the Operation of the Hague Convention on the Civil Aspects of International Child Abduction," 2008 *Utah Law Review* 221.

Other Publications Notes:

The latest issue of the *Utrecht Law Review* is freely accessible at www.utrechtlawreview.org Volume 4, Issue 2, June 2008, Special on Current Debates in Family Law around the Globe, contains the following contributions:

THE ISSUES OF TODAY IN PERSPECTIVE

- *Katharina Boele-Woelki*
What comparative family law should entail
- *Masha Antokolskaia*
Family law and national culture
Arguing against the cultural constraints argument

(COMPULSORY) ARRANGEMENTS REGARDING CHILDREN

- *Anna Singer*
Active parenting or Solomon's justice?
Alternating residence in Sweden for children with separated parents
- *Frédérique Granet*
Alternating residence and relocation
A view from France
- *Theresa Glennon*
Divided parents, shared children
Conflicting approaches to relocation disputes in the USA
- *Christina G. Jeppesen de Boer*
Parental relocation
Free movement rights and joint parenting

THE EFFECTIVENESS OF THE *PATER EST* RULE

- *Wendy M. Schrama*
Family function over family form in the law on parentage?
The legal position of children born in informal relationships
- *Richard J. Blauwhoff*
Tracing down the historical development of the legal concept of the right to know one's origins
Has 'to know or not to know' ever been the legal question?

- *Machteld Vonk*
The role of formalised and non-formalised intentions in legal parent-child relationships in Dutch law
- *Nancy G. Maxwell*
The Kansas case of *K.M.H.*
US law concerning the legal status of known sperm donors

REGISTRATION SCHEMES FOR SAME-SEX COUPLES:

- NEW JURISDICTION
- *Pierre de Vos*
A judicial revolution?
The court-led achievement of same-sex marriage in South Africa
- *Matteo Bonini Baraldi*
Family vs solidarity
Recent epiphanies of the Italian reductionist anomaly in the debate on *de facto* couples
- *Rosa Martins*
Same-sex partnerships in Portugal
From *de facto* to *de jure*?
- *Orsolya Szeibert-Erdős*
Same-sex partners in Hungary
Cohabitation and registered partnership
- *Talia Einhorn*
Same-sex family unions in Israeli law
- *Ian Curry-Sumner & Scott Curry-Sumner*
Is the union civil?
Same-sex marriages, civil unions, domestic partnerships and reciprocal benefits in the USA

Barbara Woodhouse notes that her book, *Hidden in Plain Sight: The Tragedy of Children's Rights from Ben Franklin to Lionel Tate*, was published by Princeton University Press in 2008. The link to a description of the book is <http://press.princeton.edu/titles/8613.html>

NOTE: The Newsletter will publish notices of recent publications dealing with family law topics if the following information—Name of author, title of article or chapter, title of book or journal in which it is published, the volume and pages, the year of publication (and if the title of the article, chapter and/or book or journal is not in English a translation of the same into English - so that the entry can be placed in the appropriate category)—is sent to Prof. Laurence C. Nolan, Howard University School of Law, 2900 Van Ness Street, N.W., Washington, DC 20008; 202-806-8428 (fax); lnolan@law.howard.edu (e-mail).

Personal Notices:

Paul Vlaadingerbroek regretfully reports the following deaths of society members:

Alistair Bissett-Johnson of the University of Dundee, Scotland, who died at 9th July 2008, Prof. Greg Loken of Hamden University, who died 2nd April 2008, and Prof. I. Shimazu, of Chiba, Japan, who died 29th of January 2007